1064

Cawder Box 13/

279

12th To the Twelfth Interrogatory this Deponent Answering
Saith that Pearsaib is the owner part of the Cargo
Deponent also is part owner - There are several other part
owners who freighted Goods on board who live at Cuddalore,
Nagore Porto Novo, Negapatam he does not know their
Names - nor how long they may have resided at these several
places - Part of the Cargo was to be delivered at Cuddalore on
Account of the Freighters and part at Nagore for people
at Nagore - He Swears that he believes the Cargo did and
would now if unladen at the destined Ports belong to
those Several people that freighted it -

13 To the Thirteenth Interrogatory this Deponent
Answering Saith that he does not know many
Bills of lading were Signed for the Cargo
20 or 25. All were true and fair - Th
re taken by the Captors - They
Names goods Shipped - with
on which delivery of the
Money to be received
are He supposes
Penang a
The

Lawder Deus/3/

280

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 He does

not know what papers or Writings besides

those he has mentioned were on board when

the Brig Sailed from her last Clearing

Port. None of them were thrown over

board Concealed or destroyed or attempted

to be so —

17 To the Seventeenth Interrogatory this

Deponent answering saith that the Brig

never before to his Knowledge was taken

or Condemned as Prize —

18 To the Eighteenth Interrogatory this Deponent

saith that he has sustained loss in Goods

to the Amount of 13850 Dollars 80

sold to the Value of 150 Pounds

one thousand

30 Pagodas - He has received no indemnity or Satisfaction or promise of any for the loss sustained. —

19 To the Nineteenth Interrogatory this Deponent Answering saith His own Goods on board were not insured, nor was the Brig and rest of the Cargo to his Knowledge. —

20 To the Twentieth Interrogatory this Deponent saith that in case she had arrived at the aforesaid Port the Cargo on being unladen would have become the property of the owners of the Brig and of himself and of the other Freighters he has mentioned. —

21 To the Twenty first Interrogatory this Deponent Answering saith that he does not know of what Country the Goods were the Growth and produce. —

22 To the Twenty Second Interrogatory this Deponent Answering saith that some of the Cargo, ready money and other Goods was Shipped on board at Pulo Penang from the Shore. —

23 To the Twenty third Interrogatory this Deponent Answering saith that he knows nothing of any Documents or Papers (but those he has mentioned) any where. —

24 To the Twenty fourth Interrogatory this Deponent Answering saith that the Penang Clearance and Danish

paps were taken out of the Brig by the Captors of the Brig - He supposes them to be in the possession of Capt^n Groube. —

25 To the Twenty fifth Interrog atory this Deponent answering saith that he does not know whether such was broken or not

26 To the Twenty sixth Interrog atory this Deponent answering saith there were several Passengers on board, but how many he does not know Natives, Beggars, - they were Cholcars - they were taken on board at Pulo Penang and were going to Negore Tuddalore and other places they had no interest in Brig or Cargo - there were no officers, Soldiers or British born Subjects on board

27 To the Twenty Seventh Interrogatory this Deponent answering saith he believes the Passport to be true & fair. The Clearance was taken in his presence at Penang he knows it to be true and fair - He does not know by what Circumstances or for what fees or when the Ship was taken. The Passport was obtained - Nobody on board had letters of safe Conduct to his knowledge —

28 To the Twenty Eighth Interrogatory this Deponent answering saith that he has not written or signed any papers relative to Brig or Cargo. —

29 To the Twenty Ninth Interrogatory this Deponent answering saith That when the Brig was pursued and taken. She was steering towards Cuddalore - Her Course was not altered on the Appearance of the Vessel by which she was Captured - He does not know the Brig's destination by her papers. -

30 To the Thirtieth Interrogatory this Deponent answering saith That he does not know whether the Ship was ever sold

31. To the Thirty first Interrogatory this Deponent answering saith. He saw no Guns on board - nor does he know of any Warlike Stores of any discription on board

32 To the Thirty Second Interrogatory this Deponent answering saith That the whole of what he knows and believes is That the property of the Brig and part of the Goods belonged to Peon Saib aforesaid - the rest of the Goods belonged to himself and other Freighters. The destination of Brig and Cargo was to Nagore Cuddalore and Negapatam. —

Cawdor Case /3/

284.

Additional Interrogatories

1st To the first additional Interrogatory
this Deponent answering saith that
the Brig never sailed under Convoy of
any Ship of War or armed Vessel to his
Knowledge. —

2d To the Second additional Interrogatory
this Deponent answering saith that
the Brig never Sailed to or attempted
to enter any blockaded port to his
Knowledge. —

B Holloway

Sworn before me
Thos Greenway
Com.
In the presence of
Henry Gahagan
Actuary &
Streenevan Suloo
Interpreter

Continued in Page 287

La Caravanne Continued from 233-

Certificate of the Ship La Caravanne Sailing under Enemys' Flag & Pass.

285

Vice Admiralty Prize Court Malta.

These are to Certify That the Ship La Caravanne Charles Dupont Master Condemned on the 19th day of June in the Year 1809 as Good and Lawful Prize taken by His Majesty's Ship Fox Henry Hart Esquire Commander appears by the proceedings before me had to have been Captured Sailing under the French Flag and with a Passport from the French Government of the Isle of France -

In Witness Whereof I have hereunto Set my Hand and Seal of Office this Ninth day of March in the Year of our Lord 1810 -

T A Strange

Which I attest

L.S.

Henry Gahagan
Registrar

La Caravanne

Order for Destribution of Proceeds

286

Vice Admiralty Prize Court Madras.

Friday the 9th day of March 1810.

Before the Honorable Sir Thomas Andrew Strange Knight Judge of the said Court sitting at his Chambers.

Our Sovereign Lord
The King
V
The Ship La Caravanne
Charles Dupont Master

On the motion of the Kings advocate and on reading the Petition of the Kings Proctor together with the Prayer of Henry Hunt Esquire Commander of his Majesty's Ship Fox, and also the Judges Certificate that the said Ship La Caravanne sailed under the Enemys Flag and pass. It is ordered that the Salvage paid upon the Ship and the proceeds of the Cargo of the said Ship La Caravanne Condemned as Good and Lawful Prize on the Nineteenth day of June in the Year 1809. now in the hands of Richard Bromley Esquire & George Arbuthnot of Madras Merchant be by him or either of them destributed before the time for appeal has lapsed. —

T. A. Strange

Cawder Bux 137.

Continued from Page 284.

Proxy for Claimants. - Peer Saib

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

The Cawder Bux 137
Mahlem Saib
Nacodah

Know all Men by these Presents that I Peer Saib Abbuck Settee Maracan a Mahomedan Merchant residing at Tagore the Sole owner and proprietor of the Brig Cawder Bux whereof Mahlem Saib was lately Nacodah, and owner of part of her Cargo. Do hereby Constitute and Appoint Gilbert Ricketts one of the Proctors of the Vice admiralty Court at Fort Saint George Madras to appear before the Honorable Sir Thomas Andrew Strange Knight Judge of the said Court. and to Exhibit for and on my behalf as such owner and proprietor of the said Brig or Vessel Called the Cawder Bux and owner of part of her Cargo a Claim for the Restitution of the said Brig lately Seized by His Britannick Majesty's Ships of War Tender as also for the Cargo on board the said Brig at the time of such Seizure belonging to me the said Peer Saib Abbuck Settee Maracan and to do every thing that shall be needful and necessary to be done for me the said Peer Saib Abbuck Settee Maracan until a definitive Sentence shall be pronounced by the said

Lawder Box /3/

288

Court for or against the Validity of Such Sayre
and I the said Peer Sant Ablauck Settler Marseau
do hereby promise to allow as firm and Valid
all and whatsoever the said Proctor shall law=
=fully do or Cause to be done for me in and
touching the premises - In Witness whereof
I the said Peer Sant Ablauck Settler Marseau
have hereunto set my hand and seal the Eleventh
day of September in the Year one Thousand
Eight hundred and nine -

Signed Sealed and delivered
Where no Stamped paper is used
In the presence of - - -

E 3 4 N W 1/4 2 4 0 2 0 3 4 4 ft 00 addition.

L.S.

M. Burokian

L. Tarnadauny

Cawdan Bux /3/

Proxy for Claimants Nacodah Saib & Others

289

In the Vice Admiralty Court at Fort St George Madras Prize Jurisdiction. } The Cawdan Bux /3/ Shahlem Saib Nacodah

Know All Men by these Presents that

We Nacodah Saib Sa Kos Madans Maumoonan Maricar

Sa Kos Mookeyatheen Sayantha Vanpos Pakeen Saib

Nynan Maricar and Mootoosawmy Merchants residing

and trading at Cuddalore, Vallatha Pomby and Sandos

a Kamados Merchants residing and trading at Porto

Novo, Appoo Kos Soothee a Merchant residing and

trading at Karical, Hoosan Saib Rannes Saib

and Pakey Saib, Merchants residing and trading

at Tremalavayenpatnam, Arkeen Saib, Arkeen Vava

Pakey Saib Esoomant Ravootan, Mahomed Naina

Maricair Vapoo, Chennatombe Mahomed Aly Maricar

Vanpa Saib Samynada Chetty Anacha Chetty

Chedambara Chetty Shunmoga Modelly Teaganay

Modelly Maryan Chetty, Anacha Chetty and Nava

Saib and Somboy Chetty Merchants residing and

trading at Nagore, Appo Mahomados Naader

Moideen Ruthoroo Lavoy Sangarabingom Teaganayen

Annachettum Chetty Sambasiva Chetty Patnam

Dubbandan Goolamoomy atteen Saib Peeroo-

Lawder Bux /3/

290

Mocayadeen Lava, Sarthoo Sout, Cattoo Vanvah, Sago
Mahomed Lavay and Negalingam Nallac appear,
Merchants Residing at Negapatam, Moosavudaca mar
a Merchant Residing at Tabackery Karemkew Kerany Hatty,
a Merchant Residing and trading at Penang Saiadoo Raevoo
Abdal Kader and Seemen Sout Merchant residing
and trading at Nagore - owners of part of the Cargo
of the Brig Lawder Bux whereof Mathew
Scott was lately the Nacodah Do hereby Constitute
and appoint Gilbert Ricketts one of the Proctors
of the Vice Admiralty Court at Fort Saint George
Madras to appear before the Honorable Sir
Thomas Andrew Strange Knight Judge of the
said Court and to exhibit for and on our behalves
as such part owners of the Cargo of the said
Brig Lawder Bux a Claim for the restitution
of the said Cargo on board the said Brig at
the time of such Seizure belonging to us
and to do every thing that shall be needful
and Requisite to be done for us until a
definitive Sentence shall be pronounced
by the said Court for or against such
Seizure - and We do hereby promise to

Law der Bux 13/
291.

allow as firm and Valid all and whatsoever
the said Proctor Shall lawfully do or Cause
to be done for us in and touching the premises
In Witness Whereof We have
hereunto Set our hands and Seals
the Nineteenth day of March in the
Year one Thousand Eight hundred
and Ten -

Signed Sealed and
delivered Where no
Stamped Paper is used
in the presence of - -

Carvelan Bux /3/

Claim of Peer Saib and others

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

The Carvelan Bux /3/

Mahlem Saib

Nacodah

The Claim of Peer Saib alluck Setter Marracan a Mahamedan Merchant residing and trading at Nagore under the British Government there and Nagada Saib Sahes Madaun Maumoondee Marracan Sahes Mookyatheen Sayantha Vaupoo Pahena Saib Nynaw Marracan and Mootasawmy Merchants residing and trading at Cuddalore, Vallatha Samby and Saibes Ahamadas Merchants residing and trading at Fort Novo Appasheen Soothee a Merchant residing and trading at Gharicall, Hassan Saib Ghawne Saib and Pahery Saib Merchants residing and trading at Tremalavayenpatam Aucheem Saib Aucheem Vuava Pahery Saib Poomal Ramastan & Mahamed Naina Marracan Vapoo Chinnatamby Mahamed aly Marracan Waupa Saib Samynada Chetty Avecha Chetty Chidambara Chetty Shunmaga Maadelly Seajaraay Maadelly, Mayen Chetty Avecha Chetty Wava Saib and Samby Chetty Merchants residing and trading at Nagore & Appoo Mahamadoo Chander Maideen Muthaeeno Lavay Sanjavalingam Seajarayen Arnachellam Chetty Sambadeva Chetty Patnam & Dullander Goolamoo Myathuen Peeroo Mocayadeen Lava Saibes Saib, Cattias Vauvah Sayes Mahamed Lavay and Vayalingam & Nallaranjen Merchants residing at Negapatam Masavadeenar

Cawder Box 13/.

293

a merchant residing at Calachery Ghanesham Hessany Shahoo a merchant residing and trading at Penang Saidas Ramastan Abdal Hader and Aumen Saib merchants residing and trading at Nagore which said Pen Saib abbuck Sethee Maracair is the true lawful and sole owner and proprietor of the said Vessel called the Cawder Bux her Tackle apparel and Furniture and owner of part of her Cargo and that the persons hereinbefore named are the other part owners of the said Cargo seized and detained by His Britannic Majesty's Ships of War the Victor Flamer Grenado Bgueze Commander as set forth in the affidavits hereunto annexed and for all such freight Losses Costs Charges Damages Demurrage and Expences as have arisen or shall or may arise by reason of the Seizure or detention aforesaid.

Gillett Ricketts

Proctor for the Claimants

Canada Brig /3/

Attestation of Abraham Saib in support of Claim

294

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

} Brig Canada Brig /3/
Mahlem Saib
Nacodah or Master

Appeared Personally Mahlem Saib Inhabitant of Nagore and made Oath that he is there residing under the British Government that he was the Master or Nacodah of the Brig or Vessel called the Canada Brig and that Pir Saib Abbuck Settee Marracan a Mahamedan merchant residing and trading at Nagore also under the British Government was and is the true and lawfull Sole owner of the said Brig or Vessel her Tackle apparel and Furniture and he further saith that the said Brig sailed from Nagore with a Cargo of Salt Salaree and piece Goods in the month Puratassy of Prabava Year corresponding with the month of September in the Year of Christ one Thousand Eight Hundred and Seven under Merrah Sails Colours or Ensign flying bound to Pulapenang where the Salt and Salaree part of the said Cargo were Sold and disposed of and that from Pulapenang the said Brig proceeded with the remainder of her said Cargo to Malacca where the same was disposed of and that she there took in a Cargo consisting principally of Sugar Candy Sugar Rattans and Rattan Mats and proceeded therewith back to Pulapenang where she took in a further Cargo consisting principally of Rattans Pepper Betle nut and Cattacamboo for and on account of the said Pir Saib Abbuck Settee Marracan and received on board and the

Lawder Dues /3/

295

freight piece Goods and money for and on account of Nagoda saib Sahee
Madaun Mamaanaw Marican Sahee Meethyatheen Sayaathai Vaupee
Paheera saib Mynaw Marican and Masteesammy merchants residing
at Cuddalore and money for and on account of Vallatha Samby and
Saiboo Abamadoo merchants residing at Porto Novo and piece Goods for and on
account of appoohoo Soothee a merchant residing at Karical and piece Goods
and money for and on account of Hoosan saib Hanne saib and Pahery saib
merchants residing at Trumalaveypatnam and piece Goods and money for
and on account of aubeen saib aubeen Vava Pahery saib Poomal
Ravoothan Mahamed Nana Marican Vapoo Chinnatamby Mahamedaly
Marican Waupoo saib Samynada Chetty Arnachee Chetty Chedambara Chetty
Shunmaya Moodelly Seajaraj Moodelly Maym Chetty Arneha Chetty
Wana saib and Samby Chetty merchants residing at Nagore and piece Goods
and money for and on account of appoo Mahamadoo Hanifa Maideen
Hathoona Lavak Sanjanlingam Nagapa
Sambasiva Chetty Patnam Dulhauder Goolamee Myathuen saib Peero
Moosajeen Lava Saithoo saib Cattee Vannak Sajoo Mahamed Lanay
and Nagalingam Mallacanpen merchants residing at Nagapatam and
piece Goods for and on account of Moosanadacanar a merchant residing at
Salachery and piece Goods for and on account of Haseechen Haraney Shaboo
a merchant residing at Penang and piece Goods for and on account of Saiboo &

Lawder Box /3/
290

Ravastan about Thaw and Aumen said merchants residing at Majaw
That the said Brig proceeded on her Voyage to Cuscalaw Station the third
of Pangaany of Prabawa Year being then near Penmul Vandel a Boat
hailing the French National Colours was perceived to be making towards
the Brig and that when the said Boat was at the distance of four miles from the
Canon Brig the latter hoisted Danish Colours and the Deponent saw the Boat
having got on board the said Brig they demanded to see the Pass whereupon
the Deponent produced the same / being a Danish Pass / to an officer
who came in the said Boat and the Deponent saith he hath been
informed and verily believes that such Danish Pass was obtained by the
said Rew said Abbuck Seither Marracan to protect the said Brig from
being captured by any French Vessels she might meet with at Sea, that
the Deponent was directed by the said Rew said Abbuck Seither Marracan
whilst the Danish flag and shew the Danish Pass but should meet
with any of the French Cruizers during his Voyage and this Deponent
further saith that after the said Pass had been examined by the aforesaid
Officers who came in the Boat he took charge of the said Brig and
put the Deponent in the said Boat and sent him to His Britannick
Majesty's Ship of War Victor then at anchor in the road of Trangular
and having taken on board the Commander of the said Ship to whom the
Deponent is known the said Brig belonged and that the Deponent

Camden Box 13
297

replied that the said Brig belonged to Pier Jacob Ablenck Sackee Marseean
of Nagore - and the Deponent saith that the said Brig was brought to
Tranquebar and that he the Deponent was directed to proceed on board
of her and remain there and which the Deponent accordingly did and
continued on board of the said Ship in Tranquebar roads for Eleven
days after which the Deponent was by order of the Commander of
the Victor sent on Shore.

Sworn in Open Court
this 22 day of March 1810
the Contents having been previously
explained by the Court Interpreter
Thomas Gahagan
Registrar

Gillon Beadle
Proctor for the Claimants

Cawdor Brig /3/

Attestation of Rumbee Saib in support of Claim

298

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

The Cawdor Brig /3/
Mahlim Saib
Nacoda –

Appeared personally Rumbee Saib a Mahomedan Inhabitant of Nagapatam and made oath that he is there residing under the British Government that he was the Mahlim or Pilot of the Brig Cawdor Brig and that Pee Saib abbuck Settee Marakcan a Mahomedan Merchant residing and trading at Nagore also under the British Government was and is the known Lawful and sole owner of the said Brig or Vessel her tackle apparel and furniture and the Deponent further saith that the said Brig sailed from Nagore with a Cargo of Salt Tobacco and piece Goods the property of the said Pee Saib abbuck Settee Marakcan in the Month Purattassy of Prabava Year corresponding with the Month of September in the Year of Christ one Thousand Eight hundred and [illegible] under Merakk Sails Colours or Jack flag bound to Pulo Penang where the Salt and Tobacco part of the said Cargo was sold and disposed of and that from Pulopenang the said Brig proceeded with the remainder of the said Cargo to Malacca where the same was disposed of and there took in a Cargo consisting principally of Sugar Candy Sugar Rattans and Rattan Mats and proceeded therewith back to Pulopenang where she took in a further Cargo consisting principally of Rattans Pepper Betle Nut and Cattacamboo for and on account of the said Pee Saib abbuck Settee

Marracan and received on board on freight for and on account of Nagada Saib
Sahas Madan Mamaanan Marican Sahas Mookiyatheen Sayantha Vaapas
Paheera Saib Nynan Marican and Mastaasamy Merchants residing at
Cuddalore and Money for and on account of Vallatha Samby and Saidoo Adamadoo
Merchants residing at Porto Novo and piece Goods for and on account of Appavachoo
Soothia a merchant residing at Karicall and piece Goods and Money for and on
account of Hasan Saib Ham Saib and Pahery Saib merchants residing at
Trumalavayenpatnam and piece Goods and Money for and on account of
Aaheem Saib Aaheem Vana Pahery Saib Poomal Ranoothan Mahamed
Naina Marican Vapoo Chinnatamby Mahamad Aly Marican Waapa
Saib Samynada Chetty Arunacha Chetty Chidambara Chetty Shanmoga
Moodelly Seyavay Moodelly Mayen Chetty Arunacha Chetty Wana Saib
and Samby Chetty Merchants residing at Nagore and piece Goods and
Money for and on account of Appoo Mahamadoo Hamder Maideen Chuttaroo
Lavay Sanjavalingam Nagavay in Annachellam Chetty Sambasiva Chetty
Patnam Dullander Goolamoo Myatheen Pirai Marayadeen Lavai Saithoo Saib
Cathoo Vannah Sayee Mahamed Lavay and Nagalingam Nallaranpen
Merchants residing at Negapatam and piece Goods for and on account of
Maasanadanna a Merchant residing at Talachery and piece goods for and on
account of Hanneken Hanany Shaboo a merchant residing at Penang and
piece goods for and on account of Saidoo Ranoothan Abdul Shadar and

Lawder Box /3/

300

Ausmin said merchants residing at Nagore That the said Brig proceeded on
her Voyage to Cuddalore That on the Third of January of Prabava Year
being then near Tremul Vandel a Boat hoisting the French National
Colours was perceived to be making towards the said Brig and that when
the said Boat was at the distance of Four Miles from the Camden Buss
the latter hoisted Danish Colours and the persons from the Boat having
got on board the Brig they demanded to see the pass whereupon Mahlim
said the Nacodah delivered the same being a Danish pass to an Officer
who came in the said Boat and the Deponent further saith that he hath
been informed and verily believes that such Danish pass was obtained by the
said Peer said Abbuckr Sittee Marracair to protect the said Brig from being
captured by any French Vessels she might meet with at Sea That the said
Mahlim said was directed by the said Peer said Abbuckr Sittee Marracair
to hoist the Danish flag and produce the Danish pass if he should meet with
any of the French Cruizers at Sea and the Deponent saith that after
the said pass had been Examined by the Officers who came in the Boat
he took Charge of the Brig and carried her into Tranquebar road
That previous to the arrival of the said Brig at Tranquebar road the said
Mahlim said was sent to His Britannick Majesty's Ship of War
Victor then lying in those road that the said Mahlim said afterwards

Camden Box /3/
301.

Entd Recorded
Errata for the
Claimants

returned to the said Brig and remained on board of her for Eleven days and
afterwards he was sent on shore by order of Captain Thomas Graube
Commander of His Britannick Majesty's said Ship Victor.

Sworn in Open Court
this 22. day of March 1815
The Contents having been previously
explained by the Court Interpreter

Henry Gahagan
Registrar

Lawrader Buss /3/

Order for further Proof

302

Vice Admiralty Prize Court Madras

Friday the 22d day of May 1810.

Our Sovereign Lord the King
v
The Brig Lawrader Buss /3/
Nathan Sarle Master

} Jas Kenley Esq. Sr. Hoop Vector
Lieut. Grambe

It is ordered that the said Abbas Sette Claimant of the Brig and part of the Cargo, and the Several other Claimants in the Claims before the Court mentioned as part owners of the Cargo do make further proof by affidavit, of their Claims as Native Merchants trading and residing at Cuddalore, Nagore, Porto Novo, Negapatam, Karreall Tremalavagenpatam, and Penang, Ports and places subject to the British Government, and that the Captors be at liberty also to exhibit affidavits in further proof of the said Property both in Brig and Cargo being liable to be Condemned as Danish, and it is further ordered that the said Several affidavits be made and returned to this Court in Six Weeks from the date hereof, unless the Parties Claimant & Captors shall otherwise mutually Consent and agree / such agreement to be filed in this Court in fourteen days also from the date hereof / that the final decision of this Cause shall await, abide by and follow the Decree made or to be made, by the Lords Commissioners for Appeals in Prize Causes, in the two Appealed Causes of the Lawrader Buss /2/ and Maiden Buss

J. A Strange

Cawder Bus /3/

Agreement

303

Vice Admiralty Prize Court Madras

Tuesday the 22d day of June 1810.

Our Sovereign Lord the King
vs
The Brig Cawder Bus /3/ } Captured by His Majesty's Cutr
Mahlem Said Master - } Sloop Victor Capt.n Groube

On this day appeared Mr. Robert orme King's Proctor for and on behalf of the Captors on the one side, and Mr. Gilbert Ricketts for and on behalf of the Several Parties Claimant on the other and by Virtue of a Condition Contained in a Certain order in this Cause made on the 22d day of May last past they hereby mutually Consent and agree that further proof in this Cause shall not be gone into and had, but that the final decision of this Cause shall await, abide by and follow the decree made or to be made by the Lords Commissioners for appeals in Prize Causes, in the two appealed Causes of the Cawder Bus /2/ and the Meidem Bus and that this Agreement be filed as of Record - In Witness whereof they respectively hereunto put their Hands -

Rt Orme King's Proctor

Gilbert Ricketts Claimants Proctor

Wm Dalton
Henry Pakenham
Registrar

Dutch Corvette Mandarine Lieutenant Bezemar Master

Affidavit of Lieut. Vidal

304

In the Vice Admiralty Court at Madras

Prize Jurisdiction. Dutch Corvette Mandarine

Lieutenant Bezemar Master

Appeared personally Richard Vidal a Lieutenant of His Majesty's Navy Serving on board His Majesty's Ship Cornwallis William Augustus Montague Esquire Captain and being duly sworn on the Holy Evangelists to depose the truth made oath. That the annexed Dutch Log Book is the only Papers found on board the Dutch Corvette Mandarine Seized and taken as Prize on the third day of February last by His Majesty's said Ship the Cornwallis at which Seizure and Capture this Deponent was present. And the Deponent did further depose that he has been informed and believes that all the other Ships Papers and Writings belonging to the said Dutch Corvette were thrown overboard by some of the officers or Crew thereof. And the Deponent did further depose that the said Log Book is brought hand delivered in as it was received and taken without any fraud addition subduction or embezzlement. And the Deponent did further depose that the said Dutch Corvette the Mandarine is now riding at Anchor in the Road of Madras within the Jurisdiction of this Court.

Rich.d Vidal

Sworn at Fort St George this 26.th day of April in the Year 1810. Before me.

T. A. Strange

Dutch Corvette Mandarine

Allegation

305

In The Vice Admiralty Court at Madras
Prize Jurisdiction Dutch Corvette Mandarine
Lieutenant Bezeman Master

Our Sovereign Lord The King against The said Corvette Mandarine whereof The said Lieut. Bezeman was master her Tackle Apparel & Furniture taken and seized by His Majesty's Ship of War The Cornwallis William Augustus Montagu Esquire Commander and now riding at anchorne The Roads of Madras and within the Jurisdiction of This Worthe Court against all Persons in General. — On which day Robert orme Proctor General for our Sovereign Lord The King by all lawful Ways and means and to all Effects in Law whatsoever alleged pleaded and articulately propounded as follows — to Wit

First That his Majesty by and with The advice & 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 & Four 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 & Ships and also all other Ships & 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 then and for The time being should & might be lawfully Seize all Ships Vessels and Goods belonging to The Batavian Republic or to any persons being subjects of The Batavian Republic or inhabiting

within any of 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 Shall be duly
Commissioned and this was and is true Public and notorious &
the party proponent do Alledge and propound every thing in this
and the Subsequent Articles Contained Jointly & Severally. —

Second That the Said Lewis Alexander Mandamus whereof the said Lieutenant
Bezeman was Master was on the Third day of February in the Year of
our Lord one thousand Eight hundred and ten Seized and taken
as Prize by his Majesty's Ship of War the Cornwallis William Augustus
Montague Esquire Commander and was at the aforesaid Seizure Steering
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 &
ought to be Confiscated and Condemned to our Sovereign Lord the
King and that it ought to be Just therefore Adjudged & decreed that the
said William Augustus Montague the Commander of his Majesty's
said Ship of War the Cornwallis and the officers & Crew on board the
said Ship under his Command were & are the Captors thereof & the
party proponent do the Alledge and propound as before. —

Third 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 Corvette Mandamine
whereof the said Lieutenant Bezeman was Master be
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 and as such or other-
wise liable to Confiscation and Condemnation and that
it may be pronounced and decreed that the said Corvette
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 Corvette her Tackle
Apparel & Furniture be adjudged & Condemned as good and
Lawful Prize accordingly -

Rob Orme
Prize Proctor

H Compton

Depositions on the Standing Interrogatories on the behalf of the Ship Mandarine Lieut. Bezemar. Taken by Mr. Sell. & Cornwallis Capt. Mantague

308

In His Majesty's Vice Admiralty Prize Court Madras Ss.

Depositions of Witnesses had and taken at the Office of the Registrar of the Vice Admiralty Court in Fort St. George on the 28th day of April in the Year of our Lord 1810 before Thomas Greenway and Luke Hauteville Sterling Esquires or one of them Commissioners named & appointed in and by a Certain Commission to them jointly & severally directed bearing date the 24th day of April aforesaid under the Seal of His Majesty's said Court on the Standing Interrogatories referred to in the said Commission upon the oaths of the Witnesses hereinafter named in the presence of Henry Gahagan Esquire Actuary and Registrar. -

A. Bezemar 1st Lieutenant and Commander of the late Dutch Corvette the Mandarine being Sworn Maketh oath and Saith. -

1st To the first Interrogatory this deponent answering Saith that he was born in Schiedam in Holland and has been at Sea for the last Seven Years, his Residence when at Home, is at Schiedam, he is a Subject of the King of Holland, he never was Admitted a Burgher or Freeman of any Town

or City and is not married. –

2d To the Second Interrogatory this Deponent answering saith that he was present at the Seizing the Ship, she had a Commission to fight from the Governor General of Java. –

3d To the Third interrogatory this Deponent answering saith that the Ship was taken at Sea very near Borro, the 3d of February last past. She was taken as an Enemy by the Cornwallis and was Carried first to Borro Bay, afterwards to Amboyna & finally brought to Madras Road. She was sailing under Dutch Colours and had other Colours on board to make any Signals. The Ship fired on Roadside & struck to his Britannic K Majesty's Ship of War Cornwallis. No other Ships in sight at the time of the Capture. –

4th To the fourth interrogatory this Deponent answering saith Deponent was Commander of the Ship. The Marechal at Java gave Deponent the Command. he took Possession of the Ship at Surabaya in Java. –

5 To the fifth Interrogatory this Deponent answering saith the Ship taken is of about three hundred Tons. There were fifty nine Seamen on board including Officers 19 were Europeans the rest Black men. All the Crew Came on board at Surabaya. –

6 To the Sixth Interrogatory this Deponent answering saith

That neither he, nor any of the Officers or Mariners had any interest or Share in the Ship - he has known the Ship about two Years and a half, She was built at New York in America. -

7 To the Seventh Interrogatory this Deponent answering saith that the name of the Ship is the Mandarine - has always been Called by that name - She had no passport or Sea Brief on board - Previous to Capture She sailed from Surah bay to Amboyna from which She went on a Cruize and upon that Cruize was Captured the last Voyage. Commenced at Surah Bay and he was at the close of his Cruize Captured - no Cargo was on board the Ship at the time of Capture. -

8 To the eighth Interrogatory this Deponent answering saith there was no Lading on board the Ship at the time of sailing or Capture. -

9 To the Ninth Interrogatory this Deponent answering saith that the Government of Java were owners of the Ship at the time of Seizure - the Government is subjected to the Kingdom of Holland. -

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

11 To the eleventh Interrogatory this Deponent answering saith that the answer as before there was no Lading on board. -

12 To the twelfth Interrogatory this Deponent answering saith that same answer as to there being no Lading. -

13 To the thirteenth Interrogatory this Deponent answering
Saith as before That there was no lading on board. —

14 To the fourteenth Interrogatory this Deponent answering
Saith That he Knows nothing of any papers or instruments
Relative to the Ship except those that were on board the
Ship. —

15 To the fifteenth Interrogatory this Deponent answering Saith
That there was no Charter party on board the Ship. —

16 To the sixteenth Interrogatory this Deponent answering Saith That
at the time the Ship sailed She had on board a Written order from
the Governor General of Java, there was also a long Book on board
the order from the Governor was thrown overboard all the Signal
Books Letters & Written instructions also were thrown overboard by this
Deponent — No papers were Concealed or hidden. —

17 To the seventeenth Interrogatory this Deponent answering Saith That
the Ship was before taken as Prize. —

18 To the eighteenth Interrogatory this Deponent answering Saith
That he has sustained no loss by the Capture of the Ship. —

19 To the nineteenth Interrogatory this Deponent answering
Saith That the Ship is not insured. —

20th To the twentieth Interrogatory this Deponent answering Saith
That there was no Cargo on board. —

21 To the Twenty first Interrogatory this Deponent answering Saith
That there was no Cargo on board. —

Mandamus

312

22d To the twenty Second Interrogatory this Deponent answering saith the Same answer as before. —

23 To the twenty third Interrogatory this Deponent answering saith that he knows nothing of any papers except those of which he has spoken. —

24 To the Twenty fourth Interrogatory this Deponent answering saith that no person took any papers away. —

25 To the Twenty fifth Interrogatory this Deponent answering saith that there was no Cargo on board, but it could not be known. —

26 To the Twenty sixth Interrogatory this Deponent answering saith that there were no passengers on board at the time of Capture. There were none of his Britannic Majesty's Subject on board. —

27 To the Twenty Seventh Interrogatory this Deponent answering saith that he had none of the Documents referred to in this Interrogatory on board. he does not know of any person having a let pass or letter of safe Conduct

28th To the Twenty eighth Interrogatory this deponent answering saith that all he knows or to papers on board he has already deposed that he has signed no letter or paper Concerning the Ship. —

29 To the Twenty ninth Interrogatory this Deponent answering saith that at the time the Ship was taken She was going to Manilla on seeing the Cornwallis at Manilla. the Ship have too & then steered her Course to Bonne for the purpose of running her on Shore. —

30th To the thirtieth Interrogatory this Deponent answering saith that he knows nothing of the sale of the Ship. —

Nandanne

313

31 To the thirty first Interrogatory this Deponent answering saith that at the time of Capture, the Ship had 16 Guns mounted - there were Small Arms besides - armed for fighting - being a Ship of War, there were no Stores or Arms Concealed, but all were for use. -

32 To the thirty Second Interrogatory this Deponent saith that the distination of the Ship was from Surabaya to Amboyna and the usual Ports of the Dutch Government at Java. -

Additional Interrogatories -

1 To the first additional Interrogatory this Deponent answering saith that the Ship when taken was not in Company of any other Vessel in Case of Capture he was ordered to destroy his papers. - he is not in possession of those instructions. -

2 To the Second additional Interrogatory this Deponent answering saith all the Ports to the Eastward have been declared in a State of Blockade. -

L. A. Sterling
Commissioner

A. Bezemar -
in the presence of
Henry Gahagan
Actuary

Mandaune

314

William Ernst Shroft first Lieutenant of the late Batch Corvette the Mandaune being Sworn maketh oath and saith —

1st To the first Interrogatory this Deponent answering saith That he was born in Gueldorland in the City of Lake Bommel - has been the last six Years in India, Came from the Mediterranean to India - his Residence when at home is in Holland - is a Subject of the King of Holland - never was admitted to the Burghers rights of any City - is not Married —

2d To the Second Interrogatory this Deponent answering saith That he was present at the taking of the ship - she had a fighting Commission - signed by the Commissary General of Marine at Java with the Name of the Marechal —

3d To the third Interrogatory this Deponent answering saith that the Ship was taken over Boro an Island in the Banda Sea on the 3d of February last - was taken being an Enemy - she was first Carried to Boro then to Amboyna, from thence brought to Madras - she Sailed under Dutch Colours - she had Colours of all nations on board as is usual with Ships of War - a Broad Side was fired & the Ship Struck to & was taken by the Cornwallis Capt. Montague a British Frigate no other Ship was in sight at the time —

4th To the fourth Interrogatory this Deponent answering saith that Begeman is the Name of the Captain - Deponent has known him since 1798 - Capt. Begeman was appointed by the Govt. of Java to the Command some time in June 1809 he was born in Schaedam &c is a Subject of the

King of Holland - and is not married -

5 To the fifth Interrogatory this Deponent answering saith that he believes the Ship is of about 300 tons - at the time of Capture there were 21 Europeans on board and 37 Java men they all came on board together at Java -

To the sixth Interrogatory this Deponent answering saith that the Deponent and the Officers or Seamen had no share or interest in the Ship - he was first Officer on board the Ship has known her since October 1807 she was built, he heard at New York in America -

7 To the Seventh Interrogatory this Deponent answering saith that the name of the Ship is the Mandarine, she was always gone by that name - as a Ship of War she had no Passport or Sea brief the Ship sailed from Surabaya to Amboyna from Amboyna on a Cruize towards Borneo she was taken, there was no lading or Cargo on board at the time of Capture -

8 To the eighth Interrogatory this Deponent answering saith there was no lading or Cargo on board at the time of Capture -

9 To the ninth Interrogatory this Deponent Answering saith that the Dutch Government were the owners of the Ship -

10 To the Tenth Interrogatory this Deponent answering saith that there was no sale of the Ship of which he knows since she was purchased from the Americans at Batavia -

11 To the eleventh Interrogatory this Deponent answering saith that there was no lading but the usual Stores & Provisions of a Ship of War —

12 To the twelfth Interrogatory this Deponent answering saith that he makes a Similar answer —

13 To the thirteenth Interrogatory this Deponent answering saith that there were no bills of lading on board the Ship —

14 To the fourteenth Interrogatory this deponent answering saith that he knows of no Papers of a Commercial nature belonging to the Ship —

15 To the fifteenth Interrogatory this deponent answering saith he makes a similar answer as before —

16 To the Sixteenth Interrogatory this deponent answering saith that at the time of sailing from Newark bay there were on board the Commission Sailing instructions for the Captors Log Book, Signal book & when the Ship was about to be Captured he heard the Captain order them all to be thrown overboard, & he believes they were thrown overboard not Concealed or kept back by him or any other person —

17 To the Seventeenth Interrogatory this Deponent answering saith that the Ship was never before taken as Prize —

18 To the Eighteenth Interrogatory this deponent answering saith that he was informed no loss by the Capture of the Ship —

19 To the nineteenth Interrogatory this deponent answering saith that the Ship was not insured —

20th To the Twentieth Interrogatory this Deponent answering saith the Ship had no Cargo on board —

Mandamus

317

21 To the twenty first Interrogatory this Deponent answering saith as before that there was no Cargo on board +

22 To the twenty second Interrogatory this Deponent answering saith as before that there was no Cargo on board +

23 To the twenty third Interrogatory this deponent answering saith that all he knows of the Ships papers he hath already stated +

24 To the twenty fourth Interrogatory this Deponent answering saith that he does not know of any papers being Carried away by the Captors or any of the person +

25 To the Twenty fifth Interrogatory this Deponent answering saith that as there was no Cargo on board, therefore not to break bulk +

26 To the Twenty sixth Interrogatory this deponent answering saith that there were no passengers on board the Ship. there were no British Subjects at all on board +

27 To the twenty seventh Interrogatory this deponent answering saith that he knows nothing of any documents referred to in this Interrogatory +

28 To the twenty eighth Interrogatory this deponent answering saith that he has signed no letter or paper Concerning the Ship +

29 To the twenty ninth Interrogatory this deponent answering saith that when the Ship was taken she was going to Ambagoa on the Island of the Coast of Celebes the destined Port +

30 To the thirtieth Interrogatory this deponent answering saith that the Ship has never been sold since she was purchased from the Americans by the Dutch Govt at Java +

Rondavine

318

31 To the Thirty first Interrogatory this Deponent answering
Saith that the Ship had sixteen Guns mounted on deck, 14
Six pounders & 2 eighteen pound Carronades - She had Small
Arms, Swords Muskets & Pistols - armed and stood for
fighting. -

32 To the Thirty Second Interrogatory this Deponent answering
Saith that the Ship was the property of the United States Govt. Lewis
returning to Annapolis from a Cruize. -

Additional Interrogatories -

1st To the first additional Interrogatory this Deponent answering
Saith that she was never under Convoy being a Ship of War
herself. -

2d To the Second additional Interrogatory this Deponent answering
Saith that he Considers all the ports in a State of Blockade -

W. E. Roop

Sworn to before me
L. H. Sterling

In the presence of
Henry Gahagan
Actuary

In the Causes of the Ship Skandarine

Order for Delivery of Ship on Bail

319

Vice Admiralty Prize Court Madras -

Monday the 9th Day of May 1810 -

In the Causes of the - - - taken by His Majesty's Ship Cornwallis,
Ship Skandarine Lieut. Bezeman } Captain Montague

On motion of the King's advocate and on reading the Petition of the King's Proctor. It is ordered that the said Ship with her tackle Apparel and Furniture be delivered over to M. Bromley of Madras Prize agent to the Captors of the said Ship on his giving bail in the sum of Star Pagodas Nine Thousand one hundred and twenty six / being Double the Value of the said Ship her tackle Apparel and furniture / to answer the Adjudication thereof, and that after such bail shall have been given the decree of delivery do pass. -

J. C. Strange

In the Causes of the Ship Mandanne

Baubon Delivery of Ship to Captors

320

Vice Admiralty Prize Court Madras

Thursday the 8 Day of May 1810.

Before the Worthle Sir Thomas Andrew Strange

Knight Judge of the said Court Vice at his

Chambers present Henry Gahagan Esquire Registrar.

Our Sovereign Lord the King against

the Ship Mandanne Lieut Bezeman Comm.

Taken by Shield & Cornwallis Capt. Montague

On which day Mr. Robertson the

King's Proctor, for Mr. Richard Bromley the Prize

Agent to the Captors of the said Ship Mandanne

produced for sureties James Balfour and

Joseph Baker of Madras Merchants who submitting

themselves to the Jurisdiction of this Court held

and acknowledged themselves to be bound

and indebted, for the said Richard Bromley

unto our Sovereign Lord the King in the

sum of Star Pagodas nine thousand, one

hundred and twenty six current money

of Madras Being double the Certified Value

of the said Ship Mandanne with her

tackle Apparel and Furniture / to

Mandamus

321

answer the adjudication thereof pursuant to an order of the 7th day of May instant and unless they shall so do, they do hereby severally Consent that execution shall issue forth against them, their several heirs, Executors and administrators, their Goods & Chattels, Lands and tenements, wheresoever they shall be found to the Value of the Sum aforementioned. -

J. Baker
J. Galyan

Taken and acknowledged before me this 8th day of May 1810.-

T. A. Strange

Archibald Abbott
Henry Gahagan
Registrar

In the business of the Ship Mandarine

Order for Sentence of Condemnation

322

Vice Admiralty Prize Court Madras

Wednesday the 15th day of May 1811.

Our Sovereign Lord the King
The Ship Mandarine
Lieut. Bezemar.
} Taken by His Majesty's Ship Cornwallis
Capt. Montague

On the motion of Mr. Compton Prize Advocate and on reading the Depositions of the officers of the said Ship Examined upon the standing Interrogatories and the Attestation of Lieut. Vidall in verification of the Log Book of the said Ship the Judge pronounced the said Ship Mandarine, her tackle, Apparel and Furniture, with her arms Stores and Ammunition to have belonged at the time of Capture to the Batavian Republic, or to persons Subject to or inhabiting the Dominions or Territories of the Batavian Republic Enemy to the Crown of Great Britain, decreed the same to be liable as such to Confiscation and Condemnation and Condemned the said Ship Her Tackle, Apparel, and Furniture with her arms, stores, and Ammunition as good and lawful Prize taken by His Majesty's Ship Cornwallis William Augustus Montague Esquire Commander and ordered that Sentence of Condemnation do issue.—

T. A. Strange

Sentence of Condemnation of the Ship Mandarine

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 Compstaints as to Ships and goods seized and taken as Prize Specially Constituted and appointed having heard, seen, and understood and fully & maturely discussed the merits and Circumstances of a certain business of seizing and taking of a certain Ship Called the Mandarine whereof Lieut. Bezaman was Commander and the Arms, Stores, and ammunition taken by His Majesty's Ship of War the Cornwallis William Augustus Montague Esqre Commander and brought to the port of Madras which is lately and stile 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 Arms, Stores, and ammunition taken therein and thereunto, and against 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 Arms, Stores & ammunition taken on board the same, and the rightly and duly proceeding therein, and 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 Ship, her tackle Apparel, and furniture & the Arms, Stores and ammunition taken and seized on board the same,

Mandamus

324

being duly and legally cited and intimated, Called and not appearing, but Contumaciously absenting themselves and pronounced Contumacious, in pain of the Contempt of the parties so Cited and not appearing, having first inquired into and duely Considered the whole proceeding had and done before us, in the said busines and having observed what by law ought to be observed in this behalf, have thought fit and to them it fit, then to proceed to the giving and promulging of our definitive Sentence or final decree in the said busines, in manner and form following, That is to say Forasmuch as We have by the acts enacted, declared, pleaded, proceeded, and in the said busines, fully and clearly discerned that the procurator for our Sovereign Lord the King hath sufficiently proved his intention, declared in a Certain Allegation given and admitted on his behalf in the said busines, and now remaining in the Registry of this Court, which said Allegation & the matters proponed exhibited, and admitted & taken and made have taken us & here read & inserted for us to pronounce for the Condemnation of the said Ship, her tackle, apparel and furniture, and the Arms, Stores and Ammunition taken therein and thereunto belonging to the Batavian Republic or some person or persons being subjects of the Batavian Republic or inhabiting within the territories of the Batavian Republic or otherwise liable to Confiscation & Condemnation, as herein after mentioned, & that nothing at least sufficient hath been excepted, declared,

alledged, pleaded, propounded, or proved by any Person whatsoever,
in what manner Soever any ways defeat, prejudice or weaken the intention
of the Procurator. Therefore I the Honble Thomas Andrew Strange Knight the
Judge aforesaid, first Calling upon the name of Christ and having
God alone before mine Eyes and having heard Counsel learned in the Laws
thereupon, do hereby pronounce decree & declare that the said Ship
Mandamus, whereof the said Lieut. Bezaman was Commander,
her Tackle, Apparel and furniture, and the arms Stores Ammunition
taken therein and therewith were rightly & duly taken & seized by the
Majesty's Ship of War the Cornwallis whereof William Augustus
Montague Esquire Commands and that the said Ship her Tackle, Apparel
and furniture, and the arms, stores, and Ammunition taken therein
and therewith, did at the time of the Capture and seizure thereof
(as far as appears to us) belong to the Batavian Republic or some person
or persons being subjects of the Batavian Republic, or inhabiting within
the territories of the Batavian Republic and as such ought to be
Accounted and Reputed Lawful and subject to Confiscation & to be
Adjudged and Condemned as and for good and lawful Prize to our Sovereign
Lord the King; and he do also pronounce decree & declare that the
said Ship was a Ship of War belonging to the Batavian Republic or
Persons being subjects of Batavian Republic, or inhabiting within
some of the Territories of the Batavian Republic and had a
Commission or Letter to act as such and had also and on

board at the beginning of the engagement Fifty nine men,
and that the said Ship her Tackle, apparel and furniture
and the Arms, Stores, and ammunition taken 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 the Forrowallis
William Augustus Montague Esquire Commander by this
our definitive Sentence or final decree which We read
and promulge by these Presents. —

J. A. Strange

This sentence was read signed and promulged by
the Judge aforesaid in the Court of Vice Admiralty Fort Saint
George Madras on the Sixteenth day of May in the Year
of our Lord one Thousand eight hundred & Ten. —

Which I attest

Henry Gladhayne
Registrar

Certificate of Condemnation of the Ship Mandanne

327.

In Pursuance of an Act of Parliament passed in the Twenty Sixth Year of the Reign of His Majesty entituled "an Act "for the further increase and Encouragement of Shipping and "Navigation" –

I Thomas Andrew Strange Knight, Commissary and Judge in the Vice Admiralty Court of Madras do hereby Certify and declare That it appears by the Records of the said Court That on the Sixteenth day of May in the Year of our Lord one Thousand eight hundred and Ten, the Ship Mandanne was Condemned in the said Court as good and Lawful Prize taken by His Majesty's Ship Cornwallis whereof William Augustus Montague Eyeare Commander –

In Witness whereof I have hereunto set my Hand and Seal of Office this 16 day of May in the Year of our Lord 1810. –

T. A. Strange

Continued Page 394.

Dutch Brig Lephyr

Affidavit of W. Walton & W. Bromley

328

In His Majesty's Vice Admiralty Court

Prize Jurisdiction

Dutch Brig Lephyr.

Heynheer Garrit Van Der Velde Commander

Appeared personally William Walton in
his Majesty's Navy late Master's Mate serving on board
His Majesty's Armed Brig Diana William Kempthorne
Esquire Commander and Richard Bromley Esquire of Madras one
of the Prize Agents for the Officers and Crew of His Majesty's
said Brig and being severally duly sworn to depose the truth
made oath as follows - And the Deponent William Walton
did depose and say that the Dutch Log Book and the
Dutch Pass found by the Garrison of the Moluccas Islands
and dated the Thirteenth May one thousand eight hundred
and four accompanying this Deposition are the only papers
found on board the Dutch Brig the Lephyr seized and
taken as Prize on the eleventh day of September one
thousand eight hundred and nine by His Majesty's
said Armed Brig Diana at which capture the Deponent
was present And the Deponent did further depose that
after the capture of the said Dutch Brig Lephyr she
was carried to Malacca where the another Cargo were
sold not being able to spare a sufficient number of
Men to Navigate the said Prize to a port where

In the business of Dutch Brig Lefsheyr

329

there is a Vice Admiralty Court and the said Brig was not considered Capable of performing the Voyage to any such Port And the Deponent did further depose that the Commander of the said Dutch Brig was taken to the Island of Penang and there Examined and Sworn to answer Certain Standing Interrogatories then and there Administered to him, the answers to which Interrogatories also accompany this Deposition. And the Deponent Richard Bromley did depose that the Net proceeds Sale of the said Dutch Brig Lefsheyr and her Cargo are now at Madras in the Hands and Charge of the Deponent and the other Prize Agent George Arbuthnot and are thier and subject to the Jurisdiction of this Court

Wm Walton Esq. Prize Proctor

Both Sworn at Fort St. George
this 25th Day of July 1810.

Before me -
T. A. Strange

" Wm Walton
" Richard Bromley

In the Examinacion of the Dutch Brig Sephyr

330

To all to whome these Presents shall Come I John Dunbar acting in the absence of a Public Notary by Lawful authority Constituted and appointed, and duly Sworn residing and practising at George Town Prince of Wales Island in the State of Malacca in the East Indies Do hereby Certify and attest That on this twenty third day of January in the Year of our Lord one Thousand eight hundred and Ten at the Special instance and Request of William Kempthorne a Lieutenant in his Britannic Majestys Navy and Commander of a Certain Armed Brig Named the Deana and now lying at Anchor in Port Cornwallis Prince of Wales Island aforesaid I the said John Dunbar did proceed to take the preparatory Examinations on Standing Interrogatories to be administered on behalf of our Sovereign Lord the King to Mynheer Gerrit Van Der Velde a Lieutenant in the Marine Service of the Dutch East Indian Company and Commander of a Certain armed Brig Captured by the Brig Deana from the Enemies of the United Kingdom of Great Britain and Ireland and brought into the Port or Harbour of Malacca there being no Commissioner or Actuary Resident either at Malacca aforesaid or at Prince of Wales Island aforesaid to take Preparatory Examinations in Cases of Prize - And I the said John Dunbar do hereby further Certify and attest

For the Examinis of the Dutch Brig Lefsbyr

881.

That the said Gerrit Van Der Velde being duly sworn
According to his faith Answereth and saith. —
To the first Interogatory That he was born in the City of Amsterdam
in the Kingdom of Holland, and that he has been employed
in the Marine Service of the Dutch East India Company
for the last Seven Years and upwards during which he has
Resided when not employed in active Service on the
Island of Amboyna belonging to the said Dutch East
India Company - That he is a Subject of the King of
Holland and is not married - That on the eleventh day of
September in the Year of our Lord one Thousand eight
hundred and nine he was a Lieutenant in Command of a
Certain Armed Brig Called the Lefsbyr belonging to the
said Dutch East India Company on which day as the said
Brig Lefsbyr was entering the bay of Celemada on the Island
of Celebes She was Chased by another Brig which afterwards
proved to be his Britannic Majesty's Armed Brig Deana
which Came up with the said Brig Lefsbyr - That an Action
ensued and the said Brig Lefsbyr was Captured as Prize
by the said Armed Brig Deana That he was brought to
Prince of Wales Island aforesaid when he still Continues
a Prisoner of War. —

To the Second Interogatory - That he was on board the said Brig
Lefsbyr when She was Captured by the said Armed Brig

Deana and that the said Brig Lephyr was regularly
Commissioned by the Governor General in Council at
Batavia for the protection of the trade of the said
Dutch East India Company at their Eastern Settle=
=ments and parts adjacent. —

To the Third Interrogatory that he has before answered
that the said Brig named the Lephyr was Captured by
the said Armed Brig Deana in the Bay of Allexandra
on the eleventh day of September one thousand eight
hundred and nine And that the said Brig Lephyr
was so Captured because there was open war and
hostility between His Majesty the King of the
United Kingdom of great Britain and Ireland and
the King of Holland. That the said Brig Lephyr with
her Cargo was Carried into the Port or Harbour of
Malacca aforesaid on the Twenty seventh day of
December last. That the said Brig Lephyr sailed
under the Batavian Colors which are the same as
those of the Dutch East India Company the Members
or persons Composing which Company are subjects of the
King of Holland That the said Brig Lephyr made
Resistance for one hour or thereabouts and that many
Guns and fire arms were discharged during that time
and that there were no other Vessels in Company or in sight

In the Ship of the Dutch Brig Lephyr

333

at the time of the Capture of the said Brig Lephyr

To the Fourth Interrogatory That he was Commander of the said Brig Lephyr and was so appointed by the Governor General in Council at Batavia about five Years ago —

To the Fifth Interrogatory That the said Brig Lephyr is about two hundred ten Last Burthen and that the Number of persons on board at the time of the Capture including Those of this Deponent his Officers and Mariners amounted to Thirty seven eight of whom were Europeans and the rest Natives and that all the said persons were subjects of the King of Holland by having been born in the territories of the said King or having been domiciled within the limits of the Jurisdiction of the said Dutch East India Company —

To the Sixth Interrogatory That no part of the said Brig Lephyr was owned by or belonged to him this Deponent or to any of the Officers or Crew of the said Brig —

To the Seventh Interrogatory That the said Brig Lephyr at the time of her Capture had a Sea Brief on board and was bound from Amboyna to Menado aforesaid for the purpose of taking on board a quantity of Rice with which it was the intention of this Deponent to have proceeded to the Island of Ternatte —

To the Eighth Interrogatory That the said Brig Lephyr at the time of her Capture had on board a quantity of Rice the property of the said Dutch East India Company and no other Cargo whatsoever

In the Cause of the Dutch Brig Lephyre

To the Ninth Interrogatory. That the Dutch East India Company were the sole owners of the said Brig Lephyre

To the Thirteenth Interrogatory That there were no Bills of Lading signed for the said Rice or Jowary or the Articles laden on board the said Brig Lephyre

To the Sixteenth Interrogatory. That with the Exception of the Commission & Sea Brief before mentioned there were no papers of any importance on board the said Brig Lephyre nor were there any papers burnt Thrown over board or destroyed at the time of or before her Capture.

To the Thirty first Interrogatory. That the said Brig Lephyre at the time she was Captured as aforesaid had Mounted Fourteen iron Guns three Pounders - six Murquets and six pair of Pistols with a quantity of Ammunition for the Guns and Small arms and that the said Brig Lephyre was so armed by Virtue of a Commission from the Governor General in Council at Batavia and that no other Statutary or Naval Marks & Stores were on board the said Brig Lephyre at the time of her Capture as aforesaid. And further this Deponent Saith not

What is above Written was duly made known and Explained to the said Mynheer Gerrit Van Der Velde by the Interpretation of me the

said John Dunbar in the Malay Language the said Mynheer Vanderveldt In testimony thereof attests the same by his Signature -

G Vdr Veldt

This done and passed at George Town Prince of Wales Island In Pais the and John Dunbar have hereunto set My Name and Seal the Day and Year first in these presents written

John Dunbar
Acting in the Absence as
Public Notary

L S

In the Examinep of the Dutch Brig Lephys

336

Garret Vander Velde being duly Sworn upon the Holy Evangelist of almighty God Maketh oath and saith that the Replies Stated to have been made by him and as set forth and Contained in the foregoing papers are just and true --

Sworn at George Town Prince of Wales Island this 24th day of January 1810. Before me -

G. Stanley

G. V. Velde

John Dunbar being duly Sworn upon the holy Evangelist of almighty God Maketh oath and saith that the foregoing Interrogatories and the Replies to the same given by the above Named Garret Vander Velde were truly and faithfully interpreted by him and that he explained to the said Garret Van Der Velde the Matters Contained in the foregoing paper. -

John Dunbar

Sworn at George Town this 24th day of January 1810. -

Before me

G. Stanley

In the business of the Dutch Brig Lephyr

Order for Monition to proceed to Adjudication

337.

Vice Admiralty Prize Court Madras

Wednesday 25th of July 1810.

In the business of the Dutch Brig
Lephyr Garret Van Der Velde Commander } taken by H.M. Brig Diana Lieut. Rumpthorne

On motion of the King's Advocate and on reading the Petition of the King's Proctor together with the Affidavit of William Walton late Master's Mate of the said Brig Diana and our perusal of the Log Book and Papers and other Papers & Accompanying the same - It is ordered that the usual Monition to proceed to Adjudication do issue in this Cause -

J. A. Strange

In the business of the Dutch Brig Lefstheyr

Order to bring in Account of Sales and Proceeds

338

Vice Admiralty Prize Court Madras

Wednesday the 25th day of July 1810.

In the business of Brig taken by Hell. Brig Diana Lieutenant
Dutch Brig Lefstheyr } Rumfitthorne Commander

On reading the joint Affidavit of William Walton late Master's Mate serving on board his Majesty's said Brig Diana, and of Richard Bromley Esquire one of the Prize Agents for the Officers and Crew of the said Brig - It is ordered that the proceeds of sales of the said Dutch Brig Lefstheyr and her Cargo now in the hands and Charge of the said Richard Bromley and George Arbuthnot the other Prize Agent for the Officers and Crew of His Majesty's said Brig be forthwith brought into the Registry of this Court there to be kept for the use of the Persons entitled thereto, and that a Monition do issue to the said Richard Bromley and George Arbuthnot for them to bring or transmit into the Registry of this Court the said proceeds of sales of the said Brig Lefstheyr and Cargo together with a true and faithful Account of such Sales. -

T. A. Strange

In the business of the Dutch Brig Lephyr

Return of Mr Arbuthnot to the Monition to bring in proceeds of sale - 339

Henry Gahagan Esqre

Registrar of Vice admiralty Court

Beach Buildings

August 1st 1810.

Sir,

In Compliance with the Monition of the Vice admiralty Court aforesaid, served upon me on the 30th day of July I herewith deliver into the Registry of the said Court the sum of three thousand three hundred and ninety seven Pagodas, three fanams, and twenty six Cash, being the Value of the proceeds of sale transmitted in Dollars by Lieut Hamphorne of H.M. Brig Deana to Mr Bromley and myself Prize agents for the Officers and Crew of the said Brig. But no account of the said Sale having been transmitted, I am unable to Comply with the further Requisitions of the said Monition. -

You will be pleased to Grant your Receipt to Mr Bromley and me for the above Sum. -

I Remain

Sir,

Your Most obedient Servant

George Arbuthnot

Prize Agent

A Receipt to Mr Arbuthnot and Mr Bromley for the above Sum delivered by me to Mr Arbuthnot on this 1st of August 1810.

Henry Gahagan

Registrar.

Dutch Brig Lepthyr

Allegations

340

In the Vice Admiralty Court at Madras

Prize Jurisdiction

Dutch Brig Lepthyr - Mynheer Gerrit Vanden Velder Commander

August 1810. Our Sovereign Lord the King against the Dutch Brig Lepthyr whereof the said Mynheer Gerrit Van der Velden was Commander her tackle apparel and furniture taken and seized by His Majesty's armed Brig Deanna William Rumphorne 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 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 the Court of Saint James's the Nineteenth day of June in the Year of our Lord one Thousand eight hundred and [illegible] 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 Kingdoms of Great Britain & Ireland then and for the time being should and might lawfully seize all Ships Vessels and Goods belonging to the Batavian Republic or to any Persons being Subjects of the Batavian Republic or inhabiting within any

any of 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 should be duly Commissioned and this was and is true Public and notorious and the Party Proponent doth allege and propound every thing in this and the subsequent Article Contained jointly and Severally. –

Second That the said Brig Lephyr whereof the said Skynker Garret Van Der Velden was Master and the Goods Ware and Merchandize on board the same were on the Eleventh day of September in the Year of our Lord one Thousand eight hundred and Nine Seized and taken as Prize by His Majesty's armed Brig Deana William Rumpf Moore Esquire Commander and was at the aforesaid Seizure Wholly 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 William Rumpf Moore the Commander of His Majesty's said Armed Brig the Deana and the Officers and Crew on board the said Brig 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 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

Dutch Brig Lesphyre

342

Prays right and Justice to be effectually done and administered in
the Premises by You the Honorable Sir Thomas andrew Stranger
Knight Judge of his Majesty's Vice Court of admiralty at Madrid
or Your lawful Surrogate and that the said Brig Lesphyre with
the said Mynheer Ernest Van Der Velde was at the time she took
Apparel and furniture and the Goods wares and Merchandize
laden thereon to 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 and as such or otherwise liable
to Confiscation and Condemnation and that it may be pronounced
and Decreed that the said Brig Lesphyre her tackle Apparel and
Furniture and the Goods wares and merchandize laden thereon
did belong to Enemies of the Crown of the United Kingdom of
Great Britain and Ireland and that the said Brig Lesphyre her
Tackle Apparel and Furniture be adjudged and Condemned
as lawful and lawful Prize Accordingly. -

R. Arnee
Kings Proctor

Herbert Compton

Dutch Brig Liefkyn

Order for Sentence of Condemnation.

343

Cvce Admiralty Prize Court Madras

Saturday the 1st day of September 1810

In the business of

The Brig Liefkyn
G. Vander Velden - } Taken by His Majesty's Brig Diana
Lieut Rempsthorne -

The Judge having heard the King's advocate on behalf of the Captors praying Condemnation of the said Brig as good and lawful Prize, and having Examined the Dutch Log Book and Papers belonging to the said Brig & having read the Depositions of Genl H Vander Velden Commander thereof pronounced decreed and declared the said Brig Liefkyn with her Tackle, Apparel, Furniture and Stores to have been duly and lawfully taken and seized by His Majesty's Brig Diana and Condemned the same as good and lawful Prize so taken as aforesaid and ordered Sentence of Condemnation to be speedily

Parties Claimant or Appellant entitled in due time

F. A. Strange

Dutch Brig Zephyr

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 Libel exhibited for Seizing and taking of a Certain Brig Called the Zephyr wherein Gerrit Vander Velde was Commander and the Arms, Stores, and Ammunition taken by His Majesty's Brig of War the Diana Lieut.t William Rumpthorne Commander and brought it 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 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 &

furniture and the Arms stores and ammunition taken and seized
on board the same being duly and legally cited and intimated unto
and not appearing but Contumaciously absenting themselves &
pronounced Contumacious in pain of the Contempt of the parties
so cited and not appearing having fully & mature advised unto & duly Considered
the whole proceedings 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 these 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 For as much as We have by the acts enacted, declared, alleged
pleaded, propounded and proved in the said business found and
clearly discovered that the Procurator for our Sovereign Lord the King
hath sufficiently founded his intention declared in a certain
allegation given and admitted on his behalf in the said business
& now remaining in the Registry of this Court which said allegation
& the 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 Brig, her Tackle Apparel & furniture
and the Arms stores and Ammunition taken therein and therewith
as belonging to the Batavian Republic or some person or persons being
subjects of the Batavian Republic or inhabiting within the Territories
of the Batavian Republic or otherwise liable to Confiscation and
Condemnation, as herein after mentioned, & that nothing at least effectual
hath been excepted, declared, alleged, pleaded propounded or proved

by

by any Person whatsoever which may or can any wise defeat
prejudice or weaken the intention of the Prosecutor - Wherefore
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 Laws thereupon
do hereby pronounce decree, and declare that the said Brig Zephyr
with her Tackle Apparel and furniture, and the arms stores and
Ammunition taken therein & thereunto were rightly & duly
taken and seized by His Majesty's Brig upon the Seas
whereof Lieut. William Rumsthorne is Commander & that the
said Brig her Tackle Apparel and furniture and the Arms
stores and Ammunition taken therein and thereunto
did, at the time of the Capture and seizure thereof (as
appears to us) belong to the Batavian Republic or some
person or persons being subjects of the Batavian Republic
or inhabiting within the Territories of the Batavian Republic
and as such ought to be accounted and reputed Lawful and
subject to Confiscation and to be adjudged and Condemned
as good and lawful Prize to our Sovereign Lord the King; &
We do also pronounce decree and declare, that the said Brig
was a Brig of War belonging to the Batavian Republic
or persons being subjects of Batavian Republic or inhabiting
within some of the Territories of the Batavian Republic

and

Dutch Brig Lephoff

347

and had a Commission on board to act as such, and had a
Crew and on board at the beginning of the Engagement Thirty
Seven Men and that the said Brig her Tackle Apparel and
Furniture and the Arms Stores and Ammunition taken
on board the Same be adjudged and Condemned as Good and
Lawful Prize to our Sovereign Lord the King taken and
seized by His Majestys Brig of War the Diana Lieut.
William Rumsfathorne Commander by this our
definitive Sentence or final decree which We read
and Promulge by these Presents. -

J. A Lange

This Sentence was read Signed and Promulged
by the Judge aforesaid in the Court of Vice Admiralty Fort
Saint George Madras on Saturday the first day
of September in the Year of our Lord one Thousand
Eight Hundred and Four -

Attest Master

Henry Gahagan
Registrar

Dutch Brig Zephyr

Certificate of Condemnation

348

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 encouragement of Shipping and Navigation"

I Thomas Andrew Strange Knight Judge of the Vice Admiralty Court of Madras and its Jurisdiction thereunto belonging Do hereby Certify that it Appears by the Records of the said Court that on the first day of September in the Year of our Lord 1810 the Brig Zephyr was Condemned in the said Court of Vice admiralty as good and lawful Prize taken by His Majesty's Brig Diana Lieutenant William Plumptree Commander

In Witness whereof I have hereunto set my Hand and Seal of Office this 4th day of September in the Year of our Lord 1810.

L.S.

T. A. Strange

Wm Dent Deputy

Henry Gahagan

Registrar

Dutch Brig Zephyr

Certificate of Sailing under Enemy's Flag and Commission -

349

Vice Admiralty Prize Court Batavia

These are to Certify that the Brig Zephyr
Condemned on the 1st day of September 1810 as good and
lawful Prize taken by His Majesty's Brig
Diana Lieutenant William Rumsthorne
Appears by the Proceedings before me had to
have been Captured Sailing under the Batavian
Flag and with a Commission or letter granted by
the Governor General in Council at Batavia -

In Witness whereof I have caused to put
my hand and seal of office this 15th
day of September in the Year of
our Lord 1810 -

L.S.

J. A. Stronge
Which I attest
Henry Gardyan
Registrar

Dutch Brig Lephyr

Authority to apply for an order to distribute

350

In the Vice Admiralty Court of Madras.

Prize Jurisdiction

Our Sovereign Lord the King
against
The Dutch Brig Lephyr whereof Mynheer
Ernst Cornelius Velor was Master.—

Whereas the Dutch Brig Lephyr whereof Mynheer Ernst Cornelius Velor was Master with her Tackle Apparel and Furniture and the Arms Stores and Ammunition and Goods Wares and Merchandize found therein have lately been Arrested and Detained in the Vice Admiralty Court at Madras and Prize to the Officers and Crew of His Majesty's Armed Brig Diana William Rumpf Thorne Esquire Commander Now I the said William Rumpf Thorne do hereby request that an application be made to the said Vice Admiralty Court at Madras for an order that the Property in the said Dutch Brig Lephyr her Tackle Apparel and Furniture and the Arms Stores and Ammunition and Goods Wares and Merchandize found therein be distributed pursuant to the Authority Contained in the Seventy Second Section of the Statute passed in the Forty Eighth Year of the Reign of His present Majesty Chapter Seventy two Dated this fifteenth day of September in the Year one Thousand eight hundred & Four.—

Signed in the presence
of — — — — —
R. Thorne

Wm Rumpf Thorne

Dutch Brig Leeuwyn

Order for Payment and distribution of Proceeds of Sale.-

351.

Vice Admiralty Prize Court Madras

Saturday the 15th day of September 1810

In the business of the Brig Leeuwyn. Taken by Capt. Brig Diana Lieut. Hempsthorne

On motion of the King's advocate and on reading the Petition of the King's Proctor together with the Certificate that the said Brig Leeuwyn sailed under Enemy's Colours and with an Enemy's Commission - It is ordered that the Proceeds of sale of the said Brig Nave in the hands of the Registrar be paid over to Messrs. Richard Bromley and George Arbuthnot Joint Prize agents for the Captors and that the said Proceeds be distributed by the said agents before the time of appeal lapsed. Subject nevertheless to the liability of the Captors to answer any Appeal that may be instituted according to Law for Appeals.-

J. A. Grange

Prize Agents Receipt for Proceeds-

Vice Admiralty Prize Court Madras

Tuesday the 18th day of September 1810

In the business of the Brig Leeuwyn } Taken by His Majesty's Brig Diana Lieutenant Hempsthorne

Received of W. Penny Gahagan Registrar the sum of Star Pagodas three thousand three hundred and forty one, 20 Fanams twenty two, and Cash forty Rs the sale Proceeds of the Prize Brig Leeuwyn paid on day the Registry by an order of Court bearing Date the 16th day of September instant.-

Richard Bromley

George Arbuthnot

Prize Agents.

Hlg

18 Sept. 810

Dutch Transports Nos 4 and 10

Affidavit

352

In the Vice Admiralty Court at Madras.

Prize Jurisdiction Dutch Transports Nos 4 and 10

Richard Bromley of Madras Esquire on behalf of the Captain Officers and Crew of His Majesty's Cutter Sylvia Augustus Vere Drury Esquire Commander personally appeared and being duly sworn to depose the truth made oath - That His Excellency William O'Brien Esquire Rear Admiral of the Red and Commander in Chief of His Majesty's Ships and Vessels employed in the East Indies has received official Communication from the said Augustus Vere Drury of the said Cutter Sylvia having taken and destroyed several Dutch Vessels with Cargoes on board, and amongst others two Dutch Transports Nos 4 & No 10. And the Deponent did further depose that part of the Cargoes of the said two Transports have been sent to Madras on board the Merchant Ships Anna and landed and now remain within the Jurisdiction of this Honorable Court part of which is of a perishable Nature and it is therefore necessary that it should be immediately sold for the benefit of the Captors -

Richard Bromley

Sworn at Fort St George
this 21st day of July 1810 -
Before me
J. A. Strange

Affid. Prize Proceedings

Dutch Transport N.º 4

Affidavit of Paul Walker & James Macdonald -

353

In the Vice Admiralty Court at Madras

Prize Jurisdiction Dutch Transport N.º 4 Master Unknown

Appeared personally Paul Walker a Midshipman serving on board his Majesty's Cutter Sylvia Lieutenant Augustus Vere Drury Commander and James M.c Donald a Sailor serving on Board the said Cutter Sylvia and being severally duly sworn on the Holy Evangelists to depose the Truth the whole Truth and nothing but the Truth and each for himself deposeth and saith that he was severally serving on board the said Cutter Sylvia on the Twenty sixth day of April last past when the Captured & seized as Prize a Dutch Transport N.º 4 with a Cargo on board and the Deponent James M.c Donald did further depose that the only Papers found on board or delivered up after her Capture was the Paper hereunto annexed marked with the Letter C and the Deponent did further depose that the said Dutch Transport is now in the Roads of Madras. -

Paul Walker

James M.c Donald

Sworn at Fort St. George this 2.d day of August 1810.

Before me -

T. Strange

Prize Proctor

Dutch Transport N.° 10

Affidavit of Paul Walker and James Macdonald

354

In the Vice Admiralty Court at Madras

Prize Jurisdiction Dutch Transport N.° 10 Hunter Unknown

Appeared Personally Paul Walker a Mediterranean Seaman serving on board his Majesty's Cutter Sylvia Lieut. Augustus Vere Drury Commander & James Macdonald a Sailor serving on board the said Cutter Sylvia & being severally duly Sworn on the Holy Evangelists to depose the truth made oath as follows And first the Deponent Paul Walker did depose and say That the two Several Papers accompanying this Affidavit marked A & B the one marked A being in a sealed cover were delivered to the Deponent by the said Augustus Vere Drury as all the Papers found or delivered up relating to the Dutch Patnatkan or Transport N.° 10. Seized & Captured as Prize on the Twenty first day of April last by this Cottage in his said Cutter Sylvia And the other Deponent James Macdonald did depose That the accompanying Dutch paper marked A was brought by the Deponent from on board the said Dutch Transport N.° 10. And the other paper marked B was found by this Deponent on board the Transport N.° 4 And both the Deponents did further depose That the said Dutch Transport N.° 10. has been left at Pondicherry from the said Lieut. Augustus Vere Drury not being able either to supply her with Casks or with men to navigate her to Madras And that such supply the said last named Transport could not procure to Madras but the Deponents did add That part of the Cargo of the said Transport is now in the Roads of Madras on the Dutch Brig The Eclo-

Sworn at Fort Saint George
this 3.d day of August 1810. Before me
T. H. Strange

" Paul Walker
" James M.c Donald

Deposition
Ex. Prize

Dutch Transports Nos 4 and 10.

Allegations

355

In the Vice Admiralty Court at Madras.

Prize Jurisdiction Dutch Transports Nos 4 and 10.

Master Unknown

August one Thousand Eight hundred and three

Our Sovereign Lord the King against the Dutch Transport

No 4 whereof the Master is unknown her Tackle Apparel & furniture

and the Goods Wares and Merchandizes thereon and also against the Goods

Wares and Merchandizes taken on board the Dutch Transport No 10. seized

taken and seized by His Majesty's Cutter Sylvia Lieut. Augustus Vere

Percy Commander which Transport No 4 is now riding at Anchor

in the Roads of Madras and within the Jurisdiction of this Honorable

Court and against all Persons in General -

One 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 viz -

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 of Saint James's

the Sixteenth day of June in the Year of our Lord one Thousand Eight

Hundred and Three did order that General Reprisals 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 Reprisals

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

Dutch Transports Nos 4 & 11 Continued

350

seize all Ships Vessels and Goods belonging to the Batavian Republic or to any Persons being Subjects of the Batavian Republic or inhabiting within any of the Territories of the Batavian Republic and bring the same to Judgement in any of the Courts of Admiralty within the Dominions of His Majesty which Should be duly Commissioned & this Prayed 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 Dutch Transport No 6 the master of which is unknown and the Goods Wares and Merchandizes on board the same And also the Goods Wares & Merchandizes on board another Dutch Transport No 10 were on the Twenty first day of April in the Year of our Lord one Thousand Eight Hundred and Ten seized and taken as Prize by His Majesty's Cutter Sylvia Lieutenant Augustus Vere Drury Commander and were 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 be all 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 Cutter Sylvia and the Officers & 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 premises were and are true public and Notorious and thereof there was and is a public Voice fame & Report

upon 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 &
That the said Dutch Transport No 4 the master whereof is unknown Her
Tackle Apparel and Furniture and the Goods Wares and Merchandizes
laden thereon And also the Goods Wares and Merchandizes taken on board the
other Dutch Transport No 10. to 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 and as such liable
liable to Confiscation and Condemnation And that it may be
pronounced and decreed That the said Transport 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 Transport her Tackle
Apparel and Furniture be adjudged and Condemned as good
and Lawful Prize Accordingly -

Herbert Compton

R. Arme
King's Proctor

Dutch Transport № 4 Cargo № 10

Order for Sentence of Condemnation

358

Vice Admiralty Prize Court Madras

Saturday the first day of September 1810.

In the business of the Dutch Transport № 4 and the Cargo of Transport № 10 ... } taken by His Majesty's Cutter Sylvia

Lieut. Viney.

The Judge having heard Mr Rings advocate on behalf of the Captors praying Condemnation of the said Transport № 4 and Cargo of the Transport № 10. and having examined the three Dutch Papers marked A. B & C. belonging to the said Transports and having read the several Depositions of the Boatswain's Mate and Gunner belonging to the Dutch Brig Echo in answer to the third and thirty second standing Interrogatories taken in the business of the said Brig Echo and admitted to be received as Evidence in this business, pronounced decreed and declared the said Transport № 4 her Tackle Apparel Furniture Stores and loading and the Cargo of the said Transport № 10 to have been duly and lawfully seized and 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 Appellant or Claimant intervene in due time. -

T. A. Strange

Which I attest

Henry Gahagan

Registrar

Dutch Transports N° 4 and Cargo N° 10.

Sentence of Condemnation

359

In the Name of God Amen - We Sir Thomas Andrew Strange Knight

Commissary of the Vice Admiralty Court of Fortifications and the Territories

thereunto belonging & President & Judge thereof and also to hear & 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 & fully & maturely discussed the merits of a certain Cause

of seizing and taking of a certain Dutch Transport N° 4 her Tackle

Apparel and Furniture and the Goods Wares and Merchandizes laden on

board the same and also of the Cargo of another Transport N° 10 seized Station by

His Majesty's Cutter the Sylvia Lieut Augustus Vere Drury and brought to

Madras Roads which was lately and still is depending before us on the part

and behalf of our Sovereign Lord the King against the said Transport N° 4

her Tackle Apparel and Furniture and the Goods Wares and Merchandizes laden

on board the same and the said Cargo of the said other Transport and against

all Persons in General who have or pretend to have any right title or interest

therein, and the rightly and duly proceeding thereon and the Procurator for

our Sovereign Lord the King appearing before us and praying Justice

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 Transport N° 4 her Tackle

Apparel and Furniture and her said Goods Wares & Merchandizes laden in the

said Cargo of the other Transport aforesaid 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 pronouncing a Joynd definitive Sentence or final decree in the Business in manner and form following That is to say Forasmuch as it hath been by the Acts, enacts, declared, alledged, pleaded, propounded and proved in the said business Joynd and clearly discovered that the Procurator for our Soveraign Lord the King hath sufficiently Joynd his intention declared in a certain allegation given and admitted on his behalf in the said business & now remaining in the Registry of this Court which said allegation and other matters propounded exhibited and admitted ought to be and ought to have been taken as if here read and inserted Joyns to pronounce for the Condemnation of the said Transport N°4 her Tackle apparel and furniture and her said Goods Wares and Merchandizes & the City of the other Transport aforesaid as belonging to the Batavian Republic or Holland or to some Person or Persons being subjects of the Batavian Republic or Holland or inhabiting within the Territories of the Batavian Republic or Holland and as such or otherwise liable to Confiscation & Condemnation as having been mentioned and that nothing hath been exhibited, declared, alledged, pleaded, propounded or proved by any person whatsoever which may or can any wise depart prejudice or delay the intention of the Procurator - Therefore We Sir Thomas Andrew Arnoldus Knight the Judge aforesaid first Calling upon the Name of Christ and having God alone before our Eyes and having had Counsel learned in the Law Therefore do by this Pronounce decree & declare that the said Transport N°4 her Tackle Apparel & Furniture & the Goods Wares & Merchandizes laden on board the same and also the Cargo of the

Transport N.10 aforesaid were rightly and duly taken and seized as
aforesaid by His Majesty's Cutter Sylvia Lieutenant Augustus Vere
Drury and that the said Transport N.4 her Tackle Apparel
and furniture and her said Goods Wares and Merchandizes &
also the Cargo of the said other Transport N.10 did at the time of
the taking and seizing thereof (as far as appears to us) belong to the
Batavian Republic or Holland or some person or persons being subjects
of the Batavian Republic or Holland or inhabiting within the
Territories of the Batavian Republic or Holland
and as such ought to be accounted and reputed liable
to subjects 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 deem and declare that the
said Transport N.4 her Tackle Apparel
and Furniture and her Goods Wares and
Merchandizes laden on board the same &
also the Cargo of the said other Transport N.10
aforesaid to be Adjudged and Condemned
as good and lawful Prize to our Sovereign
Lord the King taken and seized by His
Majesty's Cutter Sylvia Lieut. Augustus
Vere Drury by His own deposition
Sentence or final doom which we

Read

Dutch Transports No 4 Cargo No 10 Continued

Read and promulge by these Presents -

J. A. Strange

This Sentence was read
Signed and promulged by the
Judge aforesaid upon the 1st day
of September in the Year of our
Lord 1810. in the Court House
in Fort Saint George Aforesd.

Which I attest

Henry Gahagan
Registrar

Dutch Transport N°4

Certificate of Condemnation

363.

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 encouragement 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 first day of September in the Year of our Lord 1810. The Dutch Transport N° 4 was Condemned in the said Court of Vice admiralty as good and lawful Prize taken by His Majesty's Cutter Sylvia Lieutenant Augustus Vere Drury Commander -

In Witness Whereof I have hereunto Set my Hand and Seal of Office this 4th day of September in the Year of our Lord 1810. -

T. A. Strange

Which I attest

Henry Gahagan

Registrar

Dutch Transport No: 4

Certificate of Sailing with Enemy's Flag.

364

Vice Admiralty Prize Court Madras

These are to Certify That the Transport No 4 Condemned on the 9th day of September 1810 as good and Lawful Prize taken by His Majesty's Cutter Sylvia Appears by the Proceedings before me had, to have been Captured under Convoy of the Brig Echo which Sailed under the Batavian Flag and with a Commission from the Batavian Government.

In Witness Whereof I have unto set my Hand and Seal of Office this 13th. day of September in the Year of our Lord 1810 -

L. S.

T. Harvey

Which I Attest

Henry Flahagan

Registrar

The Dutch Transports Nos 4 and 10.

Authority to apply for an Order to distribute

365

In the Vice Admiralty Court
at Madras Prize Jurisdiction } Our Sovereign Lord the King
against
The Dutch Transports Nos 4 & 10.

Whereas the Dutch Transport No 4 her Tackle apparel and furniture and the Arms stores and Ammunition and the Goods Wares and Merchandizes [illegible] and also the Goods Wares and Merchandizes found on board another Dutch Transport No 10. have been Condemned in the Vice Admiralty Court at Madras as Prize to the Officers and Crew of his Majesty's Cutter Sylvia Lieut Augustus Vere Davy Commander Now I Richard Bromley Esqre of Madras Secretary to His Excellency William Bryan Davy Esquire Commander in Chief of his Majesty's Ships and Vessels in India and Prize agent for the officers and Crews aforesaid and having authority from the said Lieut Augustus Vere Davy for that purpose do hereby in the name of the said Lieut Augustus Vere Davy Agent that an application be made to the said Vice admiralty Court at Madras from order that the Proceeds of the said Dutch Transport No 4 with her Tackle apparel and furniture and the arms stores and ammunition and the Goods Wares and Merchandizes found thereon and also the Goods Wares and Merchandizes found on board the Transport No 10. be distributed pursuant to the authority contained in the twenty second section of the statute passed in the Forty fifth year of the Reign of his present Majesty Chapter 92. Dated this fifteenth day of September in the Year one thousand Eight hundred and ten.

Richard Bromley

Signed in the presence of

C. Gaudon

Dutch Transports. No 4 & 10.

Order for payment and distribution of Proceeds.

306

Vice Admiralty Prize Court Madras.

Monday 17th September 1810.

In the Business of
The Dutch Transport
No 4 and Cargo &
Cargo of Transport No 10.
} Taken by H. M. Cutter Sylvia

On Motion of The King's Advocate and on reading
the Petition of The King's Proctor and The Certificate annexed
It is ordered That the Proceeds of Sale of the said Transport
No 4 Cargo and of the Cargo of Transport No 10 now in
the Registry of this Court be delivered out and paid over
to Messrs Richard Broomley and Henry Nalle Prize
Agents for the Captors and that the said Proceeds be
distributed by the said Agents before the time of
Appeal lapsed, subject nevertheless to the Liability of
the Captors, to answer any Appeal that may be instituted
hereafter during the time limited by Law for Appeals.

T. A Strange

Dutch Transports Nos 4 & 10.

Receipt to the Marshal for Sale Proceeds -

367

Vice Admiralty Prize Court Madras -

Monday the 17th Day of December 1810 -

In the business of

the Dutch Transports

Nos 4 and 10 -

Received from W. W. MacLoggan,

Marshal the Sum of Arcot Rupees twenty

three thousand one hundred Eighty Seven,

Fanams Eleven, and Cash Sixty two, as the

Ballance of the Amounts Sales of the Transports

No: 4 & 10. with the Cargoes Stores &c. —

Rupees Fanams Cash

23187: 11: 62:

or

Pags.

5625: 5: 62:

Henry Gahagan

Registrar

Dutch Property Captured at the Island of Banda Neira
and brought to Madras Roads by H. M. Ship Caroline and Barracouta

Affidavit of Captors

368

In the Vice Admiralty Court at Madras
Prize Jurisdiction

Dutch Prize Property
Captured at the Island of Banda Neira

Appeared Personally Richard Kenah Lieutenant in His Majesty's Navy and Commander of His Majesty's Brig the Barracouta and John Gilmore first Lieut. Serving on board His Majesty's ship the Caroline Christopher Cole Esquire Commander and being Severally Sworn to depose the Truth made oath as follows; That under the orders of His Excellency William O'Brien Drury Esquire Rear Admiral of the Red and Commander in Chief of His Majesty's Ships and Vessels employed in the East Indies the said Christopher Cole then in Command of His Majesty's said Ship of War Caroline received orders from the said William O'Brien Drury as such Commander in Chief as aforesaid under date the fifth day of May last stating that as the possession of Banda and its dependencies was a Principal object he the said Christopher Cole was directed to use his discretion either in attacking Banda previous to proceeding to Amboyna —

And the Deponents did further State that Pursuant to such orders the said Christopher Cole in Command of the Caroline and in Company with the His Majesty's Frigate the Piedmontese Commanded by Captain Charles Foster

and His Majesty's Brig Baracouta under the Command of the
Deponent Richard Kenah having on board a Detachment
of the Hon^ble The East India Company's Madras European
Regiment under the Command of Captain George Lennox Nixon
did proceed to the attack of the said Island of Banda Neira
and after an Engagement with part of the Garrison of that Island
the Governor agreed to surrender the Island to His Britannic
Majesty on protection being afforded to private property and
on the Ninth day of august last the British flag was hoisted
and possession taken of the whole of the Island and of all the
public Property found thereon as having belonged to the
Batavian Republic, and the Deponent Richard Kenah did
further depose that he lately arrived in the Roads of Madras
in Command of the said Brig Baracouta having on board
Certain quantities of Mace and Cloves part of the Public
Property aforesaid found on and taken from the said
Island of Banda Neira and the other Deponent John
Gilmore did further depose that he lately Returned
to the Roads of Madras from the Expedition aforesaid
on board His Majesty's said Brig the Baracouta and
the said Ship the Caroline both also since Returned
to the Roads of Madras having on board Certain
quantities of Mace and Cloves other Part of the
Public Property aforesaid found on and taken

Robt. Byrne
King's Pilot

from the said Island of Banda Neira where the
Public Property is now landing in Consequence of the
said Ships being ordered on his Majesty's Service
in other parts of India. —

Both Sworn at Fort St.
George 23d. day of October
in the Year 1810. . .

Before me
F. Macnaghten

" Richd Henah
" John Gibbonus

Afterwards the Deponent Richard Henah doth
further depose that the annexed paper Writing of
proposed Articles of Capitulation marked A. was
delivered into the hands of the Deponent by Joachim
Wend a Captain of Infantry in the Dutch Service and
that the Commandant of the said Island of Banda
but the terms therein contained were not agreed to
by the said Christopher Cole. —

Robt. Byrne
King's Pilot

Sworn at Fort St. George
this 23d. day of October 1810.

Before me —
F. Macnaghten

" Richd Henah

Translation of / Dutch / Exhibit A - Annexed to
Affidavit of Captors. -

371.

Capitulation agreed upon between Captain C. Cole
Commanding His Britannic Majesty's Squadron on the
Expedition against Banda and Captain Joachim Wend
of the Infantry of Banda to whom the Command has
devolved by the death of Lieut. Col. J. F. Dening this
morning as the Troops of His Britannic Majesty
have already taken possession of the Fort Belgica and
also of the Sea Battery called Roos Zeglig hied and the place
cannot be defended with success the present Capitulation
shall take place and in Compliance therewith all public
Property shall be delivered over to H. B. Majesty's Forces
Private Property shall be protected and remain in full possession
of the individual - The Garrison shall be permitted to march
out with all the Honors of War - The officers and Privates
shall be transported to Java at the Expence of the
Govt and Receive their allowances to the time
of their departure. -
The Civil Servants shall be permitted to go or stay
as they may prefer. -
Done at Banda in the Fort Nassau this 9th
August 1810 -
(signed) J. Wend
Captain

Lt. M. Donald

Dutch Property Captured on the Island of Bandas Neira

Allegations

372

In the Vice Admiralty Court at Madras.

Prize Jurisdiction

Dutch Property on the Island of Bandas Neira

December 1810.—

Our Sovereign Lord the King

against

Certain Dutch Property Captured on the Island of Bandas Neira and brought within the Jurisdiction of this 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 of St. 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 Republic or to any Persons being subjects of the Batavian Republic or inhabiting within any of the territories of the Batavian Republic and being the same to judgment in any of the Courts of admiralty within the Dominions of his Majesty which Should be duly Commissioned and this was and his true public and notorious and the party Proponents do allledge and propound every thing in this and the subsequent articles Contained jointly and severally.--

Second That in the Month of August last past the Island of Banda Neira then and theretofore belonging to the Batavian Republic or to the Person or Persons then exercising the Government of Holland was Captured by Certain Forces in the Service of his Majesty under the Command of Christopher Cole Esquire Captain of his Majesty's Ship of War + Caroline and the said Island and the public Stores and property thereon were also Captured and taken as Prize having theretofore belonged to the Batavian Republick or to the Person or Persons exercising the Government of Holland or to Persons subjects of the Battavian Republick or to the Person or Persons exercising the Government of Holland or to Persons &

+ H.G.

inhabiting within the territories then and thereto fore belonging to the Batavian Republic or to the Person or Persons exercising the Government of Holland and as such or otherwise are subject to Confiscation and that the same having been brought within the Jurisdiction of this Honorable Court ought to be Confiscated and Condemned to our said Lord the King and that it ought to be further adjudged and decreed that the said Christopher Cole and the officers and Crew under his Command on board the said Ship Caroline and that Charles Foote Esquire Commander and the officers and Crew under his Command on board of His Majesty's Frigate the Piedmontaise and that Richard Hunah Esquire Commander and the officers and Crew under his Command on board of His Majesty's Armed Brig Baracouta who respectively Composed the force aforesaid at the taking and Captureing of the said Island of Banda Neira and the Stores and property thereon were and are the Captors thereof and the Party Proponent doth allege and propound as before. —

Last day

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 whereby 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 Francis

Macnaghten Knight as the Surrogate duly appointed by the
Judge of His Majesty's Vice Court of admiralty at Batavia and
that the public Property Money and effects so seized Captured
and taken as aforesaid be pronounced to belong at the time of
the aforesaid Seizure to the Batavian Republic or to the
Persons exercising the Government of Holland or to
Persons being subjects of the Batavian Republic or to the
Persons exercising the Government of the Holland or inhabiting
within the Territories of the Batavian Republick or of the Persons
exercising the Government of Holland and as such or otherwise
liable to Confiscation and Condemnation and that it may be
pronounced and decreed that the said Property Money and
Effects did belong to Enemies of the Crown of the United
Kingdom of Great Britain and Ireland and that the said
Property Money and effects be Adjudged and Condemned
as good and Lawful Prize accordingly –

Herbert Compton

Wm Grant

King's Proctor

In the business of the Capture of Banda Neira

Special Interrogatories -

In the Vice Admiralty Court of Madras

Prize Jurisdiction

In the business of Dutch Property Captured at the Island of Banda Neira by His Majesty's Ships Caroline, Piedmontese, and Daracoutta. -

Special Interrogatories to be administered on behalf of our Lord King George the Third by the Grace of God of the United Kingdom of Great Britain and Ireland King &c. To such Witnesses as may be hereafter named touching the Capturing and taking of the Banda Neira, in the Month of August in the Year one Thousand Eight hundred and Ten. -

Let the Witnesses be respectively interrogated to the respective Interrogatories written down. -

First Interrogatory To Henry Nottley and Benjamin Rigger. - Were you in the month of August last Serving on board any and which of His Majesty's Ships of War and in what Character or Capacity were you on board? Did you in that Month,

and on what day Come to an anchor off or were you near to the Island of Bandar Abbas, and what other of his Majesty's Ships or Ships by name was or were in sight or in Company with You off that Island? To what Republic or state did the said Island belong at the time you appeared off the same in the said month of August last? were there any and what troops of any and what nation employed for the protection or defence of the said Island? and were there any and what Forts Fortresses or other Fortifications on the said Island? and if Yea were they garrisoned or defended by the Troops of any and what nation and what National Colours were hoisted in all or any or either and which of such Forts Fortresses or Fortifications before the said Island was taken possession of? were any and what attacks or attack in the said month of August made on the said Island or on any of the Troops or Fortifications defending the same - If Yea? were you present and did You witness such attacks or attack - and if by Vessels and Troops set forth by what Vessels and Troops and under whose Command? Did the said Island Surrender or Capitulate or was the same taken by force and by whom? and did the force employed in such attacks or attack take possession of the said Island and of the Stores and Property there found, and if Yea, in the name of what Prince potentate or State. —

Second Interrogatory To the Same Witnesses — Do You Know whether any Part or Portion of the Public Property Captured at the said Island of Bonnder Reina hath been brought to Madras. If Yea set forth the description of such Property and in what Ships or Vessels the same was brought to Madras. —

Third Interrogatory To Lieut. John Upjohn — Look upon the two Several Releases now produced and said to Have been Executed by you at this the time of your examination and Numbered respectively 2. and 3. Is your name subscribed to each of them as the Witness attesting the Execution thereof respectively by the Party Signing the same? — Did the Parties whose Names or marks are set opposite to the Seals affixed to the said Several Exhibits execute and deliver the same as their respective act and deed in your Presence. —

R. Orme
King's Proctor

Herbert Compton

Henry A. Ackley

To the Officers & Crew of the Carolina Piedmontese and Baracouta

Release.-

379

Know All Men by these Presents that I Henry A. Ackley Mariner heretofore Serving on board His Majesty's Ship the Caroline for a full and Valuable Consideration to me in hand paid before the execution hereof Have Remised Released and for ever discharged and by these Presents do for me my Executors and Administrators Remise Release and for ever discharge Christopher Cole Esquire the Commander of His Majesty's Ship of War the Caroline and the other officers and Crew of that Ship Charles Foote Esquire Commander of His Majesty's Frigate the Piedmontese and the other officers and Crew of the said Frigate Richard Kenah Esquire the Commander of His Majesty's said Brig the Baracouta and the other officers and Crew of the said Brig and the Several agents appointed by them of and from all and all manner of actions and causes Claims and demand whatsoever I now have or may hereafter have or which my Executors or administrators may have for or in respect of Prize Money due or to become due on the taking of Banda Neira and the property found on that Island in the month of August last In Witness whereof I the said Henry Nobley have hereunto set my hand and Seal at Madras this Twenty Ninth day of November in the Year one Thousand Eight hundred & Ten.-

Signed Sealed & Delivered
(where no Stampt paper is to be
had) in the presence of ---
Thos Coombe Govt. H. M. Naval Yard.
John Upjohn Lieut. Madras.

Henry his X mark Nobley

Benjamin Rigger

To the officers and Crew of the Caroline Piedmontese and Baracouta

Release

380

Know All Men by these Presents that I Benjamin Rigger Mariner heretofore serving on board His Majesty's Ship Caroline for a full and Valuable Consideration to me in hand paid before the Execution hereof have remised Released and for ever discharged and by these Presents do for me my Executors and administrators Remise Release and for ever discharge Christopher Cole Esquire the Commander of His Majesty's said Ship the Caroline and the other officers and Crew of that Ship, Charles Foote Esquire Commander of His Majesty's Frigate the Piedmontese and the officers and Crew of the said Frigate Richard Kenah Esquire the Commander of his Majesty's Brig the Baracouta and the other officers and Crew of the said Brig and the Several Agents appointed by them of and from all and all manner of action and actions Claims and demand which I now have or may hereafter have or which my Executors or administrators may have for or in respect of Prize Money due or to become due to me on the taking of Banda Neira and the Property found on that Island in the month of August last. In Witness whereof I the said Benjamin Rigger have hereunto set my hand and Seal at Madras this 29th day of November in the Year one thousand eight hundred and ten.—

Signed Sealed & Delivered
(where no Stampt paper is to be had)
in the presence of
Thos Groube Gov.t M. Naval Hosp.l Madras
John Mojobee

Benjn his + mark Rigger

In the business of the Capture of Banda Neira

Depositions of Witnesses taken on the 8th day of December 1810:-

381.

In His Majesty's Vice Admiralty Court of Madras and the Territories thereunto belonging:-

Depositions of Witnesses had and taken at the office of the Registrar of the said Court in Fort St. George Madras aforesaid on the Eighth day of December in the Year of our Lord 1810. before Thomas Greenway Esquire one of the Commissioners named and appointed in and by a Certain Commission to him self and another directed, jointly and severally, bearing date the 20th day of November last past issued out of and under the Seal of his Majesty's said Vice Admiralty Court at Madras aforesaid upon Certain Interrogatories relating to the Capture of Banda Neira, upon the oaths of Witnesses hereinafter named, in the presence of the Actuary:-

John Upjohn Lieutenant in His Majesty's Navy deposeth and saith as follows that is to say:-

To the Third Interrogatory this Deponent saith that the two Several Releases now produced and shewn to him at this time of his Examination and Numbered respectively 2 & 3. have his Name subscribed to each of them as attesting Witness to the Execution thereof respectively by the party signing. The Parties whose

Names or Marks are set opposite to the Seals affixed to the said Several Exhibits, did Execute and deliver the same as their respective Act and deed in his / their Deponents / Presence. –

John Upjohn

Henry Do Hley. Quarter Masters Mate on board his Majesty's Frigate Caroline deposeth and saith. –

To the first Interrogatory this Deponent answering saith that in the month of august last he was Serving as Quarter Masters Mate on board H. M. S. Caroline on the 9th of that month, in the morning / about 10 in the forenoon / H. M. Ships Caroline Piedmontaise and Barracouta and the Mandarine Came to anchor of Band Neira. The Island at that time belonged to the Dutch. Dutch Colours were flying there. There were Javanese Dutch troops there with Dutch officers and a European Governor there were Several small forts there. Fort Belgic was the Capital Fort, and Fort Nassau was Near there forts were Garrisoned and defended by the Native Troops. and Dutch Colours were flying at Fort Nassau and Several other Forts. An Attack was made the same morning on Fort Belgic

Deponent was present at the attack. The attack was made by parties of small armed men and Marines from the respective ships and by a portion of the Madras European Regiment under Captain Cole's Command. The Island Surrounded, the Dutch Colours were hoisted down, and English Colours were hoisted. The forces took possession of the Island and the Stores and the Property in the Name of the King of England. —

his
Henry + Tolley
mark

To the second Interrogatory this Deponent answering saith that part of the Property Captured at Banda Neira has been brought to Madras — A Great Quantity of Mace and Cloves was brought in the Caroline. —

his
Henry + Tolley
mark

Benjamin Rigger a Landsman Serving on board His M. Ship Caroline being Sworn deposeth and saith. —

To the first Interrogatory this Deponent Answering saith that in August last he was Serving on board His Majesty's Ship Caroline as a Landsman — on the

9th of the Month the Caroline in Company with the Piedmontaine Buraconta and Manduine Came to anchor off the Island of Banda Neira - at this time the Island belonged to the Dutch - Dutch Troops were employed in defence of the Island there were Several Forts upon the Island - but Deponent does not remember their Names - Fort Belgica was the head Fort there was also a Fort Nassau - Dutch Colours were hoisted on the Fort - An attack was made the same day upon the Island, Deponent was Witness of the attack - he was on board ship Close in Shore - the attack was made by the Small Arms Men and Marines from his Majestys Ships and a part of the Madras European Regiment - the attack was Commanded by Captain Cole - the Island was taken by force he believes the troops took possession of the Fort Fort Belgica - he Cannot Say in whose name. -

To the Second Interrogatory this Deponent answering Saith that a Part of the Property has been brought to Madras a Great Quantity of Spice viz the Caroline and Bonacutia Cloves and Mace.—

Benjamin + his mark Riggs

Sworn before me

Jos. Greenway

Comr.

In the presence of

Henry Gahagan

Registrar and Actuary

Vice Admiralty Prize Court Madras

Monday the 24th day of December 1810.

Before the Honorable Sir Francis Macnaghten Knight
Deputy Commissary and Judge in the said Court, present
Henry Gahagan Esquire Registrar W. Compton Esquire King's
Advocate, Robertsonne King's Proctor, & others. –

In the business of
Captured at Bandar Veira

By His Majesty's Ships Carolina Piedmontaise and
Barracouta. Ltd

On motion of the King's Advocate and on reading the allegations of the Libel filed by the King's Proctor against the said Property, together with the affidavit of Lieutenant Henah Gilmore and the translation of the Exhibit A thereunto annexed, and on perusal of the Depositions of the Witnesses Examined on the part of the Captors, upon Special Interrogatories, together with the Releases Executed by two of the said Witnesses and also upon inspection of the several powers and appointments of attorney by the said Captors and the King's Advocate having been heard in support of his said Motion – The Court thought fit to pronounce, decree and declare, & did accordingly pronounce decree and declare, the said Property Consisting of sundry quantities of Pieces brought to the Port of Madras on board of his Majesty's said Ships Carolina and Baracanta, and now within the Jurisdiction of this Court being, to have been rightly and lawfully seized and taken on the ninth day of August last past, at the Island of Bandar Veira

aforesaid and to have belonged at the time of such Seizure and Capture, to the Batavian Republic, Enemy to the Crown of Great Britain, and as such or otherwise liable to Confiscation and Condemnation, and thereupon Condemned the same as good and lawful Prize to our Sovereign Lord the King Seized and taken by His Majesty's Ships Carnatic, Piedmontaire, Barracouta, whereof Christopher Cole, Charles Foote, and Richard Henah Esquires were respectively Commanders and by a Detachment of the Honorable East India Company's Madras European Regiment serving on board the said Ships Carnatic and Piedmontaire and the Court did further order Sentence of Condemnation in due time interveene -

J. Macnaghten

Certificate of no appeal or Claim

388

Vice Admiralty Prize Court Madras

Thursday the 10th. day of January 1811.

In the business of the Property Captured at Bandar Neira } brought to Madras by H. M. Ships Caroline and Baracoutta.—

These are to Certify that Sentence of Condemnation as good and lawful Prize was pronounced against the said Property on the 24th of December last past, and that no Appeal or notice of Appeal against the said Sentence has hitherto been filed, nor has any Claim or notice of Claim for the said Property been put in.—

Henry Gahagan

Registrar

Order for Sentence of Condemnation to pass the Seal and for Delivery of Property to Captors.-

389

Vice Admiralty Prize Court Madras

Friday the 15th day of January 1813.-

Before the Honorable Sir Francis Macnaghten

Deputy Commissary and Judge in the said

Court at the Chambers in Fort St. George

present Henry Gahagan Esquire Registrar.

In the business of

The Property Captured } brought to Madras by H. M. Ships
at Banda Neira } Caroline and Baracotta.-

On motion of the King's Advocate and on reading the Certificate of the Registrar that Sentence of Condemnation as good and lawful Prize against the said Property was pronounced on the 24th day of December last past, and that no appeal or notice for appeal has been filed against the said Sentence, and that no claim or notice of claim for the said Property has been put in - It is ordered that Sentence of Condemnation do pass the Seal and that the said Property be delivered over to the Captors or their agents.-

F. Macnaghten

In the Name of God Amen We Sir Francis Macnaghten Knight Deputy Commissary in the Vice Admiralty Court of Madras and the territories thereunto belonging 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 and Circumstances of a certain business of the Capture of certain Property consisting of sundry Quantities of Spices taken at the Island of Bandaessina by His Majesty's Ships of War the Caroline Piedmontaise and Barracoutta whereof Christopher Cole, Charles Foote and Richard Hennah Esquire were severally Commanders and by a Detachment of the East India Company's Madras European Regiment serving on board the said Ships and brought to the Port of Madras on board of the said Ships Carolina and Barracouta which was lately and still is depending before us on the part and behalf of our Sovereign Lord the King against the Property aforesaid and against all Persons in General who have or pretend to have any right title or interest therein - and the rights duty proceeding in the said business and the Procurator for our Sovereign Lord the King appearing before

ns 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 Property having duly and legally Cited and intimated Called and not Appearing in pain of the Contempt of the parties so Cited 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 acts enacta deduced alledged pleaded and propounded and proved in the said Business found and clearly discovered that the Procurator for our Sovereign Lord the King hath sufficiently founded his intention deduced in Certain allegations 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 Property as belonging to the Batavian Republic or Holland or some person or Persons being subjects of the Batavian Republic or Holland or inhabiting within the Territories

of the Batavian Republic or Holland or otherwise liable to Confiscation and Condemnation as herein after-mentioned and that nothing hath been excepted, declared alledged, pleaded propounded or proved by any Person whatsoever which may or can in any wise defeat, prejudice, or weaken the intention of the Recreator-Therefore We Sir Francis Macnaghten 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 do hereby pronounce decree and declare that the said Property Consisting of the Species aforesaid was rightly and duly Captured and taken by His Majesty's Ships of War the Carolina Piedmontaise and Barracouta whereof Christopher Cole, Charles Foote, and Richard Hemat, Esquires were respectively Commanders and the Detachment of the East Indian Company's Madras European Regiment as aforesaid and that the said Property did at the time of the Capture thereof (as far as appears to us) belong to the Batavian Republic or Holland or to some Person or Persons being subjects of the Batavian Republic or Holland or inhabiting within the Territories of the Batavian Republic or Holland and as such ought to be accounted and Reputed liable to Confiscation and to be adjudged and Condemned as and for good and

lawful Prize to our Sovereign Lord the King and also Pronounce decree and declare that the said Property be adjudged and Condemned as good and lawful Prize to our Sovereign Lord the King taken and seized by His Majesty's Ships of War the Caroline, Piedmontaise and Barracouta, whereof Christopher Cole, Charles Foote and Richard Kennah, Esquires were severally Commanders and the Detachment of East India Company's Madras European Regiment serving on board the said Ships, by this our definitive Sentence or final decree which we read and promulge by these Presents. -

F. Macnaghten

This Sentence was read signed and promulged by the Judge aforesaid upon the 24th day of December in the Year of our Lord 1810. -

Which I attest

Henry Gahagan
Registrar

In the business of the Dutch Corvette Mandarine

394

Dutch Corvette Mandarine

Lieutenant Bezemer Master

Appeared personally Lieutenant Ary Bezemer late Master of the Dutch Corvette the Mandarine to him and captured by His Majesty's Ship Cornwallis William Augustus Montague Esquire Commander and being Sworn on the Holy Evangelists to declare the truth made oath, That he was on board the said Corvette the Mandarine at the time she was captured and that at the time they fell in with the said Ship Cornwallis there were actually alive on board the said Corvette fifty Eight Men (including officers) which fifty Eight men were employed in defending the said Corvette.—

A. Bezemer

Sworn at Fort St George
with the East Indies the 24th
day of December in the year 1810

Before me

J. Macnaghten

Which I attest

Henry Gahagan

Registrar

Vice Admiralty Court

Judge's Certificate

395

I The Hon^ble Sir Francis Macnaghten Knight
Vice Surrogate of the Vice admiralty Court at Madras
do hereby certify that Any Bzemer the Deponent
in the annexed affidavit named and who was
subscribed his name thereto was on the day
Mentioned in the Jurat thereunder written
duly Sworn before me on the Holy Evangelists
to the Truth of the Same. —

In Testimony whereof
I have hereunto Set my Hand
and Caused the Seal of the Vice
Admiralty Court at Madras
to be hereunto affixed this
day of December in the Year
one Thousand Eight hundred
and Ten. —

F. Macnaghten

In the Insurrip of the Dutch Corvette Mandarine

Order to distribute Sale Proceeds of Prize Ship Mandarine

395

Vice Admiralty Prize Court Madras

Monday the 25th day of February 1811-

Before the Honble Sir Thomas andrew Strange Knight Judge of the said Court at his Chambers present Henry Gahagan Esquire Registrar.-

In the Insurrip of the Prize Ship Mandarine - - } Taken by H.M.S. Cornwallis William Augustus Montague Esquire Commander. -

On motion of the King's advocate and on reading the Petition of the King's Proctor and the Certificate that the said Ship Mandarine was Captured under the Dutch Flag and with a Commission from the Dutch Government at Batavia - It is ordered that Mr. Richard Bromley Prize Agent to the Captors of the said Ship do distribute the Proceeds of the said Prize Ship Mandarine before the time of appeal lapsed, subject nevertheless to the liability of the Captors to answer any appeal that may be instituted hereafter during the time limited by law for appeals. —

T. A. Strange

In the Vice Admiralty Court at Madras

Prize Jurisdiction

Brig Hope

William Robert Smith Master

Appeared personally James Hilary Andoe Masters Mate lately Serving on board His Majestys Ship the Minden Edward Wallace Hamond Esquire Commander and being sworn on the Holy Evangelists to depose the truth made Oath that the Log Book accompanying this deposition and the several Papers and Writings hereunto annexed numbered from One to Eight inclusively are all the Papers Passes Sea Briefs Bills of Lading Packets Letters and other Documents and Writings which were delivered up or found on Board the Brig Hope taken & detained as Prize by His Majestys said Ship Minden on the 16th Day of May last at which Capture and detention this Deponent was present And that the said Papers and Writings are brought and delivered in as they were received and taken without any fraud Addition Subduction or Embezzlement saving the Numbering thereof.—

J. Hilary Andoe

Sworn at Fort St George this 22d Day of August in the year 1811.

Before me

F Strange

R Clarke
Kings Proctor

The Big Hope W. R. Smith Master

329

In the Vice Admiralty Court at Madras
Prize Jurisdiction

Brig Hope - William Robert
Smith Master

The Humble Petition of
Robert Anne Proctor for Our
Sovereign Lord the King.-

Sheweth,

That your Petitioner as the Proctor for Our Sovereign Lord the King hath introduced the Log Book & Ships Papers relating to the Brig Hope whereof William Robert Smith was Master seized and detained as Prize by His Majestys Frigate Minden Edward Wallace Hoare Esquire Commander together with an Affidavit annexed relative to such Papers and deposited the Same in the Office of the Registrar of this Court.-

That your Petitioner is now desirous that the Usual Monition should issue.-

Your Petitioner therefore humbly prays that the usual Monition may issue against all persons in General having or pretending to have any Right title or Interest in the said Brig Hope her tackle Apparel and Furniture & the Goods Wares & Merchandizes laden thereon to appear at such time as shall be appointed to shew & allege in due form of Law any reasonable or lawful cause if they have any why the said Brig Hope her tackle Apparel & Furniture & the Goods Wares & Merchandizes laden thereon should not be condemned as Good and lawful Prize.-

And your Petitioner shall ever Pray

R Norris
Kings Proctor

The Brig Hope W. R. Smith Master

400

To the Honorable Sir Thomas Andrew Stranger Knight
Judge & Commissary in His Majestys Vice Admiralty
Court of Madras & the Territories thereunto belonging.-

I Henry Gahagan Registrar and Actuary appointed in the Commission from the said Court for taking Examinations upon the Standing Interrogatories Do hereby Certify that James Fraser owner of the Brig Hope & Jacob DeSylva Gunner of the said Brig Hope detained and sent to Madras as Prize by His Majestys Ship Minden whereof Edward Wallace Boare Esquire is Commander were in my presence produced and brought forward and severally and seperately examined before Lake Hauterville Sterling Esquire one of the Commissioners for taking the Examinations as aforesaid and the whole of their Sayings and Depositions were by me faithfully reduced into Writing and being so reduced into Writing as aforesaid are transmitted annexed to these Presents as the aforesaid Commission requires.-

L. S.

Witness my Hand and
Seal at Fort Saint
George aforesaid this
31st Day of August in
the year of Our Lord 1811.-

Henry Gahagan
Registrar & Actuary

The Brig Hope W. R. Smith Master.

401.

In His Majesty's Vice Admiralty Court of Madras
and the Territories thereunto belonging.-

Depositions of Witnesses Sworn and taken at the Office of Henry Gahagan Esquire Registrar in Fort St George on the 31st Day of September 1811 before Luke Montesville Sterling Esquire one of the Commissioners named and appointed for the Examinations of Witnesses upon the Standing Interrogatories to be Administered in Matters of Prize.-

James Fraser late Owner of the Brig and Consignee of the Cargo of Brig Hope detained & sent to Madras by H. M Ship Minden.-

1. To the first Interrogatory this Deponent answering saith that he was born in Aeyrshire in Scotland, for the last seven years has resided at Calcutta, which is his present residence, is and always has been a Subject of the King of England, was never Admitted a Burgher or Freeman of any City & is not married.-

2. To the second interrogatory this Deponent Answering saith he was present at the taking of the Brig and Cargo - the Brig had no Commission.-

3. To the third Interrogatory this Deponent answereth that the Brig was taken in Latitude 1st South, about 106 Longitude going through the Straits of Sunda on the 15th of May 1811 the Pretence of the Detention of the Brig is that Captain Heard of the Minden conceives the Brig to be a Smuggler - she was first sent to Malacca from thence to Penang, from Penang to Madras, she sailed under English Colours - had no other Colours on board, No resistance was made against the seizure - she was seized by H. M. Ship Minden.-

4 To

The Brig Hope W. R. Smith Master

402

4. To the fourth Interrogatory this Deponent answering saith that the Name of the Master of the Brig is W. R. Smith Witness has known him six years and appointed him Master, the Master took possession at Calcutta in February 1818. the Masters residence he believes is Calcutta, and has been so about ten years. he was born in the County of Surrey in England, is a Subject of Great Britain and not married.

5. To the 5th the Interrogatory this Deponent answering saith that the Brig is between Sixty and Seventy Tons. At the time of Capture had about 22 Mariners, all Bengal Natives, All Shipped at Calcutta, & Live there by Witness.

6. To the sixth Interrogatory this Deponent answering saith the Brig belongs to Witness, no other Officer or Mariner had any Interest in her or how lading Witness is part owner of the Cargo and Consignee of the whole. he saw the Brig in January last when he purchased her of Tulloh & Co. at their Public Sale.

7. To the Seventh Interrogatory this Deponent answereth that the Name of the Brig is the Hope, she was so called at the time of purchase and has been so call'd ever since. the Brig had a passport on board from the Government of Bengal, the Brig commenced her last Voyage from Padang on the West Coast of Sumatra. the Brig after Quitting Calcutta touch'd at Anjalamoo on Sumatra, Louso, Mingen, Sappanaly, Nattaul, Padang, Marlborough and Croig all on the West coast of Sumatra. her voyage was to have ended at Calcutta. from Calcutta she was taken with spice Goods and Opium, part of which was exchanged at Sappanaly for Benjamin. the last Clearing Port of the Brig was Marlborough from which she sailed the 3rd of May the Brig is under Witnesses direction & Management & his Agents and Correspondents at Calcutta are Fairlie Forbes & Co. and not know where the Vessel was built.

A. F.

8 To the Eight interrogatory this Deponent answering saith that the Ship when she sailed has Specie and piece Goods and the same when Captured and also a Quantity of Benjamin.—

9. To the Ninth interrogatory this Deponent answering saith that Witness is owner of the Brig and was born in Scotland as answered before.—

10 To the tenth Interrogatory this Deponent answering saith that a Bill of Sale was made about the 17th of January last by Captn Cooke executor of the former Owner to Witness. No Engagement was made between the Sellers and Witness besides what may appear upon the Bill itself. Witness has got the Bill of Sale now.—

11. To the Eleventh Interrogatory this Deponent answering that the piece Goods and Specie were put on board at Calcutta & part at Padang and the Benjamin at Tappanooly.—

12 To the twelfth interrogatory this Deponent answering saith that Witness says as before he is Owner of the Brig and Consignee of the Goods the Vessel was bound from Padang in a trading Voyage to the Eastward, and the Goods were to be sold for the benefit of himself and others concerned Mr. Grant & Mr. Enfield, at any Ports or places she might have touched at during the Voyage. he swears that at the time of Lading, and now if the Goods shall be restored they will belong to the persons he has mentioned and to none others.—

13. To the thirteenth interrogatory this Deponent answering saith only and Bill of Lading was signed for the Goods on board. it was not sold or Colourable, the Contents of the Bill of Lading are Specified in the Invoice which the Captors took possession of the Bill of Lading was left at Padang in the Hands of Mr. Grant.—

14th To

14 To the fourteenth interrogatory this Deponent answereth that there are no other Bills, invoices or instruments relative to the Brig and Goods except those to which he has spoken.-

15 To the fifteenth interrogatory this Deponent answereth that there was no Charter Party for the Voyage signed, an Agreement specifying the Interest of each Party in the concern was drawn out.-

16. To the Sixteenth interrogatory this Deponent answereth that when the Brig was taken no papers were destroyed or concealed or attempted to be so, and the Captors took them all.-

17. To the Seventeenth interrogatory this Deponent answereth that the Brig never was to the knowledge of Witness before seized or taken.-

18. To the eighteenth interrogatory this Deponent answereth he has sustained a very serious loss by the Detention of the Brig- in Insurance, in the loss of interest of Money, expected Profit of the Voyage upon her Cargo and the Vessel is much injured in Coming across the Bay during the South West Monsoon, and the Cargo is damaged- he has received no Satisfaction or Condemnity for his loss, nor any Promise of any.-

19. To the Nineteenth interrogatory this Deponent answereth that the Brig is not insured, but half the Cargo is - the Insurance was not upon her Voyage but upon time, at seven per Cent premium for four Months & pro rata quoad & Continues out to all Ports and places within the Company's Limits of Trade Witness effected the insurance with the Calcutta Insurance Office in February 1811.-

20. To the twentieth Interrogatory this Deponent answering saith if the Brig had arrived at her destined Port the Cargo would have belonged to Witness as sole Consignee.-

21. To the twenty first Interrogatory this Deponent answereth that the lading was the property of the Company's Subjects in India.-

22. To the twenty second Interrogatory this Deponent answering saith the lading was taken from Shore at Calcutta & Madras there was no transhipment of Cargo.-

23. To

23 To the twenty third interrogatory this Deponent answereth that there are no
where any other Documents belonging to the Vessel besides those he has mentioned.-

24. To the twenty fourth Interrogatory this Deponent answereth that at the
time of seizure the Captors took possession of all the Ships Papers and they
have since been delivered into Court.-

25 To the twenty fifth interrogatory this Deponent answereth that
during her Voyage Balk was broken but not after the Vessels departure
from Madras. at Tappanooly & the other Places mentioned this is to the
Arrival Madras Balk was broken by the Witnesses direction for the
purpose of disposing of the Cargo - Balk has been broken, since the
Capture, by whose order Witness does not know, and part of the Cargo
has been plundered.-

26. To the twenty Sixth Interrogatory this Deponent answereth that there were
no Passengers on board the Brig when taken - None of the Kings
Subjects secreted or confined on board.-

27. To the twenty Seventh interrogatory this Deponent answereth all
the Papers on board the Vessel were true and fair - knows nothing
that affects their Credit - the Passport was obtained for this Vessel only
from the Bengal Government - Passports at Bengal are not obtained
upon Oath, this Passport was to continue in force twelve Months - a fee
of about 32 Sicca Rupees was paid for it and the same must be paid
on Renewal of the Pass - the Passport has never been renewed - the Vessel
was in the Port of Calcutta when the Passport was Granted - No person
on board had any Letters of safe Conduct or Let pass.-

28. To the twenty Eight interrogatory this Deponent answering saith he
the Witness signed the Bill of lading at Madras & from thence wrote
to Fairlie Cleghorn & Co. to continue the Insurance.-

29 To the twenty Ninth Interrogatory this Deponent answering
saith at the time the Vessel was taken she was Steering about
E. N. East, to the best of his recollection the Witness seeing a
Ship of War, her Mast Heads over the land & conceiving her to be

a

a British Man of War, having position information of five English Ships of War being in the Coast of Java, part of which had troops on board & the Brig being under Witnesses direction, she bore down to the first British Man of War she fell in with, she was not steering for any Port or Place but steered direct to the first Ship she saw, which proved to be the Windsor - Previous to seeing this Ship, the Brig was looking out for British Ships of War & it was the intention of Witness to have remained with them a limited time if allowed, would if Java had fallen disposed of his Cargo there, if not the Brig would have gone on to Borneo and Banca there to dispose of the Cargo. The Course of the Brig was at all time directed to the Eastward, in the first instance to fall in with the British Ships of War, in the Event of not doing so, to go to Borneo - The Brig was not destined to any particular Port or Place by her papers - The Brig upon leaving Calcutta had in view to sail to the West Coast of Sumatra for the purpose of disposing of her Cargo, but not being able to dispose of her Cargo there & at the time of her Arrival there, the expedition being arrived at Java, at least five Ships of War armed with Troops having proceeded, then the Brig went to join the expedition for the purposes of selling her Cargo -

31. To the thirtieth Interrogatory this Deponent answering saith that he knows of no other sale of the Vessel except to himself - he gave five thousand rupees for her, the Money is paid, it is a fair price, it was the highest bidding at public sale, if the Vessel was seized she would belong to Witness -

31. To the thirty first interrogatory this Deponent answering saith there were four Guns Mounted a few Cutlasses & Blunderbusses half a Dozen of Each for defence against the Malay Pirates - No Military or Naval Stores on board except what are necessary for the use of the Vessel. -

31. To

32. To the thirty Second Interrogatory this Deponent answering saith the Ship is the Witnesses own Property and the Cargo belonged also to himself & to Mr. Grant & Enfield - the destination of the Brig and Cargo was a trading Voyage to the Eastward, and the returns of that Voyage would have gone to Penang and Calcutta. -

(Additional Interrogatories

1. To the first Additional Interrogatory this Deponent answering saith that the Vessel did not sail at any time under Convoy, he had no instructions to conceal or reject his Papers or to escape or to avoid Capture. -

2. To the second Additional Interrogatory this Deponent answering saith that the Vessel did not at any time enter or Attempt to enter any port under Blockade by the Forces of the Belligerent Powers - Witness saw at Port Marlborough the Order signed Admiral Drury raising the Blockade of Java about 3 or 4 Months prior to the departure of the Brig from Marlborough. -

Jas. Fraser.

Sworn before Me
L. H. Sterling
Com.r.

in the name of
Henry Gahagan
Secretary.

The Brig Hope W. R. Smith Master

4.09

William Robert Smith Master of the Brig Hope sworn and examined by H. Mr. Ship Minden Capt. Heard.-

1 To the first Interrogatory this Deponent answering saith that he was born in London has resided in Calcutta (and now have there) for the last seven years that is a Subject of the King of England, is not a Seaman of any City or Town and is not married.-

2. To the second interrogatory this Deponent answering saith he was present when the Brig was taken, she had no Commission.-

3. To the third interrogatory this Deponent answering saith that the Brig was taken close to St. Nicolas's point on the Island of Java on the 14th or 15 of last May the pretence of taking the Brig by Captain Heard was that she had no Authority to be in those seas and he answered her nothing than a Smuggler - she was arrived first to Malacca then Penang from Penang brought to Madras - she sailed under English Colours & none other were on board - No resistance was made to the Capture - she was taken by the Minden & Captain Heard - no other Ship were in sight at the time.-

4. To the fourth Interrogatory this Deponent answering saith he Witness is Master of the Ship and was appointed by Mr. Fraser the Owner he took possession of her at Calcutta last February.-

5 To the fifth interrogatory this Deponent answering saith that the Brig is of 70 Tons, there were about 21 Seaman on board and two Servants all shipped and hired at Calcutta by the Owner. they were Bengal Natives.-

6. To the Sixth Interrogatory this Deponent answering saith he has no Interest, nor have any of the Mariners in the Brig on her Loading - Mr. Fraser is owner of the Brig and he believes has a third of the Cargo - Witness was Commander of the Brig when taken - he knew the Vessel only a few days before he joined her the Calcutta Register states her

to

to be built at Java.-

7. To the seventh interrogatory this Deponent answering saith that the Brigs Name is Hope, knows of no other Name by which she has been called - she has a Passport from the Government of Bengal on board - Her Voyage commenced at Calcutta and she came regularly down the West Coast of Sumatra and touched at the different Ports there - Anabamed, Loudi, Mingeu, Tappanooly, Natkaul, Sampteau & Padang the Voyage was to have ended at Calcutta - Her Cargo consisted of Bales Opium & Benjamin - the Bales & Opium were for the Eastern Markets & the Benjamin was for the Madras Markets - the last Clearing was Manchonagh the Ship was under the Management of Mr. Fraser and Witness has not corresponded with any one about the Vessel.-

8. To the Eight interrogatory this Deponent answering saith that the Brig sailed from Calcutta with Opium & Bales, does not know the quantities.-

9. To the Ninth Interrogatory this Deponent answering saith that Mr. Fraser is owner of the Vessel, he told Witness to Mr. Fraser is an Englishman & not married - & resides usually at Calcutta and is a Subject of Great Britain.-

10. To the tenth interrogatory this Deponent answering saith that Mr. Fraser has a bill of Sale from the former Owner - knows no thing of any Engagement entered into at the Sale.-

11. To the Eleventh interrogatory this Deponent answering saith the Opium and bales were put on board at Calcutta & at Padang part was discharged and the bales taken in does not know the Quantity.-

12. To the twelfth interrogatory this Deponent answereth that he knows Mr. Fraser is part owner of the Goods and has heard that Messrs. Grant & Co. are also part owners Grant is an Englishman residing at Padang - the Goods

owned

were to have been delivered at any Eastern Market subject to the British on Account of Fraser Grant & Co. he swears that he believes if the Goods were now restored they would belong to the persons he has named. he understood so from Mr. Fraser.-

13. To the thirteenth interrogatory this Deponent answering saith he does not know how many bills of Lading were signed - those that were signed were not false - the Bills of Lading may be in the Possession of Mr. Fraser.-

14. To the fourteenth interrogatory this Deponent answering saith he knows nothing of any Papers or Documents of the Vessel in Fraser Trotter

15. To the fifteenth interrogatory this Deponent answering saith he does not knew whether a Charter Party was signed or not.-

16. To the sixteenth interrogatory this Deponent answering saith that none of the Papers of the Vessel were concealed or destroyed or attempted to be so.-

17. To the seventeenth interrogatory this Deponent answering saith the Brig was as Witness believes, by hearsay, taken as a Dutch Prize and Condemned.-

18. To the Eighteenth interrogatory this Deponent answering saith he has sustained great loss by the Detention, no loss individually but the Voyage of the Vessel is lost.-

19. To the nineteenth interrogatory this Deponent answering saith that he believes there was a part insurance made at Calcutta but does not know the terms of it.-

20. To the twentieth interrogatory this Deponent answering saith that in case the Cargo had been unladen - it would have belonged to the owners he has mentioned.-

21. To the twenty first interrogatory this Deponent answering saith the Goods taken were the Growth, Produce & Manufacture of British India Bengal and Madras Cloth, Benares Opium and Saltpetre by Benjamin.-

22. &c.

22 To the twenty Second interrogatory this Deponent answering saith the Goods were all shipped from the Shore not transhipped.—

23 To the twenty third interrogatory this Deponent answering saith that there are no other Papers of the Vessel any more here that he knows of except those to which he has spoken.—

24. To the twenty fourth interrogatory this Deponent answering saith the Captors took possession of all the Ships Papers and they have since been delivered into the Admiralty Court.—

25. To the twenty fifth interrogatory this Deponent answering saith that during the Voyage ~~bulk~~ was broken at Padang all the Way down the West Coast it was broken for the purpose of trade by order of the Owners at Padang bulk was broken to put in more dunnage for the preservation of the Cargo, and the Bay, during the Monsoon by Witness Advice and the advice of Mr Carnegie there.—

26. To the twenty Sixth interrogatory this Deponent answering saith there were no Passengers or person concealed on board.—

27 To the twenty Seventh interrogatory this Deponent answereth that all the Vessels Papers were true and fair, he knows nothing that effects their Credit — the Passport was obtained by Witness and Mr Fraser for this Ship only, not upon Oath, for the Period of twelve Months & a fee was paid upon it — the Pass has not been renewed — the Ship was in the Port of Calcutta when the Passport was granted — No person on board had any Letter of Safe Conduct.—

28 To the twenty Eight interrogatory this Deponent answereth that he has signed Bills of Lading for the Cargo at Calcutta and nothing else.—

29 To the twenty Ninth interrogatory this Deponent answering saith that at the time the Ship was taken she was steering for no partiemlar Port or Place, but was looking out for a British

British Man of War - Her course was not altered upon the appearance of the Vessels by which she was taken, When the weather would permit, her Course was at all times directed to the Place she was destined to by the Ships Papers - Her destination by her papers or his apprehension, was to any of the Eastern friendly Ports within the Cumbangs Limits, and at the time of her Capture she was not sailing wide of or beyond such destination - At the time of Capture she was bearing down to the British Ships and intended to have remained on the East or Sea Side of the protection of the Men of War to wait the event of any Attack on Jawa & in case of no part of the Island having fallen, after a short time, to have proceeded to Borneo and Banca.-

24. To the thirtieth interrogatory this Deponent answering saith that he knows of no Sale or transfer of the Ship except to Mrs Fraser - does not know the particulars of that sale - he believes the sale to have been truly made - & if the Brig is restored she will belong to Mrs Fraser - Knows of no Agreement to restore the Ship to the Original Owners.-

31. To the thirty first interrogatory this Deponent answering saith that there were four Guns, and a few Cutlasses & Blunderbusses (viz) on board for protection - No Military Stores of any description were, other than were necessary for the Vessel.-

32. To the thirty second interrogatory this Deponent answering saith that he knows nothing more than he has already stated as to the Property of the Vessel & her Cargo & her Destination.-

Additional Interrogatories

1. To the first additional interrogatory this Deponent answering saith that the Brig never sailed under Convoy to his knowledge that he had no instructions to avoid or Escape Capture or to destroy or Conceal or refuse to give up the Ships Papers.

2 L.

The Brig Hope W. R Smith Master

4 13

2 To the second Additional interrogatory this Deponent answereth the Brig never entered or Attempted to enter any Blockaded Port.

W R Smith

Sworn before me
J H Sterling
Comr

in the presence of
Henry Gahagan
Actuary.

Jacob De Syfsa Gunner of the Brig Hope seized and detained by H. M. Ship Minden Captain Hoare Sworn.

1. To the first Interrogatory this Deponent answering saith he was born in Bengal and has always resided at Calcutta subject to the English Government.

2. To the second interrogatory this Deponent answering saith he was present when the Brig was taken.

3. To the third interrogatory this Deponent answering saith that the Brig was taken at the entrance of the Straits of Bantam about three Months ago - does not know upon what Grounds was taken after Captured to Malacca, Penang and then to Madras she sailed under English Colours and had none other on board - the was taken without resistance by the Minden Captain Hoare.

4. To the fourth interrogatory this Deponent answering saith that William Robert Smith is the Master of the Ship, he has known him 8 years Smith was appointed by Mr Fraser and took possession of her in February at Calcutta - Smith resides at Calcutta.

5 To the fifth Interrogatory this Deponent answering saith that the

the Brig is about 170 Tons he believe - there were 10 Lascars 3 Seamenies four Sepoys and a Havildar and some Cook Boys on board - all Shipped at Calcutta and hired by the owner..

6. To the fifth interrogatory this Deponent answering saith that he had no Interest in the Vessel or Goods - he his Gunner of the Vessel Has known her since she left Calcutta does not not know where she was built. -

7. To the seventh Interrogatory this Deponent answering saith that the Vessels name is the Hope has always been or called since he knew her - knows nothing about her paper her Voyage began at Calcutta & they proceeded to the West Coast of Sumatra and from thence to the Eastward on a trading Voyage & afterwards has to have returned to Calcutta - knows nothing of the Ships Cargo - She cleared out from Bonevalen before she was taken Mr. Fraser has the Management of the Vessel as to her trade. -

8. To the Eighth Interrogatory this Deponent answering saith he knows nothing about the Lading of the Ship, except that she took in Cargo at Calcutta and at Padang. -

9. To the Ninth Interrogatory this Deponent answering saith that Mr Fraser he has heard is owner of the Vessel - he is an Englishman.

10. To the tenth interrogatory this Deponent answering saith that he knows nothing about any bill of sale of the Vessel. -

11. To the eleventh interrogatory this Deponent answering saith the lading was Shipped at several places, but the Quantity and other particulars as to the Lading he does not knows. -

12. To the twelfth interrogatory this Deponent answering saith he does not know the Names of the Laden or owners of the Cargo. -

13. To the thirteenth interrogatory this Deponent answering saith He does not know any thing about bills of Lading of the Vessel. -

14 To the fourteenth interrogatory this Deponent answering saith she knows nothing about the papers belonging to the Vessels. -

15 To.

15 To the fifteenth Interrogatory this Deponent answering saith that he knows nothing of any Charter Party for the Vessels Voyage.-

16. To the sixteenth interrogatory this Deponent answering saith that at the time of the Capture no papers were destroyed or concealed to his knowledge.-

17. To the seventeenth interrogatory this Deponent answering saith he has heard that the Vessel was formerly taken as a Prize by the English from the Dutch.-

18. To the eighteenth interrogatory this Deponent answering saith that he has not suffered no loss by the Capture of the Vessel.-

19. To the nineteenth interrogatory this Deponent answering saith that he believes that the Vessel & Goods are insured but does not know the particulars.-

20 To the twentieth interrogatory this Deponent answering saith he believes if the Cargo had arrived at the destined port it would have belonged to Mr. Grant & Mr. Fraser.-

21 To the twenty first interrogatory this Deponent answering saith he does not know the Nature and Quantity of the Lading except that it consisted of Bales & Opium and Benjamin.-

22. To the twenty second interrogatory this Deponent answering saith that the Cargo was not transhipped but put on board from the Shore.-

23. To the twenty third interrogatory this Deponent answering that he knows nothing about the Ships papers.-

24 To the twenty fourth interrogatory this Deponent answereth that he does not know of the Ships Papers being taken away by any one.-

25 To the twenty interrogatory this Deponent answering saith that during the Voyage he believes bulk was broken twice.- After the Capture bulk was broken by Mr. Anson the Officer of the Man of War to see if the Cargo was damaged and to stow it properly.-

26. To the twenty sixth Interrogatory this Deponent answereth that there was one Passenger on board at the time of Capture taken

taken from Hading Country Born was going to the Eastward he had no concern w the Ship.-

27. To the twenty seventh interogatory this Deponent answereth that he cannot speak to the Ships Papers.-

28 To the twenty eight interogatory this Deponent answering saith he cant not wrate.-

29. To the twenty ninth interogatory this Deponent answering saith that at the time she was taken she was ~~steering~~ her course in search of a Man of War as they had notice of Men of War being in the Coast. the Vessels Course was not altered upon the appearance of the Minden he does not know whether she was destined by her Papers.-

30. To the thirtieth interogatory this Deponent answering saith he does not know, but has heard that Mr. Fraser bought the Ship, does not know for how much. he verily believes if the Ship was restored it would belong to Mr. Fraser.-

31. To the thirty first interogatory this Deponent answering saith that there were four Guns six Muskets & blunderbusses on board for defence. No Warlike Stores on board.-

32. To the thirty second interogatory this Deponent answereth that he has stated all that he knows as to the Vessel and her Goods and Destination.-

Additional Interrogatories.

1. To the first Additional Interogatory this Deponent saith that the Vessel was not under Convoy when captured knows nothing of any direction to conceal or destroy his Papers.-

2. To the second Additional Interogatory this Deponent answering saith the Brig did not

during

The Brig Hope W. R. Smith Master.

614

during her Voyage sail into or Attempt to sail into any Port under Blockade.-

Jacob De Silva.

+

his Mark.

Sworn before Me

L. H. Sterling

Com.r

in the presence of

Henry Gahagan

Actuary.

The Brig Hope W. R. Smith Master

418

To the Honorable Sir Thomas Andrew Strange Knight Commissary and Judge in H. M. Vice Admiralty Court of Madras & the territories thereunto belonging.

I Henry Gahagan Registrar and Actuary appointed in the Commission from the said Court bearing date the 03rd Day of August last for taking the examinations of Witnesses upon Special Interrogatories as to the seizure and Detention of the Brig Hope whereof William Robert Smith was Master and sent to the Port of Madras by H. M. Ship Otter, do hereby Certify that James Fraser, Seaman, William Robert Smith Master and Jacob De Silva Seaman of the said Brig Hope were by virtue of the said Commission in my presence severally and seperately examined upon the Special Interrogatories hereunto annexed, by Luke Hauteville Sterling and Thomas Greenway Esquires or one of them Commissioners named and that the whole of their sayings and Depositions of the said Witnesses were by me faithfully reduced into writing and such sayings and Depositions reduced into writing are transmitted (also annexed to these presents) as the aforesaid Commission requires.—

(L. S.)

Witness my Hand and Seal this third Day of September in the year of our Lord 1811.

Henry Gahagan
Registrar & Actuary

The Brig Hope W. R. Smith Master

4.19.

In the Vice Admiralty Court at Madras

Prize Jurisdiction

Brig Hope

William Robert Smith Master

Special Interrogatories to be administered to such Witnesses as may be examined on the standing Interrogatories.—

First Interrogatory Let each Witness be asked — Were you not on board the Brig Hope in the title of these Interrogatories named in some and what Capacity, at the time when she departed from Calcutta in or about the month of February last or at any other and what time & did you not continue on board of, or to belong to the said Brig from the time last mentioned until the sixteenth of May following and interrogate each Witness to every thing contained in this interrogatory.—

Second Interrogatory — Let each Witness be also asked — Do you or do you not know by reason of your Employment, or of your being on board the said Brig as in the preceding Interrogatory enquired of or by any other and what means to what Port or Ports by name, the said Brig was destined at the time that she took her departure from Calcutta as in the preceding Interrogatory also enquired of — Was the said Brig to your knowledge or belief laden with any and what adventure Goods or Merchandize for any and what Port or Ports, other than for the Port of Padang or some other & what Ports of Sumatra, & if yea set forth particularly for what Port or Ports, Place or Places, Settlement or Settlements on the West Coast of Sumatra such adventure Goods & Merchandize was or were intended? Do you know or have you any and what reason to believe that at or before the time of the departure of the said Brig from Calcutta, the said Brig was destined to proceed to any and what port or ports of the Island of Java, or to cruise in any and what latitude near the said Island, for any and what term of time, for the purpose of carrying on any & what trade or for any other and what purpose, or have you any & what reason to know or believe that at any time after the departure of the said Brig from Calcutta

Calcutta as aforesaid and when particularly the original destination or plan of the Voyage was abandoned or changed for any other and what destination, and if yea, declare for what reason the original Voyage was abandoned, as you know or do in your conscience believe? Did you receive any and what information after the departure of the said Brig from Calcutta, from any and what person or persons, and who by name and when and where and how particularly that gave you any and what reason to know or believe that any and what part port or Settlement of the said Island of Java was surrendered, or was about to surrender to His Majesty's Arms, If yea set forth the particulars of such information according to the best of your knowledge recollection and belief and the whole truth declare.— Interrogate each Witness Jointly and severally to every thing contained in this Interrogatory.—

Third Interrogatory— Let each Witness be also Asked— Did not the said Brig Hope in the preceding interrogatories named depart from Fort Malbro on the Island of Bencoolen on or about the second day of May last or at some other and what time, and did she not obtain a Port Clearance from some and what person which describes her destination to be a trading Voyage to the Eastward and if yea, set forth and declare as you know or have any and what reason to believe the Name or Names of the port or ports Settlement or Settlements, Island or Islands to the Eastward of Bencoolen for which respectively the said Brig was destined at the time of her departure from Bencoolen and the order in which they were to be reached and especially set forth to what port in particular the said Brig was first destined to proceed at the time of such her departure from Bencoolen? Was it intended to proceed by the nearest and most direct course to such first port of destination or by any and what circuitous or other course, and if the latter was there any and what reason for not pursuing the direct course Did the said Brig proceed in a direct or any other and what course towards the first port for which she was destined at the time of her departure from Bencoolen and did she proceed with as much expedition as the winds and Currents would have permitted, or otherwise

and

and Law and if not set forth and declare why or for what reason the said Brig did not pursue his direct course or did not proceed as expeditiously as she might have done. Declare the whole truth and your knowledge herein according to the best of your recollection and belief Interrogate each Witness as before -

Fourth Interrogatory - Let each Witness be aboarded - Did not the said Brig Hope in the preceding Interrogatories named make the Land of the Island of Java, at and about what hour of the Fifteenth of May last and if yea, Was the said Brig at that time pursuing her true and proper Course for the first port or place to which she was destined to proceed when she departed from Banca Road as in the preceding Interrogatory mentioned or have afterwards? Did the said Brig after the Island of Java was discovered pursue a Strait and direct or any other and what course for such her port of destination, or did she not proceed out of her course towards Bantam or some other and what part or port of the said Island of Java and for some and what particular purpose? Did you not on or before the fifteenth day of May last and in sand and what latitudes near to the Coast of Java discover a Vessel which afterwards proved to be His Majestys Ship Minden, and if yea, had you any and what reason to know or believe at the time when you first discovered this Vessel that she was a Ship of War, or that she was one of His Majestys Ships and when you first discovered the Minden did the said Brig pursue or alter the Course which she had been previously steering - and if the latter, for what reason, or for what particular purpose was the course of the said Brig changed, as you know or have any and what reason to believe? Did not the said Brig after she arrived within sight of the said Ship Minden proceed towards and within hail of her, and if yea, did any person or persons on board of the said Ship hail the said Brig and make the usual or any and what enquires from the Bodies in charge of her, respecting her Name, character and Destination, and if yea, were any and what answers returned to such enquires or how otherwise? Did any and what person or persons on board of His Majestys Ship require you or any other and what person or persons on board of the said Brig to proceed on board of the said

Ship.

Ship and to produce the papers of the said Brig, or did you or any other and what person or persons, at the time that the said Brig was so hailed, hear or receive any other and what direction respecting the papers of the said Brig? Did you or any other and what person or persons proceed on board the said Ship, and if you did you or he or they take the Brigs Papers with you or him or them to the said Ship Minden and if not why not - and did not you or some other person or persons and who or whom by name for a Papers, and until an Officer of the said Ship proceeded on board of the said Brig and took possession of the same. Did you state to the Captain or to any or either and which of the Officers of the said Ship Minden, any cause or reason for the said Brig being in the Situation near to Bantam on the Coast of Java in which she actually was when the said Ship Minden was first discovered as aforesaid or did you or any other and what person or persons to your knowledge or belief at any time and when previously to the detention of the said Brig by His Majestys Officers, state or pretend to any person and who by name that the said Brig had any other destination than a trading Voyage to the Eastward Generally - if yea set forth and declare what was the object and destination of the said Brig Hope as stated by you or by any other Person or Persons to any or either and which of His Majestys Officers of the said Ship Minden previously to the detention of the said Brig and interrogate each Witness as before. -

Last Interrogatory Have you not some and what reason to know or believe that a clandestine and illegal trade has been for many Months past carried on by British Vessels, that have cleared out from Bencoolen and other Ports, on and assumed trading Voyages to the Eastward, but really destined to different Ports of the Island of Java? Do you not know and have you not some and what cause to -

to believe that letters or Correspondence have or has been intercepted by His Majestys Ships cruising off Java, addressed by persons carrying on such illicit trade to Dutch Inhabitants of the said Island of Java and do you not know or believe that the information contained in such intercepted correspondence and that the fact of such illegal trade were respectively known to the Commanders of His Majestys Ships cruising off the Island of Java, before the detention of the Brig Hope & interrogate each Witness each before.—

Ft. St. Anne

(Signed) H. Compton.—

Depositions of Witnesses

James Fraser owner of the Brig Hope — sworn and detained by His Majestys Ship Minden Captain Isaac Lucas.—

1. To the first Special Interrogatory this Deponent answering saith that on the 4th of March last the Brig left Calcutta & he was there on board being owner of the Brig and continued on board until the sixteenth of May following — from time to time Lascars on Board on the Coast of Sumatra.—

2. To the second Interrogatory this Deponent answering saith that at the time of her departure from Calcutta the Brig was bound to the West Coast of Sumatra She was laden with a Cargo of Rice Goods & Opium intended for the several Ports on the West Coast of Sumatra such as Analaboo Lous, Mingeau Padang and there at the time of leaving Calcutta there was no intention of going to Java, or of cruising near that Island or of carrying on any trade with that Island, But after the Arrival of the Brig at Padang having been able to dispose of the Cargo on the West Coast, the Plan of the Brigs Voyage was on this account changed & was changed for the purpose of proceeding towards the Eastern Islands to dispose of the Cargo there; after the Brigs departure from Calcutta He did not receive any information that any part of Java had surrendered but was aware that an expedition was proceeding against the Island at Padang he learned that three Men of War had touched at Marlboo on their Way to the Coast — At Marlboo He was informed that five Ships of War, three of which had

troops

troops on board. had sailed against the Island & at Cape Samall
Residency on the West Coast he fell in with three Prizes captured
by the Raccoon Phelus and Barracuta, from which he learned that
the Leda Frigate was lying off Edam with the Raccoon Phelus and
the Barracuta off Bantam waiting to be joined with the
remainder of the expedition.

3. To the third interrogatory this Deponent answering saith that the
Hope left Madras on the 3d of May and got a Port Clearance
from Mr Atkins the Collector of Customs there Describing the
Brigs Destination to be a trading Voyage to the Eastward.
having information of so many Men of War on the Coast & knowing
that the Expedition was to leave Calcutta (the first division
went about the 14th of March) the Destination of the Brig
was to have fallen in with some of His Majestys Ships to
know if any part of Java had surrendered to the British Pow
& in case no place had so surrendered it was the intention of
Witness to have remained a limitted time, if permitted, with
His Majestys Ships, and in case after this limitted time, the
expedition had not arrived to have proceeded to Banca and Borneo
had any part or place fallen during his stay off the Island, he
would have gone in the first instance to such Port or Place
the first destination of the Brig from Benecoolen was to H. Ms.
Cruizers off the Island & the Brig went the nearest & most direct
Course to look for them; nor was this course out of the Way
to Banca or to Borneo, but was the most direct route the
Brig could have taken, and she proceeded with as much expedition
as the Winds and Currents permitted.

4 To the fourth Interrogatory this Deponent answering saith it Day
light on the 15th of May the Brig made the Land of Java, she
was at this time running through the Straits of Sunda steering
her proper Course after the Island was discovered she continued her
direct Course and did not steer out of it, for Bantam or any other

Port

of the Island of Java after passing two large Dutch Settlements on the Straits of Sunda (the Brig hoisted English Colours & fired a Gun shotted which Absent of the latter, there were some boats coming off, the appearance of which was suspicious) in about an Hour afterwards a Ships Mast Head were seen over the point of Land called Pt. Nicolas Point the land was at this time between the Brig and the Ship. Witness then said to the Master that this must be an English Ship of War & that they should bear down to her directly which they did - they doubled the point and went to the Ship which proved to be His Majesty's Ship Minden - When within hail, an Officer of the Minden asked the Brig's Name, & what she was from, Witness answered & told the Brig's that she was from Marlborough - A Boat from His Majesty's Ship immediately boarded the Brig, and an Officer requested witness to go on board the Minden to see Captain Hoare, not asking Witness or any one else for the papers, Witness to the best of his recollection said to the Officer "Most likely the Papers of the Brig may be wanted" the Officer answered "if they are wanted they can be got afterwards, Witness went on board but without the Papers they not having been asked for by the boarding Officer. - Witness on getting on board the Minden found Captain Hoare sitting in his Cabin, Captain Hoare asked "When are you from" Answer "from Marlbro'" - Q. "When are you bound to" A. "on a trading Voyage to the Eastward" Q. "By what Authority are you in these Seas" A. "By the Authority of the British Govt. in India" Q. Were you not ordered to bring your Papers Sir" A. No I was not by the Boarding Officer" Captain Hoare "Go immediately Sir and bring your Papers" A. I have no conveyance of my own, having come in your boat, and I am not Master of the Vessel, the Papers are not in my possession - upon this Captain Hoare arose & said Go immediately Sir & go out of my Cabin & bring every Paper you have got - Witness answered "No Captain

Hoare

Hoare I will not give you every paper you have got "On this" Captain Hoard calls one of his Officers by name and directed him to go on board the Brig & search for Papers - Witness replied he had not been accustomed to such treatment & that he would remain Captain Hoare's Prisoner 'til the Brig was searched, Witness was however not suffered to remain on board the Minden but was sent back to the Brig, where all the Ships Papers and Log Book were immediately given up by the Master who had possession of them all the time - Witness then with the Master returned to the Minden, & Captain Hoard, from his Cabin ordered his Officer to send that Man meaning Witness, back to the Brig - It was stated to Captain Hoard by Captain Smith by order of the Witness that it was the intention that the Brig should have remained with the British Cruisers for the purposes before mentioned.-

5 To the fifth Interrogatory this Deponent answering saith that he has no knowledge of the fact, nor has he any reason to believe the fact of a Clandestine and illegal trade having been carried on by British Vessels with the Ports of Java under the Pretext of a trading Voyage to the Eastward - Witness knows nothing of any such secret & intercepted Correspondance as is adverted in this interrogatory nor does he know of any facts of illegal trade or such correspondence being known to the Officers, except that Captain Sayer of the Leda, after the Brig was taken possession of as stated that such trade had been carrying on.-

Jas. Fraser.

Sworn before Me
L. H. Sterling
Comr.
in the presence of
Henry Gahagan
Actuary & Registrar

William Robert Smith Master of the Brig Hope Sworn. —

1 To the first interrogatory this Deponent answering saith that the Brig Hope left Calcutta in March, when he was master of her & he remained as such on board of her til she was detained in May & afterwards til her arrival at Madras. —

2. To the second Interrogatory this Deponent answering saith that at the time of quitting Calcutta the Brig was destined to the West Coast of Sumatra — Her lading consisted of opium & Piece Goods intended for the Eastern Markets — at the time of quitting Calcutta there was no intention of going to Java or of touching thereabout or trading therewith, to his knowledge — At Padang it was proposed to go round to Java in search of the British Ships of War cruising off the Island and to have remained with them a short time waiting the fall of some part of Java, in case this did not happen in a short time it was the intention to have carried the Brig on to Banca & Borneo according as the Markets suited — He did not after his departure from Calcutta hear that any part of Java had surrendered, but the first division of the expedition against that Island was about to quit Calcutta when the Hope left it. —

3 To the third Interrogatory this Deponent answering saith the Hope left Marlboro' early in May and got a port Clearance from the Collector of Customs there describing the Brig as bound to the Eastward — the Brig on leaving Bencoolen were in the first instance destined to any Port or Place on the Island of Java that might have been taken, by the British for which purpose the Brig went in search of the British Cruizers of the Island, & went by the most direct & expeditious course as the Winds and Currents permitted — in case no part of Java had fallen it was the intention after remaining with the British Cruizers a short time, if they would have permitted it, and to have afterwards proceeded on to Banca & Borneo in pursuance

of

of the trading Voyage to the Eastward. —

4 To the fourth interrogatory this Deponent answering saith that the Brig
made the land of the Island of Java on the 15th of May and was at
that time steering a Course In the first Cruize she could fall in
with in pursuance of her attentions in quitting Bencoolen the
Brig was steering thro the Straits of Sunda, the last cruize a
Witness supposed to fall in with a British Man of War
not steering to any partiular Port About 3 P.M.
near St. Nicolas's Point - her royal Masts were just perceivable
she proved to be His Majestys Ship Minden - they supposed her to be
a British Ship of War from the information recieved at Marlboro
& at Batt, she immediately rounded the point of Land and bore down
to join the Ship, steering as direct a course as the land would allow -
the Brig came within hail of the Minden - the Brig was hail'd
from the Ship, they asked what Brig is that, answered the Brig
Hope, they asked where from, Answered from Marlborough, they asked
where bound, answered on a trading Voyage to the Eastward - at this
time no enquiries were made for the papers - the Super Cargo first
proceeded on board the Minden's Boats but did not carry the papers
with him they not being in his possession; a short time after the
Super Cargo returned on board with two Lieutenants of the Minden, who
desired Witness to go on board the Minden with the Brigs Papers
and Log Book which Witness immediately did without any refusal
or hesitation accompanied by the Lieutenants - Witness did not
or did any other person to his knowledge refuse for any time
to produce the Brigs papers. — Witness stated to Captain Hoare
that they had come down to the British Cruizer there to see
if any part of Java had surrendered to the British that they
would have traded there if any part of it had been in his possession
but that they were on a trading Voyage to the Eastward - the examinate
said he deemed to be the best of Deponents knowledge. —

5th to

5 To the fifth interrogatory this Deponent answering saith that he had no reason to know or believe that any illicit or clandestine trade had been carried on with Java by British Vessels clearing out from Bencoolen or other ports under pretence of a Voyage to the eastward until he heard on board the Warden Head and English Brig had been into Bantam trading he has no reason to know or believe that any such intercepted correspondence as is mentioned in the interrogatory existed or took place, nor does he know of any such fact being in the knowledge of the Commanders of His Majesty's Ships cruizing there.—

W. R. Smith

Sworn before me
Tho.s Greenway
Commissioner
in the presence of
Henry Lechagan
Actuary & Registrar

Jacob De Silva Gunner of the Brig Hope Sworn.

1. To the first Interrogatory this Deponent answering saith that he was Gunner of the Brig Hope which left Calcutta in February was on board when she was detained in May & remained on board till she was brought to Madras.—

2. To the second interrogatory this Deponent answering saith that the Brig was bound from Calcutta to the West Coast of Sumatra with a Cargo of Opium and Piece Goods to have been disposed of on the several Ports of the West Coast, Padang & other places at the time the Brig left Calcutta there was no intention of going to or cruizing near or trading with Java. After the Brig left Padang Witness understood from the Captain that the Brig was destined on a trading Voyage to Banca and Borneo he did not hear on his leaving Calcutta or afterwards that any Port of the Island of Java had surrendered or was likely to surrender.—

2 To

3. To the third Interrogatory this Deponent answering saith that the Brig sailed from Marlborough & Croit but does not know whether any port Clearance was obtained, what was the description of Her Voyage in the port Clearance - on leaving Bencoolen the object of the Voyage was Banca & Borneo, but having learnd at Croit from the Naval Officers who brought Papers in there that British Ships were Cruizing off Bantam, they went thro the Straits of Sunda to look for the Cruizers to get information about the Island of Java - When the Brig left Bencoolen it was intended to go to the most direct Course to Banca & Borneo, she does not sufficiently know the Course to say whether she went the most direct or the most expeditious Course.-

4. To the fourth interrogatory this Deponent answering saith that it was some day in May they made the land of Java they were steering thro' the Straits, about the entrance of the Straits they discovered the Masts of the Ship - they were steering a direct Course for Banca thro the Straits, till they saw the Man of War when the owner ordered the Captain to steer for her - she did not proceed out of her course for Bantam or any part of the Island but for the purpose of joining the Man of War she did alter her Course - some day in May they discovered the Vessel which afterwards proved to be the Minden, they took her to be a British Man of War from the information got at Croit - at first they continued their course but on opening the Hull they altered their course for the purpose of joining the Ship: - the Brig went in Sight of the Minden - the Minden hailed the Brig, told her to bring to, & send boats on board - they so did the Brigs Name answered the Hope, asked where going, answered to the Eastward, he did not hear any person ask for the Ships Papers - Mr. Fraser the Super Cargo went on board but does not know whether he took the papers with him Did or hear or know of any and refusing to produce the papers - he did not state to the

Captain

Captain or Officers of the Minden any reason why the Brig was in that situation. Did not hear any person tell the Officers any thing about the Destination of the Brig nor did she himself tell them any thing about it.—

5 To the fifth interogatory this Deponent answering saith that he can not speak to this interogatory knowing nothing of the Matters therein.—

Jacob De Silva
his + Mark

Sworn before Me
Tho.s Greenway
Commissioner
in the presence of
Henry Gahagan
Actuary & Registrar.—

In the Vice Admiralty Prize Court at Fort Saint George Madras } The Brig Hope William Robert Smith Master

Know all Men by these Presents that I James Fraser the true lawful and Sole Owner and proprietor of the Brig Hope belonging to the Port of Calcutta sized & detained by His Majestys Ship Minden Captain Edward Wallace Esqr and brought into and now being in the Roads of Madras Do hereby Constitute and appoint Daniel Neale one of the Proctors of the Vice Admiralty Court at Fort Saint George Madras to appear before the Honorable Sir Thomas Andrew Strange Knight Judge of the said Court and to exhibit for and on my behalf as owner as aforesaid a Claim for the restitution of the said Brig Hope and her Cargo of which I the said James Fraser am also part owner as well as the General Assignee of the whole And to do every thing that shall be needful and necessary to be done for Me the said James Fraser until a definitive Sentence

Shall

The Brig Hope W. R. Smith Master

432.

shall be pronounced by the said Court for or against the validity
of such seizure and detention - And I the said James Fraser
Do hereby promise to allow as fixed & valid all & 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 tenth Day
of September in the year of our Lord one thousand Eight
hundred and Eleven. -

Signed Sealed & Delivered
at Madras (where no Stamps
are in use) in the presence
of

Jas. Morris

L.S. Jas. Fraser

On Monday the Ninth Day of
Septr. one thousand Eight hundred and eleven.
before the Honble Sir Thomas Andrew Strange
Knt. Judge of the Vice Admiralty Court of
Madras &ca at his Chambers in Fort St George
Present Robert Arme Notary Public

The Brig Hope William Robert Smith Master

On which Day Daniel B. Neale
Exhibited as Proctor and made himself a Party for James Fraser
the true lawful and sole Owner and Proprietor of the said Brig
Hope her Tackle Apparel and Furniture part owner of her
Cargo and the General Consignee of the whole and gave a Claim
of the said Owner for the said Brig Hope her tackle
Apparel & Furniture in Consequence of her Seizure and detention
in the said Claim mentioned with an Attestation annexed
and produced for sureties Henry Hall of Madras Deputy
Master Attendant at that Port and William Hall of the
same place Assistant to the Master Attendant and who
severally

severally submitting themselves to the Jurisdiction of this Court, bound themselves and each of them their and each of their Heirs Executors & Administrators for the said James Fraser in the sum of sixty Pounds of Lawful Money of Great Britain unto Edward Wallace Hoare Esquire Commander of His Majestys Ship of War the Windsor to pay such expences as shall be adjudged by this Court or by H. M. High Court of Appeal for prizes and unless he the said James Fraser shall so do they the said Henry Hall & William Hall do hereby consent that execution shall issue forth against them their Heirs Executors and Administrators Goods & Chattles wheresoever the same shall be found to the Value of the sum aforementioned which Caution the said Sir Thomas Andrew Strange Knight received Mr. Robert Orme the Kings Proctor, not objecting to or opposing the same -

Henry Hall
Wm Hall

Taken and acknowledged
Before me this 16th Day of
September 1811

T Strange

which I attest

Henry Cahagan
Registrar

The Brig Hope

Dear Orme

Are you satisfied with the two Halls as Sureties for the Claimants? - The Claim Days will be filed on Monday when the Judge comes in the course of that Day -

Yours truly

D. Neale

NB You are Entitled by the Prize Act to 24 Hours Notice of Bail but I imagine you will deem that if you are satisfied -

I doubt them, and 24 Hours notice

R. Orme

The Brig Hope. W. R. Smith Master

Affidavit of Arthur Hayes.

434

In the Vice Admiralty Prize Court at Fort Saint George Madras

The Brig Hope
William Robert Smith Master

The Claim of James Fraser a British Subject and an Inhabitant of Calcutta but at present residing at Madras the true lawful and sole Owner & proprietor of the Brig Hope belonging to the Port of Calcutta her Tackle Apparel and Furniture part same of her Cargo and the General Consignee of the whole Cargo which said Brig is now detained at the Port of Madras on the Coast of Coromandel in the East Indies, in consequence of the seizure of the said Brig, and her Cargo by His Britannick Majestys Ship of War the Minden Commanded by Edward Wallace Hoare Esquire as set forth in the Affidavit of the said James Fraser and William Robert Smith the Master of the said Brig hereunto annexed for a restitution of the said Brig and her Cargo and for all such Freight, Loses, Costs, Charges, Damages Demurrage and Expences as have arisen or shall or may arise by means of the seizure and Detention as aforesaid.—

I Made
Proctor

In the Vice Admiralty Court Fort Saint George Prize Jurisdiction

The Brig Hope
William Robert Smith Master

Appeared personally Arthur Hayes Master of the Brig Lady Rollo belonging to the Port of Calcutta who maketh Oath and saith that he the Deponent hath been in the habit of Commanding Vessels out of and from the Port of Calcutta for the period of Eleven Years last past, that during all that period of time he the Deponent did never receive any other Documents from the Supreme Government at Calcutta

Calcutta, except a Pass, Register & Port Clearance - And the Deponent did moreover Depose that the Pass is invariably made out for the term of twelve Months and Specifies only the Port or Part the Vessel is first bound to - And that the only Document ever received by him the Deponent at any English Port he the Deponent has ever touched at, during a trading Voyage from Calcutta aforesaid is a Port Clearance - And that he the Deponent was never at any time asked for any other Document - And the Deponent did further declare that when bound on a trading Voyage to the Eastward amongst the Malays it is the Constant practice to grant a General Port Clearance Specifying therein generally that the Vessel is bound on a trading Voyage to the Eastward, it being impossible to State therein any particular Destination, the same depending upon the information which may be received in regard to the Market best Calculated for the disposal of the particular Commodities which happen to Constitute the Cargo on board - And the Appearer did further declare, that according to the General Rules of Navigating, the Brig Hope William Robert Smith Master, lately detained by His Majestys Ship Minden Captain Edward Wallace Hoare & brought into the Roads of Madras should have proceeded thither thro' the Straits of Sunda, instead of coming round Sumatra by the Way of Penang & from thence proceeding to Madras across the Bay of Bengal by which means she was exposed to the South West Monsoon being a Single Decked Vessel and her Cargo consisting of piece Goods & Opium & that in the Opinion of him the Deponent if the said Brig Hope had so proceeded to the Port of Madras thro' the Straits of Sunda instead of Coming round Sumatra by the Way of Penang (which last mentioned course was the course she pursued) she would have performed the Passage thither in a month or thereabouts - Whereas by Coming round Sumatra by the Way of Penang she was nearly two Months & an half on the Passage. -

C. Hoare

Lord St George this 20th Day of August 1811 Sworn Before me }

J. Strange

Director for the Crown

The Brig Hope W. R. Smith Master

Petition of Daniel Neale

436

In the Vice Admiralty Court at Fort Saint George Madras Prize Jurisdiction } The Brig Hope William Robert Smith Master.

The humble Petition of Daniel Neale one of the Proctors of the said Court

Sheweth,

That James Fraser is owner of the Brig Hope belonging to the Port of Calcutta and part owner of the Cargo and the General Consignee of the whole Cargo lately prefered his Claim to this Honorable Court for a Restitution of the said Brig Hope and her Cargo and for all such Freight, Lopes, Costs, Charges, Damages Demurrage and Expences as have arisen or shall or may arise in consequence of the Seizure and Detention of the said Brig and her Cargo by His Britannick Majesty's Ship of War the Minden Edward Wallace Hoare Esquire Commander.—

Your Petitioner therefore as the Proctor of and for the said James Fraser humbly prays this Honorable Court to admit the said Claim and that it may be pronounced that the said Brig Hope doth belong to the said James Fraser as the sole owner thereof as Claimed and that the Cargo of the said Brig Hope doth belong to the said James Fraser as the General Consignee thereof & that it may also be decreed that the said Brig Hope be restored to the said James Fraser and that the said Edward Wallace Hoare be decreed to pay to the said James Fraser all such

Freight

The Brig Hope W. R. Smith Master

Affidavit of James Fraser and William Robert Smith. —

437

Freight Losses, Costs, Charges, Damages Demurrage and expences as Insurance or shall or may arise by means of the seizure and Detention aforesaid. —

And your Petitioner will ever Pray &c.

D. Neale
Proctor

In the Vice Admiralty Prize Court at Fort St George Madras } The Brig Hope William Robert Smith Master

Appeared personally James Fraser a British Subject and an Inhabitant of Calcutta but at present residing at Madras the sole owner of the Brig Hope belonging to the Port of Calcutta, part owner of her Cargo and the General Consignee of the whole Cargo and William Robert Smith also a British Subject and an Inhabitant of Calcutta but at present residing at Madras the Master of the said Brig who severally made Oath and deposed that the said Brig Hope Commanded by the Deponent William Robert Smith the Deponent James Fraser being on board the said Brig as Supra Cargo quitted the Bengal Pilot on the 4th Day of March one thousand Eight hundred & Eleven bound in the first Instance on a trading Voyage to the West Coast of Sumatra with every regular Pass that is Granted by the Supreme Government of Calcutta to Trading Vessels in India and having on board an Hon.ble Companys Packet for the Residency of Fort Marlbro' in which (as they the Deponents afterwards learnt on their Arrival at that Port) intelligence was given of the Expedition to Java. And both the said Deponents did declare that prior to their leaving Calcutta it was publickly known and well understood and a Matter of General

Notoriety

Notoriety that an Expedition was about to sail against
Jawa, for which particular Service a Number of Transports were
then Actually Collected in Saugor Roads Several of the Masters
of which had joined their respective Ships - That he the Deponent
James Fraser is owner of a Ship called the Borneo which
was taken up by the Supreme Government as a Store Ship
for the Service of the aforesaid Expedition and that the
said Ship Borneo did sail on that particular service about
the Middle of the Month of February last having on board Major
Campbell the head commissary serving with the aforesaid Expedition -
And the Deponents did further declare that they proceeded with
the said Brig Hope to the Northern Ports of Sumatra and
that finding no Market there for the Cargo of the said Brig
they proceeded to Padang on the same Coast where the Deponent
James Fraser sold a part of the said Cargo - and that the Markets
being greatly Overstocked and it being foreseen that they would
not find a Market at Fort Marlboro an agreement was
entered into between him the Deponent James Fraser (who at that
time was owner of the whole of the remaining Cargo of the said
Brig Hope as well as of the said Brig) and Messrs Grant
and Inglis of that place for giving them a share in the
greatest part of the remainder of the said Cargo and adding
some further Cargo for an adventure to the Eastward and
particularly to Java in the event of its being then or soon after
in the possession of the British as they expected they the
said Messrs Grant & Inglis being by the said Agreement
to become the Proprietors of about two thirds of the Cargo in
the said Adventure and the Deponent James Fraser continuing
the proprietor of the other one third which said Agreement
and the Letter of Instructions furnished to the Deponent
James Fraser in regard to the said Adventure are hereunto
annexed Marked No 1. and No 2 - the said Brig Hope
being insured for four Months to all Ports and places
within

within the Honble Compys Limits of Trade And the Deponents did further declare that on the twenty eighth day of April following and now last past the said Brig Hope did proceed from Trading aforesaid on the aforesaid Trading Voyage with a regular Port Clearance from the Collector which is the only document ever granted at that Port or which any Public Officer at that Port is authorized to Grant and that the said Brig did arrive at the residency of Fort Marlboro on the first Day of May following And that on the third Day of the said Month of May the said Brig proceeded from that residency (being the Chief of the British Settlements on the West Coast) with a regular Port Clearance being the only Document ever Granted at that port bound on such Trading Voyage to the Eastward by the Way of the Straits of Sunda with a Cargo of free Goods and opium for the Malay Market And the Deponents and the Deponents did further declare that during the Stay of the said Brig Hope at Fort Marlboro they learnt that five of His Majestys Ships had passed that place for Java three of which as the Deponent James Fraser was informed by the Collector at Fort Marlboro and verily believed had troops on board and formed a part of the Expedition against Java And the Deponent did further Declare that on the eleventh Day of the said Month of May the said Brig Hope fell in with three prizes captured by His Majestys Ships Bacchahalus and Baracoutta in Charge of Mr Scott Purser of the last mentioned Ship who informed the Deponent James Fraser that the Leda Bacchahalus Frigates were at Batam and the Baracoutta off Bantam waiting for the remaining part of the Expedition going against Java And the Deponents did further declare that on the fifteenth Day of the said Month of May the said Brig Hope saw a Ship laying off St Nicholas Point

on which

Notoriety that an Expedition was about to sail against
Java, for which particular Service a Number of Transports were
then actually Collected in Saugur Roads several of the Masters
of which had joined their respective Ships - That he the Deponent
James Fraser is owner of a Ship called the Borneo which
was taken up by the Supreme Government as a Store Ship
for the Service of the aforesaid Expedition and that the
said Ship Borneo did sail on that particular service about
the Middle of the Month of February last having on board Major
Campbell the head commissary serving with the aforesaid Expedition.
And the Deponents did further declare that they proceeded with
the said Brig Hope to the Northern Ports of Sumatra and
that finding no Market there for the Cargo of the said Brig
they proceeded to Padang on the same Coast where the Deponent
James Fraser sold a part of the said Cargo - and that the Markets
being greatly Overstocked and it being foreseen that they would
not find a Market at Fort Marlboro an agreement was
entered into between him the Deponent James Fraser (who at that
time was owner of the whole of the remaining Cargo of the said
Brig Hope as well as of the said Brig) and Messrs Grant
and Intwich of that place for giving them a share in the
greatest part of the remainder of the said Cargo and adding
same further Cargo for an adventure to the Eastward and
particularly to Java in the event of its being then or soon after
in the possession of the British as they expected they the
said Messrs Grant & Intwich being by the said Agreement
to become the Proprietors of about two thirds of the Cargo in
the said Adventure and the Deponent James Fraser continuing
the proprietor of the other one third which said Agreement
and the Letter of instructions furnished to the Deponent
James Fraser in regard to the said Adventure are hereunto
annexed Marked No. 1. and No. 2. the said Brig Hope
being insured for four Months to all Ports and places
within

within the Honble Compys Limits of Trade And the Deponents did further declare that on the twenty sixth day of April following and now last past the said Brig Hope did proceed from Padang aforesaid on the aforesaid Trading Voyage with a regular Port Clearance from the Collector which is the only document ever granted at that Port or which any Public Officer at that Port is authorized to Grant and that the said Brig did arrive at the residency of Fort Marlboro on the First Day of May following And that on the third Day of the said Month of May the said Brig proceeded from that Residency (being the Chief of the British Settlements on the West Coast) with a regular Port Clearance being the only Document ever Granted at that port bound on such Trading Voyage to the Eastward by the Way of the Straits of Sunda with a Cargo of piece Goods and opium for the Malay Market And the Deponents and the Deponents did further declare that during the Stay of the said Brig Hope at Fort Marlboro they learnt that five of His Majestys Ships had passed that place for Java three of which as the Deponent James Fraser was informed by the Collector at Fort Marlboro and verily believed had troops on board and formed a part of the Expedition against Java And the Deponent did further Declare that on the eleventh Day of the said Month of May the said Brig Hope fell in with three prizes captured by His Majesty's Ships Bacchahalus and Barracouta in Charge of Mr Scott Purser of the last mentioned Ship who informed the Deponent James Fraser that the said Bacchahalus Frigate were at Edam and the Barracouta off Bantam waiting for the remaining part of the Expedition going against Java And the Deponents did further declare that on the fifteenth Day of the said Month of May the said Brig Hope saw a Ship laying off St Nicholas Point which

which upon nearing proved to be a British Ship of War: that the said Brig Hope immediately bore down to the said Ship and came to an Anchor close by her - immediately after which she was boarded by a Boat from the said Ship which proved to be His Majesty's Ship the Minden commanded by Edward Wallace Hoare Esquire and the Deponent James Fraser was desired to go on board that Ship - that he the Deponent James Fraser enquired of that Officer who came in the Boat of the Brigs Papers were wanted which he replied that they were not that if Captain Hoare wished to see them they could be got at timeously - And that he the Deponent James Fraser did then proceed on board His Majesty's said Ship Minden in the Boat belonging to that Ship - and the Deponent James Fraser did further make Oath and depose that on his so going on board His Majesty's said Ship Minden he the Deponent was immediately shown into the Cabin of the said Captain E. W. Hoare whom the Deponent found sitting in a Chair That the said Captain E. W. Hoare did thereupon proceed to Question him the Deponent in a very haughty and uncivil Manner in the following Terms "Well Sir, where are you from?" to which he the Deponent answered from Fort Marthens - where are you bound to Sir?" to which the Deponent replied "on a trading Voyage to the Eastward" "On what authority are you in these Seas" to which the Deponent replied, by the authority of the British Government in India, Were you not ordered Sir to bring your Papers? To which the Deponent replied, No, I was not by the Officer that boarded the Vessel, I am not master of her, and have not the Papers in my Possession - To bring your Papers Sir?" To which the Deponent replied I have no Conveyance of my own, having come on board in your Boat" "Go immediately Sir and this Instant bring every paper you have got, and go out of my Cabin" and the Deponent declared that as soon as the said Captain E. Wallace Hoare had uttered the Words last mentioned he rose from his Chair, and pushed him the Deponent out of the Cabin, Exclaiming at the same time

time" Put this fellow into the Boat" and at the same Instant the said Captain E. W. Hoare Called one of the Officers by Name and ordered him to proceed and board the said Brig Hope and to search for Papers - and the Deponent declares that hearing this order given by the said Captain E. W Hoare the Deponent observed to him that the Deponent could not think of giving him every Paper that he (the Deponent) had got concerning that he the said Captain E. W. Hoare required not merely the Ships Papers but his (the Deponents) private Papers and that as he the Deponent had already Stated to the said Captain E. W. Hoare that he the Deponent was not Master of the said Brig and had not got the Papers in his Possession and as he the Deponent had never been accustomed to receive such Treatment he the Deponent would remain his (the said Captain E. W. Hoares) Prisoner until the Papers were searched for but the Deponent declared that he was not allowed to remain on board His Majesty's said Ship Minden and immediately afterwards returned on board the said Brig Hope - And both the Deponents did declare That on the Arrival of the Officer on board the said Brig Hope who was sent by the said Captain E. W. Hoare to search for the Papers they were immediately delivered to him by the Deponent W. K. Smith and both the Deponents did then immediately return with the said Officer on board H. M. said Ship Minden - And the Deponent W. K. Smith did declare that on going on board His Majestys said Ship Minden he the Deponent was shewn into Captain Hoare's Cabin the Deponent James Fraser remaining on the Quarter Deck and that as soon as the said Captain E. W. Hoare observed the said Deponent James Fraser there he called out "Send that Man on board of his Brig" And that the Deponent James Fraser then returned on board the said Brig - And the said Deponent W. K. Smith did further depose that the said Captain Hoare having perused the Brigs Papers told the Deponent W. K. Smith that he

he must detain the said Brig as she had no Pass, no Permission
nor any Clearance whatever to trade in the Java Sea whereupon
the the Deponent W. R. Smith observed to the said Captain
E. W. Hoare that the said Brig Hope had been Taken to H. M.
Ship Minden with a view (if permitted) to remain under the
Protection of some of His Majesty's Ships of War for a
limitted time until the Island of Java had surrendered
to the British Flag and that he the said Deponent W. R.
Smith did further observe to the said Captain E. W. Hoare
that the Papers which he had were all the Papers belonging
to the said Brig Hope, and that he the Deponent believed
they were all perfectly regular and the usual and only Papers
Granted to Vessels trading from the Port of Calcutta and the
Deponent W. R Smith did declare that he did several times
shew the said Captain E. W. Hoare the Martlino Port
Clearance which was amongst the Vessels Papers, stating that
that was the only Document Ever Granted to Vessels
trading from Calcutta to the Eastwards to which the said
Captain E. W. Hoare answered that the Martlino Port
Clearance was nothing, that he (the said Captain E. W.
Hoare) could make and himself whereupon an Officer and a
Guard of Mariners from H. M. said Ship Minden were sent
on board the said Brig Hope the Deponent W. R. Smith
returning at the same time in the same Boat with the
Mariners - And the Deponent James Fraser did depose and
Make Oath that on the Arrival of the Mariners on
board the said Brig Hope by which he found that the
said Brig was detained, he the Deponent as owner, did
enquire of the Officer belonging to His Majesty's said Ship
Minden on what pretence the said Brig had been seized
to which enquiry no the Answer was given them that
it was the order of the said Captain E. W. Hoare that
she should be so seized, and the Deponent James Fraser

did

did further depose and Make Oath that after using every entreaties from the hour of 7 P. M. until 9 P. M. he the Deponent was allowed to go on board H. M. said Ship Minden, but that the said Captain E. W. Hoare did refuse to see him the Deponent – And both the Deponents James Fraser and W. R. Smith did further depose & make Oath that at the hour of 9 P. M. three Officers and Twenty one Sailors from His Majesty's said Ship Minden were sent on board the said Brig Hope to relieve the Mariners which he had previously sent on board – And that at half past Nine O'clock he the Deponent James Fraser having been so refused and answered of the said Captain E. W. Hoare did address a Letter to the said Captain E. W. Hoare did address a Letter to the said Captain E. W. Hoare requesting to know under what pretence he had so seized the said Brig Hope, which Letter was conveyed on Board His Majesty said Ship Minden by the the Deponent W. R. Smith who sent the said Letter in to the said Captain E. W. Hoare in his Cabin by one of the Officers – That the said Captain E. W. Hoare did thereupon come out upon the Quarter Deck and to Give the Deponent W. R. Smith that his (the said Captain E. W. Hoares) reason for detaining the said Brig was that she was entirely out of the Limits of her Pass, and that as for the Martinico Port Clearance, it was nothing, not giving any authority to trade in the Inland Sea and that he considered the Deponents as no more than common Smugglers – That as such he had sent Officers and Men with Several Days Provisions to take the Brig to the Senior Officer and the Deponent James Fraser did declare that in finding the said Captain E. W. Hoare determined on seizing the said Brig and understanding from Lieut. Lyons and Mr. Andrew the Masters Mate of His Majestys said Ship Minden then being on board the said Brig that she was ordered to be carried to Madras by the

Way

Way of Penang the Deponent told them that if she was to be seized the best course for all parties would be to send her to Madras by the Straits of Sunda from the Monsoon being right against her in the other Passage and requested them to inform the said Captain E. W. Hare thereof and that he the Deponent frequently afterwards before finally sailing for Madras repeated the same Observation in the presence of the said Officers of H. M. Ship Medusa and of the Deponent W. R. Smith and both the said Deponents did further depose and make Oath that on the following morning the said Brig Hope in charge of the said Lieut. Lyons proceeded to Edam where His Majestys Ship Leda was laying at Anchor That the Deponent W. R. Smith went on board H. M. said Ship Leda with the said Lieut. Lyons with the Brigs Papers and Log Book which she delivered into the Charge of one of the Officers of that Ship and remained there until about half past five O'Clock P. M. When the Deponent W. R. Smith returned on board the said Brig Hope soon after which an Officer from His Majestys said Ship Leda came on board the Brig with a Message from Captain Sayer who Commanded H. M. Ship Leda that he (the said Captain Sayer) wished to see the Deponent James Fraser - That the Deponent James Fraser did accordingly proceed on board H. M. said Ship Leda, and was addressed by the said Captain Sayer on the Quarter Deck as follows "What part of these Seas have you come to trade in? To which the Deponent James Fraser replied as follows, or nearly in Word to that effect "knowing that part of the Expedition was on the Coast of Java and His Majestys Ships it was my intention to have fallen in with one of them to know if any part of Java has fallen to the British Flag to have been under her or their Protection a short time to see if the other Part of the expedition would arrive if not to have proceeded to Bombay Bancoa and from thence to Fort Marlboro as Markets mutes" and the Deponent James Fraser did -

before

that after he had made such reply the said Captain Sayer bid him the Deponent not to consider that the said Brig Hope had been sent to him in an official Way, that he must have nothing to do with her, that every Captain of a Man of War was answerable for his own Actions and that at all events if Captain Hoare of Ships released the said Brig which he (the said Captain Sayer) himself meant to have nothing to do with, he (the Deponent James Fraser) ought to proceed elsewhere from amongst the Men of War after which the said Captain Sayer went down below, and the Deponent James Fraser did further depose and make Oath that about twenty Minutes afterwards he the Deponent being still on the Quarter Deck of H.M. said Ship Leda the said Captain Sayer sent for him the Deponent to his Cabin that he the Deponent went there accordingly and found there the said Lieut. Lyons of the Minden there that upon the Deponent entering the Cabin the said Captain Sayer said to the Deponent "Well Sir, you have thought me very reasonable" (alluding as the Deponent believes to an observation which had been made by him the Deponent to the said Captain Sayer at the previous interview with him, that if the said Captain E. W. Hoare had been as reasonable as the said Captain Sayer, the said Brig Hope would not have been detained - and the Deponent did declare that the said Captain Sayer had no sooner so expressed himself to the Deponent than he rushed towards the Deponent and laid hold of the Deponent by the Collar and Exclaimed "Now Sir, Sailor you, you Rascal, you are not fit Company for my Officers, and if I had known I would not have walked the Deck in Company with you, you Rascal, go out of my Cabin, you would sell your Country if you could gain One Hundred Dollars" and the Deponent did declare that he the Deponent did thereupon immediately go upon Deck and did then immediately proceed on board the said Brig Hope by the Boat belonging to the H.M. said Ship Minden and both the said Deponents did

moreover

moreover depose and make Oath that on the Eighteenth Day
of the said Month of May the said Brig Hope weighed
from the Leda Frigate being then in Charge of Mr Andrae
the Masters Mate of His Majesty said Ship Minden and
Two Men belonging to the said Ship the said Mr Andrae
having instructions from the said Captain E. W. Hoare
previous to the Brig being sent to His Majestys said Ship
Leda to carry the said Brig Hope to Madras by the Way
of Penang and the Deponents did further depose and make
Oath that the said Brig Hope touched at Malacca and
was detained there by Captain Edgell of H. M. Ship
Cornelia, until the Arrival of Commodore Broughton,
and that on the Day after the arrival at Malacca
of the said Commodore Broughton sent for them the Deponent
on Board H. M. Ship Illustrious, and told them that if they
would give a Security Bond to the Value of the said Brig
Hope and the invoice of her Cargo he would liberate
the said Brig and the Deponent James Fraser did depose that
he thereupon told the said Commodore Broughton in
reply that he the Deponent could not give Security for
the Amount as the said Captain E. W. Hoare had brought
the said Brig Hope to a Leeward Port and had moreover
deprived the Deponent of half the Crew and that as he
the said Captain E. W. Hoare had taken the risk,
and so deprived the Deponent of his People that by the
Deponent Granting a Security Bond it would be giving
the said Captain E. W. Hoare an Advantage over him
the Deponent as the said Captain E. W. Hoare would
thereby have the Power of enforcing such Bond against
him the Deponent whenever he might think proper
to which the said Commodore Broughton replied "Very true
and added, that it was a delicate thing either for him or
any other Captain of a Man of War, to interfere with

a

a Prize made by another, and that any Captain of a Man of War was answerable for his own Actions" - and both the Deponents did depose and say that if the conditional Offer so made by the said Commodore Broughton to release the said Brig had been accepted by them, it would have been utterly impossible for the said Brig to have put to sea, for the Deponents did declare that in Consequence of Orders given by the said Captain E. M. Hoare Ten Men belonging to the said Brig were taken away (her Original Number being only twenty two) and were Consigned on board H. M. said Ship Minden - And that they the Deponents would have found it wholly impracticable to have procured any hands whatever at Malacca in lieu of those so taken away as aforesaid - And the said Deponents did further depose and make Oath that during the Stay of the said Brig Hope at Malacca they the Deponents did make & Swear to before a Magistrate at that place the Declaration and Protest touching the voyage of the said Brig Hope which is herewith annexed Marked No 3. which said Declaration and Protest was afterwards on the arrival of the said Brig at Penang produced and exhibited to Mr. James Carnagy the acting Agent at that place of the said Captain E. M. Hoare as appears by the Notorial Certificate of Thomas McGee Notary Public annexed to the said Declaration and Protest. And the Deponent did further depose and make Oath That on the Arrival of the said Brig Hope at Malacca on her Way to Madras Several of the Ships proceeding on the Expedition to Java were laying there and that he the Deponent did avail himself of that Opportunity of mentioning to the Masters of the following Ships the circumstances under which the said Brig Hope had been seized Viz. The Ship Substitute, Captain George Mitchell, The Barnes Captain Savage, the Minto Captain William Greig, the Mentor, Captain Benett,

The

The Margaret & Frances, Captain Thomas Astle, The Sultana Captain Pringle The Hamoaze, Captain Williams, The May Captain Allen, The Fort William, Captain Parish, The Fleetwood Captain Green, The Countess Harcourt Captain Metcalfe The Sandown Captain Makepeace, The Lowbridge, Captain Bean and the Wellesly Captain Dickie And the Deponent declared he did at the same time request the said Several Commanders (most of whom as he the Deponent verily believed have been for many Years in the country Service and engaged in the Eastern Trade) to state in writing their Opinion whether or not the Papers of the said Brig Hope were regular and such as were usually granted to and possessed by Vessels proceeding from the Port of Calcutta on a Voyage similar to the Voyage in question And that the said Several Commanders did then unanimously concur in Signing and did sign the Certificate which is hereunto annexed Marked No 4 and which is dated at Malacca the first Day of June now last past - And the Deponent did further depose and say That two Days after such Conversation had taken place with the said Commodore Broughton the said Brig Hope departed from Malacca for Penang being still in Charge of the Masters Mate and two Men belonging to His Majesty's said Ship Minden and that the said Brig did arrive at Penang, on or about the Eighteenth Day of June Last, when the Deponent James Fraser waited upon Mr James Carnegy a Merchant of that place (to whom this Deponent knew that the said Captain E. W. Hoare had written on the Subject of the said Brig) to enquire if he was the Agent of the s.d Captain E. W. Hoare and to know if he (the said James Carnegy) had received any Powers or Instructions respecting the said Brig Hope - Whereupon the said James Carnegy shewed to the Deponent James Fraser the Letter which he had received from

the

the said Captain E. W. Hoare by the said Mr Innes the Prize Master (and which the Deponent James Fraser did peruse) in which Letter the said Captain E. W. Hoare did request the said James Carnegy to do the needful with the said Brig and to send her on to Madras as it was a Doubtful Case - A Copy of which Letter the said James Carnegy did inform him the Deponent James Fraser he meant to forward to Mr Bromley at Madras by H. M. Ship Plutnip - And the Deponent did further declare that whilst the said Brig Hope was at Penang part of her Cargo was plundered by the Persons on board and in particular one Chest of Taffeties was broken open and about one Pelf taken away the Deponents having seen the said Chest - but the Deponents did not know what other Articles were plundered And the Deponent did further make Oath and depose that on the Arrival of the said Brig Hope at Penang on her Passage to Madras, he the Deponent did also mention the circumstances under which the said Brig had been seized to the before mentioned Captain James Carnegy who for many years was a Commander on the Country Service and principally engaged in the Eastern Trade but who is now a Merchant at that Place and to Mr Robert Scott of the same place Merchant who did also for many years command Vessels in the Country Service and who was more particularly engaged in the Eastern Trade also to Mr Samuel Stewart now residing at Penang, who for the Period of twenty five Years or thereabouts was engaged in the Eastern Trade and to Captain James Tait of the Ship Thunderer then Laying at Penang who for about Sixteen years has been engaged in the Eastern Trade and that he the Deponent did in like Manner request the said James Carnegy Robert Scott, Samuel Stewart and

James

and James Tait to State in Writing their Opinions whether or not the Papers which the said Brig Hope had on board were or were not regular and such as were usually granted to and prosecuted by Vessels Trading from Calcutta on a Voyage similar to the Voyage in Question and that they the said James Annaly Robert Scott Samuel Stewart and James Tait did then unanimously concur in Signing and did sign the Certificate which is hereunto annexed Marked No 5 and which is dated at Penang the twenty seventh Day of the said Month of June - And the Deponents did further declare that the said Brig Hope sailed from Penang in Prosecution of her Voyage to Madras on the first Day of July last and arrived in Madras roads on the Tenth Day of August last and the Deponent did also declare that if the said Brig Hope had proceeded to Madras by the Way of the Straits of Sunda instead of pursuing the course she did Viz. Coming round Sumatra by the Way of Penang and from across the Bay of Bengal in the Height of the South West Monsoon they the Deponents did verily believe that the said Brig would have performed the Passage in one Month instead of being upwards of Two Months and one half which was the Actual Length of her Passage reckoning from the Day the said Brig left the Leda frigate Viz. the Eighteenth Day of May last - And the Deponents did moreover depose and say that in Consequence of the said Brig having pursued such a Course to the Port of Madras at that particular Season Much of her Cargo had received Damage, that the Hull of the said Brig was greatly Strained and her Sails and Rigging much injured which the Deponents declared it to be their belief would not have happened had the said Brig proceeded to Madras thro' the Straits of Sunda - And the Deponents did further depose and say that when the

The Brig Hope W. R. Smith Master

451

the Mast Head of His Majesty's said Ship Minden were first seen off St. Nicholas Point on the said Eighth Day of May last (about half of her Royal Masts only being at first distinguishable) the said Brig Hope continued to steer towards her as much as the Land would allow for the space of two Hours or thereabouts at the rate of four or five Miles per Hour they the Deponents having no doubt of her being a British Man of War as they had (as before mentioned) received information of five of His Majestys Ships being on the Coast of Java, part of which had troops on board and had touched at Fort Marlbro' - and the Deponents did moreover depose and say that the said Brig Hope had run that distance previous to the Hull of H. M. said Ship Minden being visible, owing to the point of Land which was between the two Vessels during that interval - And the Deponents did further depose and say that if it has been the Wish or intention of them the Deponents to have avoided H. M said Ship Minden, they the Deponents might without any difficulty have so done by the said Brig Hope hauling her Wind to the Westward when the Royal Masts of H. M said Ship Minden were first discovered over the before mentioned Point of Land, instead of bearing down to her as before Mentioned - And further the Deponents did depose and say that previous to their discovering the Royal Masts of His Majestys said Ship Minden the said Brig Hope had passed two large Dutch Settlements called Anjer Point and Pulo Maraock, with Either of both of which the said Brig Hope might have traded (as Alledged by the said Captain Edward Wallace Deane) if the Deponents has intended so to trade and that the said Brig Hope when Abreast of the last mentioned Settlement hoisted British Colours and fired

a

and James Tait to State in Writing their Opinions whether or not the Papers which the said Brig Hope had on board were or were not regular and such as were usually granted to and procured by Vessels Trading from Calcutta on a Voyage similar to the Voyage in Question and that they the said James Cannon Robert Lentt Samuel Stewart and James Tait did then unanimously concur in Signing and did sign the Certificate which is Lettered annexed Marked No 5 and which is dated at Penang the twenty Seventh Day of the said Month of June - And the Deponents do further declare that the said Brig Hope sailed from Penang in Prosecution of her Voyage to Madras on the first Day of July last and arrived in Madras roads on the Tenth Day of August last And the Deponent did also declare that if the said Brig Hope had proceeded to Madras by the Way of the Straits of Sunda instead of pursuing the course she did Viz. Coming round Sumatra by the Way of Penang and from across the Bay of Bengal in the height of the South West Monsoon they the Deponents do verily believe that the said Brig would have performed the Passage in one Month instead of being upwards of Two Months and one half which was the actual length of her Passage reckoning from the Day the said Brig left the Leda frigate - Viz. the Eighteenth Day of May last - And the Deponents do moreover depose and say that in Consequence of the said Brig having pursued such a Course to the Port of Madras at that particular Season Much of her Cargo had received Damage, that the Hull of the said Brig was greatly Strained and her Sails and Rigging much injured which the Deponents declared it to be their belief would not have happened had the said Brig proceeded to Madras thro' the Straits of Sunda - And the Deponents did further depose and say that when

the

the Mast Head of His Majesty's said Ship Minden were first seen off St Nicholas Point and the said Eighteenth Day of May last (about half of her Royal Masts only being at first distinguishable) the said Brig Hope continued to steer towards her as much as the Land would allow for the space of two Hours or thereabouts at the rate of four or five Miles per Hour they the Deponents having no doubt of her being a British Man of War as they had (as before mentioned) received information of five of His Majestys Ships being on the Coast of Java, part of which had troops on board and had touched at Fort Marlbro' - and the Deponents did moreover depose and say that the said Brig Hope had run that distance previous to the Hull of H. M. said Ship Minden being visible, owing to the point of Land which was between the two Vessels during that interval - And the Deponents did further depose and say that if it had been the Wish or intention of them the Deponents to have avoided H. M said Ship Minden, they the Deponents might without any difficulty have so done by the said Brig Hope hauling her Wind to the Westward when the Royal Masts of H. M said Ship were first discovered over the before mentioned Point of Land, instead of bearing away to Leeward as before Mentioned - And further the Deponents did depose and say that previous to their so seeing the Royal Masts of His Majestys said Ship Minden the said Brig Hope had passed two large Dutch Settlements called Anjer Point and Pulo Maroak, with Either or both of which the said Brig Hope might have traded (as Alledged by the said Captain Edward Wallace Deane) if the Deponents had intended so to trade and that the said Brig Hope when Abreast of the last mentioned Settlement hoisted Dutch Colours, and fired

2

The Big Hope W. R. Smith Master

4 52.

a Gun Shotted, which was the only Communication the said Big Hope had with the Shore. and that the said Big Hope had no Neutral Flag on board - and the Deponents do further make Oath and depose that the said Big Hope had a tedious long Passage from the Port of Calcutta to the West Coast of Sumatra and that the said Big did remain on that Coast between Six and Seven Weeks previous to her proceeding to the Straits of Sunda having touched at Most of the Ports on that Coast with a view to the Disposal of her Cargo which was not effected on account of the Markets being unfavorable And Lastly the said Deponent James Fraser do make Oath and depose that he the Deponent has navigated in India as a free Mariner and under free Mariners Covenants with the Honble East India Company for nearly the Period of Fifteen Years during the Greatest part of which Period he the Deponent has frequently Owned and Commanded Vessels out of the Port of Calcutta and that he the said Deponent did never at any time receive any other Papers from the Supreme Government nor heard of any other being given to any other Ship than those which were on board the said Big Hope at the time of her seizure and so produced as aforesaid to the said Captain E. W. Heard that is to say, a Ship, Register and Port Clearance. And the said Deponent James Fraser did further make Oath

and

and depose that the Pass in all Cases Granted to Ships by the Supreme Government of Bengal is always for the Period of twelve Months and that the said Pass doth always state the Port or Ports the Vessel may be first bound to during which Period of twelve Months no other Document is ever Granted at any of the different English Ports within the Companys limits of Trade save and except a General Port Clearance when bound on a trading Voyage to the Eastward and the Deponent did declare that however often a Ship or Vessel may returne to Calcutta during the twelve Months so limitted by such Pass, no new Pass is ever required but the Original Pass continues in force until the Expiration of the Period thereby limitted. —

Jas. P. Fraser
W. R. Smith

Sworn at Fort St George
Madras this 12th Day of
Sept. 1811 Before me

T. A. Strange

No. 1. Padang 23d April 1810.

Know all Men by these Presents that William Grant James Fraser and Thomas Pollock have this Day entered into Agreement to send an Adventure of Chinam and Piece Goods to the Eastward by the Ship Hope under the Command and superintendance of the said James Fraser — W. R. Stock as per subjoined Account amounting to fifty Nine thousand six hundred and twenty nine Dollars is to Break the Bank of the respective parties in the proportion of each Persons Half of Stock and he is to bear his Share of Profit and Loss arising therefrom accordingly. —

The said James Fraser acknowledges
ther

there is Sixty thousand Rupees Insured on the Cargo which he the said James Fraser engages to be accountable to the concern for that amount they pay very the premm from this Date. In full of Freight and all other Charges for the Vessel Hope the Parties agree to pay the Owner the sum of Eight Hundred Dollars per Month from the date hereof till the Conclusion of this adventure and to take upon themselves the Cask of the Black valued at six thousand Dollars - The Concern engage to allow the said James Fraser to draw a Commission of five per Cent upon the amount Sales of the Consignment to the Eastward but no Commission to be Charged on any returns brought back. - Shuld any Indent be obtained at Fort Marlbro for Goods to be delivered there - the Profits and Commission on such Goods to become the Property of the Parties Concerned. -

The Duties and all reasonable Charges to be borne by the Concern. -

The said James Fraser engages on his Part to do every thing in his power that may appear for the benefit of the Concern in the Disposal of the Consignment - in the purchase or Barter of Goods in return and to render a true Faithful and just account of all his transactions. -

In the Event of any Accident happening to the said James Fraser (which God forbid) it is agreed that the Command of the Vessel and the Sale of the Investment shall devolve on the present Commander W. R. Smith who is to follow the Directions contained in the Instructions given to Mr. Fraser and to be allowed a Commission of two & a half Pr. Cent. -

Each Party Binds himself in the Sum of five Thousand Dollars to abide by and fulfil the tenor of this Agreement done at

at Padang this 23d Day of April 1811

Willm Grant
Jas Fraser
Thos Intwels

in the presence of
L.t Reboagle

Invoice of Goods Shipped by William Grant Esquire James Fraser & Thos Intwels on the Brig Hope W. R. Smith Commander bound on a trading Voyage to the Eastward and Consignee of the said James Fraser being an Account and Risk of the Parties abovementioned.—

		Dr.s	Cr.s	C.
26th April 1811. E.	Cs Bl. Invoice on the Brig Hope	53,629	"	"
	Brig Hope Block - - - - - - -	6000		
	Wm Grant to Share in the adventure 0.23.52 Drs	59 629-	"	"
	Jas Fravers Do Do - - - 20,108			
	Thos Intwells Do Do - - - 16000		James Fraser	
	Drs 59,629-		Thos Intwells	

C.C.2.

Dear Sir

Having entered into a mutual Agreement to send a Consignment of Opium and Piece Goods to the Eastward under your Management & having the Greatest Confidence in your Integrety and Exertion it almost becomes unnecessary to give instructions were it not prudent to provide against any unforseen Accident.—

The Consignment being destined for Batavia you will of course Cautiously approach that Port and not Enter it till you are satisfied no further Danger exists from the Enemy - its nevertheless of great importance that you should if possible be amongst the first at Market.—

On your Arrival and inquiry recommend if an Offer should be made for the whole of

of the Cargo which would yield a profit of 30 P^r Cent including Charges that you ought not to refuse it unless you should have good reason to believe the Goods would rise in price and a very short time of Cash can be obtained or Government bills we recommend for the sake of Dispatch that you would give the preference to them.-

We subjoin a list of Articles that would answer this Market in the event of your being obliged to receive Barter we have stated the probable price such articles would sell for here and the Quantity that likely could be disposed off.-

If you can obtain an Order at Lont Manilla for Goods to be brought from Batavia to be paid for on delivery or a few Days after it might be productive of Good Consequences in the Disposal of your Consignment in the event of a Scarcity of Cash at Batavia.-

If you should have reason to believe that a better Market could be found at any of the other Ports of Java we would recommend your trying them to remaining at Batavia at which place we do not think you ought to Exceed one Month, if you should be under the Necessity of bring back the Consignment but sooner than bring it back we would rather they were disposed off at the prime Cost and Charges.-

Wishing you Health and Success and a speedy return.-

We are Dear Sir
your Obed^t humble Servant

Will. Grant

Pl^t Intrieb...

Batavia 13 April 1811

To Mr. James Fraser

The Brig Hope W. B. Smith Master

457

No 3.

To whom these Presents shall come I Thomas McGee Public Notary by Royal Authority constituted and appointed and duly admitted & sworn residing and practising at George Town Prince of Wales Island in the Straits of Malacca in the East Indies Do hereby Certify and Attest I the said Notary at the request of James Fraser late Master and Robert Smith late Captain of a certain Brig or Vessel named the Hope in the Declaration and Protest hereunto annexed mentioned did proceed to the Office of James Carnegy of George Town aforesaid Merchant the Acting Agent at Prince of Wales Island aforesaid to Edward Wallace Hoare Esquire Captain of His Britannick Majesty's Ship Mibbet and then and there speaking with the said James Carnegy I the said Notary produced and exhibited to him the said Declaration and Protest hereunto annexed as aforesaid and requested and requested the said James Carnegy to peruse the same which the said James Carnegy complied and afterwards observed That the Instructions received by him from Captain Hoare aforesaid extended merely to furnishing any little Supplies that might be required to enable the Prize Master of the said Brig Hope to proceed in prosecution of a Voyage to the Port of Manras to which place the said Brig Hope was destined and that in any other matter respecting the said Brig Hope except furnishing these Supplies he the said James Carnegy could not would not interfere.

In Faith and Testimony whereof I the said Notary to these Presents have subscribed my Name and affixed my Seal of Office this Twentieth day of June in the year of Christ one thousand eight hundred and Eleven.

L. S.

Thos McGee Public Notary

The Brig Hope. W. R. Smith Master

438

May the Third left Fort Marlboro on the Brig Hope under my direction W. R. Smith Master with a regular Port Clearance bound to the Eastward by the Way of the Straits of Sunda while at Marlboro received information that 5 of H. M. Ships had passed that place for Java 3 of which had troops on board on the 11th at Croe fell in with 3 Ships Captured by H. M. Ships Bacephalus & Baracoutta in charge of Mr. Scott Purser of the latter Ship he informed me that the Leda and Bacephalus were at Edam and the Baracoutta off Bantam waiting for the remaining part of the expedition going against Java, on the 13th left Croe on the 15th saw a Ship laying under St. Nicholas Point Upon nearing made her out to be a British Ship of War when we immediately bore down to her and came to Anchor close by her when Lieut Grant on board (of H. M. Ship Minden) Captain Hoare asked me where I was from and where bound when I said from Marlboro on a trading Voyage to the Eastward when he requested of me to know by what authority I was in those Seas I said by the Authority of the British Government in India he ordered me to return to my Vessel and send the Master on board with her Papers which was compli'd with by him carrying all the Papers and Log Book belonging to her - at 7 P. M. the Master returned with an Officer and a guard of Mariners when I begged as owner and the Vessel being under my direction to know on what pretence they had seized the Vessel to which no Answer was given but that it was Captain Hoares desire I after repeated entreaties was allowed to go on board H. M. Ship but Captain Hoare would not see me in Consequence of which I returned to my Vessel and wrote a Note to Captain Hoare and sent it by the Master requesting to know on what pretence he Captain Hoare had detained the Vessel to which no

Answer

Answer was given in Writing, the Master returned and informed me that Captain Hoare told him that we had no Pass or Clearance Authorizing us to be in those Seas, and as for a Maritime Port Clearance it was nothing and on that Place and that he had detained the Vessel between 9 and 10 O'clock the Marines was relieved by a Party of Seamen 21 and 3 Officers with directions to Carry the Vessel to H. M. Ship Leda laying at Edam and from thence to Madras - At the 16th it weighed to proceed to the Leda - at the 17th Anchored close by her when the Officer in charge of the Vessel and Master went on board with the Log Book and Papers at 8 P. M. the Master returned and a little while Afterwards Captain Sayer sent for me when he told me not to conceive that I was sent up to Java in an official Way that he wants have nothing to do with the Vessel and that Captain Hoare Officer might act as he thought proper - on the 18th it weighed from the Leda the Brig in charge of a Masters Mate and ten Men belonging to H. M. Ship Minden Captain Hoare, with instructions to carry the Brig to Madras and stop at Penang in his Way there.-

I Do hereby Protest and behalf of myself and others concerned against the Conduct of Captain Hoare of H. M. Ship Minden, for having seizing the Brig Hope under my Directions while on a trading Voyage to the Eastward the said Brig Hope having Pass, Register Port Clearance from her last Port and every regular Paper Vessel belonging to the Port of Calcutta Same as the accompanying Certificate will shew my Reason for Joining down to H. M. Ship Minden was to learn if any part of Java had surrendered to the British Flag and if not, it was my intention to Proceed to Borneo and Banca - Therefore do hereby abandon the Brig Hope with all her Cargo as P.r Invoice, and

do

do declare of all Risk on the said Block & Cargo on behalf of myself and others. —

/Signed/ Jud Attestor
Jn.o H.K Steiner.

On Friday 26th April 1811 having taken in part of our Cargo at Pasang weighed and made sail in a trading Voyage to the Eastward W. R. Smith Master and James Fraser and Co.s Owners on the 1st May came to in Benoa Roads when Mr. Fraser went on shore remaining until the P. M. not finding any Markets for our Goods weighed and made all sail, understood that H. M. Ship Drake left Marlbro.h about 2 Days before with Troops on board bound to the Eastward when on the 10th of May being off Coy and short of Provision and Water thought it prudent to bear up to get a supply found laying in the Roads three Prizes belonging to H. M. Vessels Bucephalus Samarang and Barracouta Captain Crew who we understood was waiting off Bantam where on the 13th May at 7 A. M. having received a supply of Provisions and water weighed and made all sail a light Breese with a determination to proceed down and put ourselves under the Protection of the British Men of War cruizing off Java for a period of time in case that it should not have surrendered to the British Flag supposing at the same time that more part of the Expedition must have arrived off Java, on the 14th at Noon strong Breese from N. W. going at the rate of 5 & 6 Knots Fortune Isle bears E.ly E. S. 1/2 Leg.s Dist. about 4 Leagues and on the 15th May at Sun rise Croucton Isle being W. N. W. Strong Winds from N. W. W. N. W. & N. W. C. W. towards noon wind falling light and hauling round to S. W. at 1 P. M passed thro' Sea Isle where we saw several Proes coming and from the Mast Standing

Standing towards us supposed them to be Pirates by their Actions cleared for Action tries up boarding Nettings took in Small Sails hoisted Kings Colours and pendant and fired a Gun loaded with Shot at one of the Proas a Short time after they all Stood in Diffte directions from us made all sail again at 3 P.M. between the Cap and Sutton Isles and at ½ Past 3 P.M. saw a Ships Mast Heads over Pte Nicholas Hte at 4 ½ P.M. perceived her to be a British Ship of War bore down to her, and at about ½ Past 5 P.M. went under her Stern and came too when the Super Cargo went on board a little after he returned the Brave to be H.M. Ship Minden 74 Guns Commanded by Captain Hoare at 6 P.M. Went on board with the Brigs Papers Port Clearance &c &c and the Log Book at 7 Returned on board the Captain of H.M. Ship having detained the Brig and sent a guard of Marines and a Navy Officer to take Command of the Brig stating we had no Pass no Commission nor any Clearance whatsoever to trade in the Java Sea our having bore down to H.M. Ship to put ourselves under the protection of them for a period of time until the Island of Java surrendered to the British a Short time after 3 Officers and 21 Sailors came on board and sent the Marines out of the Brig at 9 P.M. H.M. Officers and men in full Charge of the Brig which they took by force to carry the Brig round to H.M. Ship Leda the Commander of her being the Senior Officer and if he set the Brig at Liberty he Captain Hoare would give her up but if not he should send her round to Madras 9 ½ P.M. Went on board H.M. Ship again with a Letter in the Name of me and the Owner requesting he would give us the reason in writing for detaining the Brig and sending her round to the

Leda

Lead but all to no effect given me a verbal answer stating we
where entirely out of the Limits of our Pass and as for Marlboro
Port Clearance it was nothing not given us any Authority
to trade in the Java Sea and that he conceived us no more
than a Common Smuggler and as such he had sent Officers
and Men with several Days Provisions to take the Brig
to the Senior Office during the Night Light Variable Airs
with a Strong Current setting to the Westward at 8 P. M
H. M. Officers and Men got the Brig under weigh and steered
East Wind West on the 17th of May arrived at Edam four
one Mile Distant from H. M. Ship Leda when I sent
on board with the Brigs Papers and Log Book remained
until about 5 P. M. when I came on board the Brig
at the same time the Owner was sent for on board
H. M. Ship Leda at 11 P. M. he returned on the 18th
of May about 10 A. M. Lieut. Lyons 2d of the Minden
came on board the Brig from H. M. Ship Leda and
gave up Charge to Mr Andrae Masters Mate with
positive Orders to proceed on with the Brig to Penang
watered and watered at Edam and at 4 P. M. weighed and
made all sail Steering N. N. W. under the Charge of
the Navy Officer and Men belonging to H. M. Ship
Minden having stated the Heads of the Brigs being
seized I most Solemnly Protest and take Oath
against Captain Hoares forcible Seizure of the Brig
Hope, as it never was my most distant Idea of having any
illegal Communication in Trade with the Enemy or did
ever Lieut Mr Fraser who had the direction of the Vessel
ever hint of having any Communication with the
Coast of Java until such time as a Part of the whole
of it came under the British Flag I likewise hereby
declare from my best Judgment and believe that it is
the only Mode of Navigating Vessels out of Bengal

29

Ship "Big Hope" W. R. Smith Master

463

by Taking a Pass for 12 Months in that pass stating the Port the Vessel is first bound to and from thence a Port Clearance from every English Port is the only Document ever Rec.d and do further declare that if we had found no part of Java Surrendered to the British Flag after having under the protection of the Ships of War a Period of time it was the Intention of the Owners to proceed to Banca and Borneo and from thence to Manilla According to Markets. —

(Signed) Quod Attestor
Jn.o Sh.k Stocker

No. 4.

We the undersigned Commanders do Severally Certify that all Vessels belonging to the Port of Calcutta are navigated in the Indian Seas under a Pass and Register granted by the Supreme Government of Bengal, that Pass being for 12 Months granting a License to trade within the Honble Company's Limits and always specifying the Port the Vessel may be first bound to, & the only Document ever received when cleared from Calcutta at any other Port in India is a Port Clearance Signed by the Collector of Customs, or some other Person duly authorized by Gov.t granting such Pass & the Direction she is bound &c. and Clearance from a Ship may return to Calcutta during the 12 Months the Pass Table Continues in force. —

George Nicholas - Commanding Substitute
J. Savage ------ Do. Ship Borneo
William Spring
Wm. H. Bennett
Malacca } Thos. Astle - - Do. Frances & Margaret
1st June 1811 }
J. Burn
John Pringle - Do. Sultan
J. Williamson - Do. Amoaby
Robt. Allan - Do. Mary
J. Warwick. Do. Ft. Wm.
James Green Do. Fleetwood

Frances

The Brig Hope W. R. Smith Master

464

1 Metealfe Ship Carnatic Hanmant
A Shakespeare Do Sandamy
C H Bean — Do Trevelyan
Robt Dickie Do Wellesley

No 5.

We the undersigned have been accustomed to trade to all Ports in India from Calcutta for a Number of Years do hereby Certify that the only Documents we have ever had on board of any Ships that we may at different times have Commanded was a Pass and Register with a Port Clearance from the Custom House - The Passes are always made Out for the term of twelve Months from the time of their date and in all Cases the Port or Place the Vessel is first bound to is insented in the Pass, after this the only Document ever Granted is a Port Clearance from the Different Ports she may touch at, and particularly if bound from Penang on a trading Voyage to the Eastward - that alone is Specifies in the Clearance, not any particular Port, or Place, as to shew uncertainty what part of the Eastward the Vessel may be obliged to go to look for a Market -

Penang
27th June 1844

" Jas. Carnegy
" Robt " Scott
" Saml " Stewart
" James Tait
Commanding Ship Hindostan

The Brig Hope W. R. Smith Master

Allegations

4 & 5

In the Vice Admiralty Court at Madras

Prize Jurisdiction

Brig Hope

William Robert Smith Master

Our Sovereign Lord the King

against

The said Brig Hope Whereof William Robert Smith was master her tackle Apparel and Furniture and the Goods Wares and Merchandizes Laden in and upon the said Brig taken Prize by H. M. Ship Minden Edward Wallace Howell Esquire Commander and which said Brig with her Cargo is now in the Roads of Madras and within the Jurisdiction of the Court & against All Persons in General.—

On the twenty fifth Day of September in the year One thousand eight hundred and seven Robert Arnot Procurator General for our Sovereign Lord the King by all lawfull Ways and means and to all effects in law whatsoever alledged pleaded and articulately propounded as followeth:—

First — That His Majesty by and with the advice of His Privy Council did by an Order bearing date at the Court of Saint James's on the sixteenth Day of June one thousand eight hundred and three declare and order that General Reprisals be granted against the Ships Goods and subjects of the Batavian Republic so that as well H. M. Fleets and Ships and also all other Ships and Vessels that should be commissioned by Letters of Marque or General Reprisals or otherwise by the Commissioners for executing the Office of Lord High Admiral of the united Kingdoms of Great Britain and Ireland then and for the time

time being should and might lawfully seize all Ships Vessels and Goods belonging to the Batavian Republic or to any Person or persons being subjects of the Batavian Republic or inhabiting within any of the Territories of the Batavian Republic and bring the same to Judgment in any of the Courts of Admiralty within the Dominions of H. M. which should be duly Commissioned And this was and is true publick and Notorious and the Party Proponent doth alledge and propound every thing in this and the subsequent Articles contained jointly and severally.—

Secondly.— That His Majesty by an other Order bearing Date the eleventh Day of November in the year one thousand Eight hundred and Seven did by and with the like advice of his Privy Council among other things Order that all the Ports and Places of France and her Allies or of any Country at War with His Majesty and all other Ports and Places in europe from which although not at War with His Majesty the British Flag is excluded And all Ports or Places in the Colonies belonging to H. M. Enemies should from thenceforth be subject to the same restrictions in point of Trade and Navigation with the exceptions hereinafter mentioned as if the same were actually blockaded by H. Ms Naval Forces in the most strict and rigorous manner and it is thereby further Ordered that all trade in Articles which were the produce or Manufacture of the said Countries or Colonies shall be deemed and considered to be unlawful and that every Vessel trading from or to the said Countries or Colonies together with all Goods and Merchandizes on board And all Articles the produce or Manufacture of the said Countries or Colonies should be Captured and Condemned as Prize to the Captors, for carrying which last mentioned order into effect subject to the exceptions, restrictions and limitations respectively therein contained the Lords Commissioners of the Admiralty and the Judges of the High Court of Admiralty and Courts of

of Admiralty were directed to take the necessary measures therein as to them shall respectively appertain and the Party proponent doth allege and propounded as before.—

Thirdly.— That H. M by and the Order bearing date the twenty sixth Day of April in the year one thousand eight hundred and nine did by and with the like Advice of His Privy Council (after recciting as therein is recited) amongst other things order that all the Ports and places as far North as the river Ems inclusively under the Government stileing itself the Kingdom of Holland and all Ports and places under the Government of France together with the Colonies Plantations and Settlements in the possession of those Governments respectively and all Ports & Places in the Northern Parts of Italy to be reckoned from the Ports of Orbitello and Pesaro inclusively should continue and be subject to the same restrictions in point of Trade and Navigation without any Exception as if the same were actually Blockaded by H. M. Naval Forces in the most Strict and rigorous manner and that every Vessel trading from and to the said Countries or Colonies Plantations or Settlements together with all Goods and Merchandizes on board should be condemned as Prize to the Captors—

Fourthly.— That in virtue of the Orders and proclamations of H. M. in that behalf made and published and otherwise the Country State or Kingdom of Holland formerly called the Batavian Republic on the 16th Day of June one thousand eight hundred and three became and hath ever since continued, and now is at War with H. M: and the Party Proponent doth allege and propounds as before.—

Fifthly. That in the Month of January last and long before and afterwards until and after the fifteenth Day of May last the Island of Java did belong to the Country & state or Dominion of Holland and was at the times last mentioned under the Control and direction of the Person or Persons exercising the Government of Holland, and that in virtue of the said Orders

of

His Majesty in the second and third Articles propounded the said Island of Java and its Ports and Settlements became and were subject to the restrictions in point of Trade and Navegation and if the same were actually blockaded by His Majesty Naval Forces And the party Proponent doth alledge and propound as before.-

Sixthly — That on the Sixteenth Day of May last and long before the said Island of Java in the last preceding Article mentioned and its Ports and Settlements were respectively blockaded by H. Ms Naval Forces and particularly by His Majestys said Ship the Minden and the party proponent doth alledge & propound as before.-

Seventhly — That every British Ship that shall trade or attempt to trade with the Enemies of H. M. or that shall sail or proceed towards any Island Settlement Colony Port or place in the possession of the Enemies of H. M. with an Intent to enter any Port or Place of such Island Settlement or Colony respectively without the License of His Majesty for that purpose first had and obtained shall and ought to be with the Cargo on such Ship laden respectively for feited and adjudged to be lawful Prize to H. M. and the Party proponent doth alledge and propound as before.-

Eighthly — That notwithstanding the Premises and after the twenty eighth Day of February last and on or before the Fifteenth Day of May last, the Captains and others in charge and Command of the said Brig Hope then being a British Brig and belonging to a Subject or Subjects of His Majesty did attempt to trade with the Enemies of His Majesty then residing on the said Island of Java and then being at War with His Majesty and the Party Proponent doth alledge and propound as before.-

Ninthly — That notwithstanding the Premises in the said seventh Article propounded the said Brig Hope after the said twenty

twenty eighth Day of February last and before the s
Day of May last did sail or proceed towards the said
Java, then being one of the Islands or Colonies Subje
said Government of Holland so then being at War with His
as aforesaid and which said Island then was in the possession of
Enemies of His Majesty, with an intent to enter some Port or
of the said Island or Colony without the Licence of His Maje
for that purpose first had and obtained and the Party
Proponent doth alledge and propound as before.-

Seventhly That the said Brig Hope and the Cargo laden on her, were respectively seized and taken as Prize by H.M. said Ship the Minden, near the Coast or Shore of the said Island of Java, and on the said fifteenth Day of May last, and whilst the said Brig was proceeding towards the said Island in pursuance of the illegal intention in the last Article propounded and the Party Proponent doth alledge and propound as before.-

Eleventhly That the Owner, Captain and others in charge of the said Brig before and at the time of the seizure of the said Brig and Cargo as aforesaid were illegally trading with and adhering to the Enemies of His Majesty and that therefore or otherwise the said Brig and Cargo were 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 Edward Wallace Hoare the Commander of H.M. said Ship of War and the Officers and Crew on board the said Ship under his Command were and are the Captors thereof, and the Party Proponent doth alledge and propound as before.-

Lastly That all and singular the Premises were and are true, public and notorious and whereof 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

The Brig Hope W. R. Smith Master

470

Honorable Sir Thomas Andrew Strange Knight Judge
of His Majesty's Vice Admiralty Court at Madras or your Lawful
Surrogate And that the said Brig Hope whereof the said
William Robert Smith was Master her Tackle Apparel
and Furniture and all and singular the Goods Wares and
Merchandizes on board the same at the time of the said
Capture as aforesaid be pronounced liable to Confiscation
and Condemnation And that it be pronounced decreed and
Declared that the said Brig at the time of the said seizure
and Capture was trading to and from a Colony belonging
to the Enemies of His Majesty 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.—

Wm. Orme
Kings Proctor

Herbert Compton

The Brig Hope W. R. Smith Master

4-71.

In the Vice Admiralty
Court Fort St George
Prize Jurisdiction

} The Brig Hope
William Robert Smith
Master

Appeared personally Henry Hall
Deputy Master Attendant at the Port of Madras, Robert McNicholl
Assistant to the Master Attendant at the same Place and
Charles Howard Sheen a Commander for many years in the Indian
Seas who severally made Oath and deposed that the only Documents
or Papers ever Granted for Ships trading from the Port of
Calcutta are a Pass, a Register and a Port Clearance from the
Custom House That the Passes are always made out for the
period of twelve Months from the Date, and that in all
Cases the Port or Place the Vessel is first bound to is
inserted in the Pass, that thereafter, the only Document ever
Granted is a Port Clearance from the Different Ports she
may touch at, and if in Particular the Deponent did depose
that a Ship be bound from Madras on a trading Voyage
to the Eastward, the Destination is so expressed in the Port Clearance
that is to say it is expressed and Specified therein generally that
the Vessel is bound "on a trading Voyage to the Eastward without
mentioning any particular Port or Place which the Deponents to
did declare it to be impossible to do owing to the uncertainty
to what Port or place to the Eastward the Vessel may be obliged to
go in order to meet with a Suitable Market.

Fort St George this 18th Day of Septr 1811.
Sworn by the Deponents Henry Hall
and Robert McNicholl Before me
F F Strange

" Henry Hall
" Robt McNicholl
" C H Sheen.

Fort St George this 18th Day of Septr 1811
Sworn by the Deponent Charles Howard Sheen
Before me
F F Strange

Certificate of Payment of Costs &c^a to Captors. —

The Brig Hope W. R. Smith Master.

4/12.

Vice Admiralty Prize Court Madras

Tuesday the 15^th Day of October 1811.

Before the Worthl Sir Thomas Andrew Strange Kt^r Commissary & Judge

&c^a present Henry Gahagan Esquire Registrar. —

In the Business of

The Brig Hope
W. R. Smith } taken & sent to Madras by H. M. Ship Minden E. W. Hoare Esquire Commander

This Cause again called on. —

The Affidavits of the Captors with the Ships Papers & the Depositions in the Special & Standing Interrogatories on behalf of the Captors having been read, and the Claim exhibited on behalf of James Fraser as owner of the Brig and Consignee of the Cargo with all Affidavits and Papers filed on his behalf having been also read and Advocates on both sides having been heard — The Judge (the Condemnation having been given to all the circumstances of this case) adjudged directed and Decreed that the said Brig and her Cargo be restored to the Claimant, upon payment by him of all Costs and Charges incurred by the Captors, but that the Captors be at Liberty to appeal against this Decree of Restoration, and it having alledged in the Affidavits on behalf of the Claimant that the said Brig was sent from Masulipatam by a circuitous and perilous Passage & not by the usual Route. the Judge Ordered that a Monition should issue, directed

directs the Registrar and four Merchants of Madras (to be named by the Parties Captors and Claimant) empowering them to enquire and Certify the truth of such Allegation unless the Parties Claimant shall move such enquiry upon the consent of the Captors not to prosecute an Appeal against the Decree of Restoration. —

Vice Admiralty Court
Prize Jurisdiction

Brig Hope
W. O. R. Smith Master

Henry Sahagan Esquire
Registrar

Sir

I beg to inform you that the Captors are Satisfied and paid their Costs and Charges as decreed by the Judge. —

I am
Your Obedt
Hble Servt
Jas. Lings. Proctor

Fort St George
21st October 1811

The Brig. Hope W. R. Smith Master

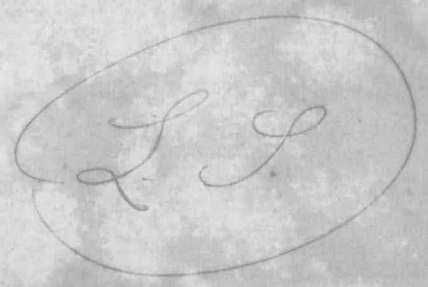
Decree of Restoration of Brig and Cargo Dated

474

George the Third by the Grace of God of the united Kingdom of Great Britain and Ireland, King, Defender of the Faith, To William Mactaggart Esquire Marshal of our Vice Admiralty Court of Madras Greeting and to his Deputy whomsoever Greeting

Whereas The Honble Sir Thomas Ac. Strange Kt. Commissary and Judge in our said Court 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 our behalf against the Brig called Hope (whereof William Robert Smith Was Master) her Tackle Apparel, and Furniture, and the Goods Wares and Merchandizes laden therein, taken by our Ship the Minden Edward Wallace Hoare Esquire Commander and brought to Madras and against James Fraser as owner of the said Brig and Consignee of the Cargo thereof Claimant intervening rightly and duly proceeding, on the 15th Day of October by Interlocutory decree, directed the said Brig and Cargo to be restored and delivered to the Claimant upon payment by the said Claimant of all the Costs and Charges of this suit, And Whereas on the Day of the Date hereof such Costs and Charges have been paid accordingly, (Justice so requiring) We do therefore by these Presents authorize and empower you jointly and Severally and do strictly Charge and Command

Command you to release the said Brig and Cargo from the Detention and seizure made in this behalf and to restore and deliver the same unto the said James Fraser the Claimant thereof: and hereof fail not. —



Given at Madras in our aforesaid Court under the seal thereof, the 21st Day of October in the year of our Lord 1811. and of our Reign the Fifty first. —

Henry Sahagan
Registrar

Sugar taken at Java

Affidavit.

478

In the Vice Admiralty Court at Madras.

Prize Jurisdiction

Our Sovereign Lord the King

against

Certain quantities of Sugar taken as

Prize on the Island of Java.

Appeared personally Thomas D'Pre Porcher

now residing at Madras Merchant and being duly sworn on

the Holy Evangelists to depose the Truth made Oath as

follows that the Members of the late firm of Messrs.

Harington and Company have lately received a Letter dated

Batavia the 12th. December 1811 addressed to the said

Messrs Harington and Company and signed by Thomas

Wallis for himself and other Agents to the Captors

of Java In which letter the said Messrs Harington

and Company are informed that the said Agents have

Consigned to the said Messrs Harington and Company

certain quantities of Prize Sugars for adjudication in

this Court. And the Deponent did further depose

that such letter from the said Thomas Wallis was

accompanied by the Affidavit hereunto annexed marked

with the letter A And the Deponent did further depose

that the Brig Virginia in the said annexed Affidavit

named has lately arrived in the Roads of Madras with the

said Prize Sugars on board and the same Sugar is now

within and subject to the Jurisdiction of this Court.-

Sworn at Fort St. George
Madras this 25 day of
February 1812. Before me

T D Porcher

J Strange

Regr. Kings Proctor.-

Sugar taken at Java. – Continued

General Statement of such Productions & Ware-House Utensils as have remained on Ultimo June 1811.

Viz.

6,724,081 lbs. Pancer Sugar Sacca. 1st Sort.
13,108,523 – Do. Do. Do. 2d Do.
2845886 – Do. Do. Do. 3d Do.
231477 – Do. Do. Japane 1st Do.
1244 – Do. Do. Do. 2d Do.

Ware House Utensils

51 Pieces Mital Weights in Sorts – Viz.

25	Do.	each of Do.	50 lbs.
3	Do.		25
3	Do.		10
3	Do.		5
3	Do.		4
3	Do.		3
3	Do.		2
3	Do.		1
2	Do.		1/2
2	Do.		1/4
1	Do.		1/8

} All according to the last Stamp.

2 Pair Iron balances with 2 Wooden Scales.
1 Do. Brass ——— Brass – Do.
1 Do. Iron Iron ———
12 Do. Sugar Gumblets
1 Do. Rope with 2 Blocks
14 Muster Baks
8 Chairs
3 Pewter Ink stands
1 Writing Desk and Bench
5 Iron Shuffles.
3 Wooden Beams
2 Leaggers entirely unfit for use Except the Hoops.–
4 Wooden Horses
2 Tables.
1 Book Case.–

N.B. The Papers and Books Cannot be listed as the Warehouse in which they are sealed

Batavia in my Sugar Warehouse the 19th July 1811

(Sig.) D. Vanson.–

I do hereby certify the above to be a true translation from the Dutch Language

J. L. Hafke
Sworn translator.–

Sheet

Sugar taken at Java. Continued

These Deponents William Robison and Thomas Wallis, Agents to the Captors of Java, voluntarily make Oath, that the foregoing is a true Copy of the Original found in a public Office at Meester Cornelis, which has been transmitted to the Vice Admiralty Court at Bombay, by the Agents to the said Captors to effect the condemnation of a quantity of Prize Sugar sent to that Port.-

And these Deponents further make Oath, that to the best of their Knowledge & belief no paper relative to Sugar seized as Prize, at Batavia save and except the one abovementioned, has been found on the Island of Java.-

And these Deponents further make Oath that Ninety thousand, eight hundred and fifty eight Pounds (Dutch Weight) of Sugar have been Shipped by them on the Brig Virginia, at Batavia between the 6th. and 9th. of December 1811. for the purpose of being conveyed to Madras for adjudication in the Vice Admiralty Court there and that the same was actually Captured in the Warehouses belonging to the late French Government at Batavia on the 8th. Day of August last by the Conjunct Forces, by Sea and Land of His Majesty, and the Honorable East India Company.-

Sworn before Me at Batavia the 9th. day of December 1811.

" Thos. Wallis
" W. Robison-

B Jhenge.-

President of the Magistrates

Sugar taken at Java Continued

Petition —

To the Vice Court of Admiralty at Madras.

Prize Jurisdiction

Our Sovereign Lord the King
against
Certain Quantities of Sugar
taken at Prize on the Island of
Java.

The Humble Petition of Robert Orme Proctor for our Sovereign Lord the King.

Sheweth

That it appears that the Island of Java was lately taken and Captured by the conjunct forces of His Majesty by sea and land and the forces of the Honble the East India Company.

That it also appears from the Affidavit of Thomas Decker Porcher now filed in this Court that certain Sugar (part of the Prize Property Captured on the said Island of Java) has been brought from the said Island on board the Brig Virginia and is now within the Jurisdiction of this Court.—

Your Petitioner therefore humbly prays that the usual Monition may issue against all persons in General having or pretending to have any right title or Interest in the said Captured Property to appear at such time as shall be appointed to shew and alledge in due form of law any reasonable or lawful Cause if they have any why the said Captured Property should not be Condemned as good and lawful Prize.—

And your Petitioner shall ever Pray &c.

R. Orme

Kings Proctor.—

Sugar taken at Java — Continued

482

Monition

George the third by the Grace of God of the United
Kingdom of Great Britain and Ireland King Defender of the
Faith &c. to Wm. McTaggart Esqre. Marshal of the Vice
Admiralty Court of Madras or to his Deputy whomsoever.
Greeting Whereas our beloved the Honble Sir Thomas
Andrew Strange Kt. Commissary and Judge in our said Court
and also to hear and determine all and all manner of causes
and Complaints as to Ships and Goods siezed and taken as
Prize Specially Constituted and appointed rightly and duly
proceeding on Motion of our Advocate and at the Petition
of our Proctor in the said Court, hath decreed all persons
who have or pretend to have any right title or Interest
in certain Quantities of Sugar taken, at the Capture of
the Island of Java by our Sea and Land forces, and the
Forces of the East India Company sent to Madras on board
the Brig Virginia and now within the Jurisdiction of their
said Court, to be monished Cited and called to Judgement
at the time and place, and to the effect hereinafter
expressed, Justice so requiring. We do therefore strictly
enjoin and Command you jointly and severally that you desist
not, but that by affixing these presents upon the Sea
Customs house or the beach at Madras at the time
of public resort thither and by leaving thereon a true
Copy thereof, you do monish and cite all persons generally
who have or pretend to have any Right title or Interest
in the said quantities of Sugar laden on board the said
Brig to appear before our said Judge or his Surrogate
in the Court House in Fort St. George Madras
aforesaid the 10th Day after Service of these presents
at the usual hour of hearing Causes, then and there to
shew and alledge in due form of law a reasonable
and lawful Cause why the said quantities of Sugar
so laden on board the said Brig should not be pronounced

to

to have belonged at the time of capture to our Enemies, and as such be liable and subject to Confiscation to be adjudged and condemned as good and lawful prize, and further to do and receive in this behalf as to justice shall appertain and that you duly intimate unto all persons aforesaid in General & to whom by these presents we also intimate) that if they shall not appear at the time and place abovementioned or appearing shall not shew a reasonable and lawful Cause to the Contrary our aforesaid Judge or his Surrogate doth intend and will proceed to adjudication on the said Capture and may pronounce that the said Sugar did belong at the time of the Capture of the same to our Enemies and as such are liable & subject to Confiscation, to be adjudged and Condemned as good and lawful Prize taken as abovementioned the absence or rather Contumacy of the persons so cited and intimated Notwithstanding and that you duly certify to us or our said Judge or his Surrogate what you shall do in the premises together with these Presents.—

L. S.

Given at Madras in our aforesaid Court under the Seal thereof this 2d. day of march in the year of our Lord 1812 & of our Reign the 52d.—

Henry Gahagan
Registrar

This Monition was duly executed on Wednesday the 4 day of March 1812 by affixing the same on one of the pillars of the Sea Customs House in Madras and leaving affixed thereon Copy thereof.—

/Sign'd/ W. McTaggart
Marshall

Sugar taken at Java. Continued
Order &c.

Vice Admiralty Prize Court Madras.

Wednesday the 11. day of March 1818

Before the Honble Sir J. A. Strange Kt Commissary Judge &c. at his Chambers present Henry Gahagan Esquire Registrar.

In the Business of custody & Quantities of Sugar taken at Batavia } brought to Madras on board the Brig Virginia.

On Motion of the Kings advocate & on reading the Petition of the Kings proctor It is ordered that a Commission do issue directed to Thomas Stamford Raffles Esquire or the person or persons exercising the authorities of Government on the Island of Java Herman Warner Muntinghe, Jacob William Cramer Esqrs and the Chief Secretary of Government on the Island of Java authorizing and empowering them or any two of them to examine Witnesses in this business upon Special Interrogatories to be to them transmitted with the said Commission, And it is further ordered that a Monition do issue to the same persons directed authorizing and requiring them to call upon all persons who have or pretend to have any right title or Interest, to or in the said Sugar, forthwith, after the publication of the said Monition, to appear before the Vice Admiralty Court at Madras then to shew cause, if any there be, against the Condemnation of the said Sugar as Prize.

J. A. Strange

Sugar taken at Java. — Continued
Commission &c.

George the Third by the Grace of God of the United Kingdom of Great Britain and Ireland King Defender of the Faith to the Honorable Thomas Raffles Esquire Lieutenant Governor of the Island of Java, Herman Warner Wantzingh Esquire and Jacob William Cranssen Esquire and to the Chief Secretary of the Government of the said Island Greeting Whereas our beloved the Honorable Sir Thomas Andrew Strange Knight Commissary and Judge in our Vice Admiralty Court of Madras aforesaid 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 hath in a certain business moved and prosecuted before him on our behalf rightly and duly proceeding on the day of the Date hereof decreed a Commission to issue unto you for the Swearing and examining certain Witnesses by whose the truth may be properly discovered relating to the Property of sundry quantities of Sugar taken at Batavia on the said Island and there Shipped between the 6th and 9th days of December last past on board a Brig called the Virginia and in the said Brig brought to the Port of Madras and now there being within the Jurisdiction of our said Court. Justice so requiring, We do therefore authorize and empower you or any two of you and do hereby will and require you or any two of you that you do at such times and at such places as shall be by you or appointed cause to come and appear before you or any two of you such persons by whom the truth may be properly discovered relating to the property

of

of the said Sugar and that you do them as Witnesses receive and admit and that you do administer an Oath in due form of law unto the said Witnesses to Speak the truth in this behalf and that you faithfully Carefully and Secretly examine and interrogate the said Witnesses upon the Interrogatories transmitted with these Presents and cause their sayings and Depositions to be faithfully reduced into Writing assuming for your Actuary therein any other fit and Sufficient person to be by you chosen and nominated further requiring you that you do immediately after the examination of the said Witnesses transmit to us or the aforesaid Judge of our said Court the Sayings and Depositions of the aforesaid Witnesses together with the Interrogatories upon which they were examined and the whole proceedings how and done before you reduced in a proper form Authentically and Closely Sealed up that they should be opened and perused and thereof fail not.—

Given at Madras in our aforesaid Court under the Seal thereof the 11th Day of March in the year of our Lord 1812 And of our Reign the 52.

L. S.

Henry Salkeld
Registrar

Sugar taken at Java — Continued

Special Interrogatories. —

Vice Admiralty Court
Prize Jurisdiction —

The Slains
against
Certain Sugar Captured at Batavia on the Island of Java. —

Special Interrogatories to be administered to the following Witnesses, who may be produced sworn and examined on the behalf of His Majesty touching certain Sugar Captured on the Island of Java as follows. —

Lo

1st Let each Witness be interrogated — Were you or where you not present at any and what port or place on the Island of Java about the Month of August in the year 1811, and if yea; Do you know that the Port or Settlement of Batavia on the said Island was then or at any other and what time Captured by the forces of His Britannic Majesty. —

Second Interrogatory Lo

Let these Witnesses be interrogated — Do you know whether about the time in the preceding Interrogatory last mentioned or at any other and what time, the Person or Persons exercising the Government of the Island of Java, or any and what public body Carrying on Trade and Commerce under the Control or authority of such Government was or were possessed of any and what quantity of Sugar, and if so, where was such Sugar Stored or deposited at the time of the Capture of Batavia in the preceding Interrogatory also mentioned and did the same Continue in the Charge of such Government or public body, and of which of them until the period of such Capture, and if yea, was such Sugar or any part thereof taken possession of by the British forces, or by any and what person or persons on their behalf and if yea, Do you know whether such Sugar was at any time afterwards and when, or in any and what manner claimed to be the property of any and what individual or individuals on the said Island and if not was such Sugar to your knowledge or belief deemed and Reputed to have been the property of such Government or Public Body, and as such lawful Prize to His Britannic Majesty set forth the particular Circumstances from which you have derived your knowledge or on which you found your belief of the Matters herein enquired after and the

whole

Sugar taken at Java — Continued

whole truth declare.-

Third Interrogatory to L — Let these Witnesses be asked, Do you know whether any and what quantity of the Sugar in the preceding Interrogatory mentioned was laden or Shipped at any and what time on the Brig Virginia, and if yea, Do you Know for what purpose the same was so Shipped and for what Port the said Brig was destined. If yea set forth the Reasons of your Knowledge in this behalf and the whole truth declare.-

Last Interrogatory to all the Witnesses — Do you know of any other matter or thing that relates to the Sugar in the preceding Interrogatories mentioned, and which can tend to establish that the same at the time of the Capture of Batavia belonged to the French Government or to any Public Body under its Controul or Authority other than the Matters or things to which you have already deposed. If you do set forth the Same, and the whole truth declare.-

P. Orme
King's Proctor

for H. Compton
A. Constructer

489 Affidavit as to the Second Cargo —

In the Vice Admiralty Court at Madras —

Prize Jurisdiction

Our Sovereign Lord the King
against
Certain Quantities of Sugar
taken as Prize on the Island of Java —

Appeared personally William Willis Weston of Madras Merchant and being duly Sworn to depose the truth made Oath as follows —

That he and his Copartner William Hart trading under the firm of Messrs Colt Hart and Weston have lately received a Certain Power of Attorney bearing date at Batavia the Twenty eight Day of January last executed and given by William Robison and Thomas Wallis as two of the Agents for the Captors of Java residing at Batavia in favor of the said Messrs Colt Hart and Weston and at the same time received a Bill of Lading of fifty Six Thousand Four hundred and Seventy Pounds Dutch of the first Sort of Sugar, and one hundred and two Thousand Six Hundred and forty Pounds Dutch of the Second Sort of Sugar and Seventy five Thousand, Six Hundred and Sixty four Pounds Dutch of the third Sort of Sugar Net weight as having been Shipped on the Arabella which lately arrived in the Roads of Madras —

That since the Arrival of the said Sugar in the Roads of Madras this

Same

Sugar taken at Java — Continued —

same has been taken Charge of by the Marshal of this Court, as this Deponent has been informed. —

Wm W. Weston —

Sworn at Fort St George Maors. this Twelfth Day of May in the Year 1812

Before Me

Pte Arme
Kings Proctor

Sugar taken at Java Continued

Petition for a Manditus

In the Vice Admiralty Court at Madras —

Prize Jurisdiction

Our Sovereign Lord the King

against

Certain Quantities of Sugar taken as Prize

on the Island of Java —

The Humble Petition of Robert Orme

Proctor for our Sovereign Lord the King —

Sheweth,

That it appears that the Island of Java was lately taken and Captured by the Conjunct forces of his Majesty by Sea and Land & the forces of Humble the East India Company —

That it also appears from the Affidavit of Willm Hart now filed in this Court that Certain Sugar (part of the prize property Captured on the said Island of Java) has been brought from the said Island on board the Ship Arabella and is now within the Jurisdiction of this Court —

Your Petitioner therefore Humbly prays that the usual Manditus may issue against all persons in General having or pretending to have any right title or Interest in the said Captured Property to appear at such time as shall be appointed to shew and allege in due form of law any reasonable or lawful Cause if they have any why the said Captured Property should not be Condemned as good and lawful Prize —

And your Petitioner shall ever Pray &c

Robt Orme
Kings Proctor

Sugar taken at Java — Continued

492 Order for Monition

Vice Admiralty Prize Court Madras

Tuesday the 19th day of May 1812.

Before the Honble Sir J. A. Strange

Kt Commissary and Judge

&c. present Henry Lushington

Esqre Registrar.—

In the Business of Certain Quantities of Sugar taken & Java — Brought to Madras on board the Ship Arabella.—

On motion of the Kings Advocate and on reading the Petition of the Kings Proctor It is Ordered that the Usual Monition to proceed to Adjudication do issue in this Business.—

J. A. Strange

Sugar taken at Java — Continued

Monition to proceed to Adjudication —

George the third by the Grace of God of the united kingdom of Great Britain and Ireland King Defender of the Faith &c. to Wm. McTaggart Esquire Marshall of the Vice Admiralty Court of Madras &c. or to his Deputy whomsoever Greeting Whereas our beloved the Honorable Sir S. A. Strange Kt. commissary and Judge in our said Court 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 rightly and duly proceeding on Motion of our Advocate and at the Petition of our Proctor in the said Court hath decreed all persons, who have or pretend to have any right title or Interest in certain quantities of Sugar taken at the Capture of the Island of Java by our Sea and land forces, and the forces of the East India Company, sent to Madras on board the Ship Arabella and now within the Jurisdiction of the said Court to be manished, Cited and Called to Judgement at the time and place, and to the effect hereinafter expressed, Justice so Requiring, We do therefore strictly enjoin and Command you jointly and Severally that you omit not, but that by affixing these presents upon the Sea Custom House on the Beach at Madras, at the time of public resort thither and by leaving thereon a true Copy thereof, you do manish and Cite all persons generally who have or pretend to have any right title or Interest in the said quantities of Sugar laden on board the said Ship to appear before our said Judge or his Surrogate in the Court House in Fort St. George Madras aforesaid the 10th Day after Service of these presents at the usual hours of hearing Causes, then and there to shew and alledge in due form of law a reasonable and lawful Cause why the said said quantities of Sugar so laden on board the said Ship should not

be

be pronounced to have belonged at the time of Capture to our Enemies, and as such be liable, and subject to Confiscation to be adjudged and Condemned as good and lawful Prize, and further to do and receive in this behalf as to justice shall appertain and that you duly intimate unto all persons aforesaid in General (to whom by these presents we also intimate) that if they shall not appear at the time and place abovementioned or appearing shall not shew a reasonable and lawful Cause to the Contrary our aforesaid Judge or his Surrogate doth intend and will proceed to adjudication on the said Capture and may pronounce that the said Sugar did belong at the time of the Capture of the Same to our Enemies or as such are liable and subject to Confiscation to be adjudged and Condemned as good and lawful Prize taken as abovementioned the absence or rather Contumacy of the persons so cited and Intimated notwithstanding and that you duly Certify to us or our said Judge or his Surrogate what you shall do in the premises together with these presents –

Given at Madras in our aforesaid Court under the Seal thereof this 12th Day of May in the Year of our Lord 1812 and of our Reign the 52d

Henry Lakagar
Registrar –

This Monition was duly executed on Wednesday the 13th Day of May 1812 by affixing the Same on one of the Pillars of the Sea Custom House in Madras and leaving affixed thereon Copy thereof –

Wm. M Taggart
Marshal –

Sugar taken at Java continued

Draw for Commission to examine &c.

Vice Admiralty Prize Court Madras—

Wednesday the 3d. Day of June 1812

Before the Honble Sir Thomas A. Strange Kt. Commissary & Judge &c. at his Chambers present Henry Sahagan Esqre. Registrar.—

In the Business of Sundry Quantities of Sugar taken on the Island of Java } Brought to Madras on board the Ship Arabella.—

On Motion of the Kings Advocate

It is Ordered that a Commission do issue directed to the Honble Thomas Raffles Esqre. Lieutenant Governor of the Island of Java Norman Warren Muntinghe and Jacob Cnafoens Esqres. and the Chief Secretary of the Government of the said Island for the time being Authorizing and Empowering them or any two of them to examine Witnesses in this business upon Special Interrogatories to be to them transmitted with the said Commission.—

T. Strange

Continued 512

In the Business of the Property saved from H. M. Ship Power -

Petition of Mr Greig -

To the Honble Sir Thomas Andrew Strange Knight
Judge and Commissary of His Majestys Court of Vice
Admiralty at Madras &c. &c. &c.

The humble Petition of
Sebastian Wolford Greig of
Madras Merchant. -

Sheweth

That on or about the 2d Day of May in the year of our Lord 1811 His Majestys Ship Power was stranded on the Beach of Madras and became a Wreck. -

That afterwards in the same Month of May the Hull of the said Ship with her Tackle, Apparel and Furniture (as she then lay stranded) were by Order of His Majestys Naval Commissioner at Madras put up to Sale by public Outcry - And your Petitioner (being the highest bidder) became the purchaser thereof for the Sum of One Thousand nine hundred and Twenty Star Pagodas. -

That at or soon after the time of such purchase a Communication was made to your Petitioner by Mr Richard Bromley (stating himself to be the Agent at Madras for Certain of the persons who had aided in the Capture of the Dutch Settlement of Ambayna that Certain prize property remained on board of the said Ship Power at the time of her being wrecked And in relation to such property and in view to the recovery thereof, the said Richard Bromley on the part of the Captors made a Voluntary Offer to your Petitioner of two fifth parts of all such of the same prize Property as your Petitioner should preserve and get on Shore. -

That

Property saved from the Dover — Continued —

That at the time of such offer, it was considered (as your Petitioner believes) by those in General who were interested in, and who had the opportunity of observing the State of the Wreck, - and by the said Richard Bromley (on their behalf) in particular that the recovery of such last mentioned property was almost wholly impracticable, or desperate; and that it would be attended with great difficulty, risque, and expence :- and that such offer was made (as your Petitioner believes) with the hope that your Petitioner, having acquired a property in the Wreck, would be more successful than any other person in recovering therefrom the said alledged prize property.

That your Petitioner accepted the said Offer made by the said Richard Bromley on the part of the Captors, and thereupon, towards the Conclusion of an Agreement in respect thereto, letters of the following purport passed between the said Richard Bromley and your Petitioner Viz.t

Madras 21.st May 1811 —

Richard Bromley Esquire —

Sir

"In reference to the Verbal Agreement made "at Mr. Ermes this Morning between Captain Tucker and yourself "on the part of the Captors of the prize property in the Wreck "of the Dover and myself of two fifths of the value of whatever "I may save to be given to me, as a remuneration for the risque, "expence and trouble I shall be at in recovering the said Property — "I agree and Consent to the said Proposal in "its full extent — and that the Value shall be ascertained "at the rates at which you shall or can dispose of the "property here".

"But

"But to prevent mistakes, it is to be perfectly
"understood that I have nothing to do with any questions as to
"its being Prize Property or subject to any of the Charges
of the Admiralty Court.—

"I have the honor to be
"Sir,
your obedient Servant.
(Sigd) "S. H. Greig.—

S. H. Greig Esquire
Madras

Sir,

"I have to acknowledge the receipt of your
"Letter of this Date, wherein you agree to accept of two
"fifths of such part of the prize property as you may
"save from the Wreck of the Dover which you have
"purchased at Auction, and so far as I possess the power of
"binding the Captors of the Property on the Dover I agree
"that you shall have two fifths of such prize property
"as you may save and deliver over either to me, or to the
"Officer of the Prize Court.—

"It also appears to me reasonable that the
"value of what you may save shall be ascertained by
"the rates at which it may eventually be disposed of
"without being subject to any of the Charges that may arise
"in the Vice Admiralty Court on the property which may
"be Condemned, but it is to be understood that payment of
"your Share is not to be made until the Prize Property
"is Sold.—

"In reference to the last paragraph of
"your letter you must be well aware that I cannot bind the
Captors

"Captors, personally, for any remuneration to you shoud the whole
"or any part of the Property which you may preserve not be
"Condemned as Prize - In such an event you will I presume, have
"a right to Salvage from those whose property the Prize
"Court may adjudge it to be, and there is every reason to
"suppose that, that Court will allow a rate of Salvage equal
"to what you have agreed to accept from the Captors."

I am
Sir,
Your Obedient Servant
(Sign.d) Richard Bromley -

Madras
21st. May 1811

Madras 21st. May 1811.-

"Richard Bromley Esquire
Sir

"I have to acknowledge receipt of your letter of
"this Date agreeing to my proposals for saving the prize
"property in the Wreck of the Dover but stating that
"you Cannot bind the Captors to them in the event of that
"property not being Condemned as Prize".-

"As this is the Case I think I should retain
"the proportion agreed upon in my own possession, as it
"would be hard to Subject me to any uncertainty in
"recovering it".-

I remain Sir,
Your Obedient Servant
(Sig.d) S. H. Greig -.

That

That in pursuance and Consideration of an Agreement made or intended to be made between your Petitioner and the said Richard Bromley according to the terms of the said three Several Letters, and particularly upon the Faith of an Agreement having been Concluded Conformably with your Petitioners Suggestion Contained in the last of the same Letters - and in order to the most effectual and perfect recovery of the said Alledged Prize property (independently of a regard to the profits in the event) your Petitioner, in the Stead of breaking up the Hull of the said Ship Dover, retained in his employ, and took into his pay many Europeans, Americans, and Natives of India and Manilla and Commenced Immediately to Cut up the Decks of the said Ship with a design of getting at the fore Magazine where (as your Petitioner was informed) a quantity of Copper Money lay -

That during the procefs of breaking (under water) through the principal Decks and tearing up, and Clearing away the Many Bulk heads passages, and Store Rooms, immediately above the Magazine - the Constant personal attendance of your Petitioner was requisite and was given - for (notwithstanding diligent inquiry was made by your Petitioner) not any person could be found who was sufficiently acquainted with the interior of the Ship to direct your Petitioner to the particular situation of the Magazine, and of the Bulk heads and passages thereabout and that Consequently the labor was not only vexatious, and uncertain in its effect - but from the quantities of paint Oil, and Verdigrease found in Clearing the Store Room, and of Stagnant and putrid Water and Oil the employment became so Extremely unwholesome that the most part of the people were taken Sick and were prevented from Working for Several Days together - but that your Petitioner remained in the

the Water below Decks Constantly directing the exertions of these employed.

That after many Days hard labor your Petitioner, himself, discovered the Way into the Magazine and Contrived a Machine by means of which, and by the aid of Divers, he brought out therefrom several Casks of Copper money.

That your Petitioner then directed his attention to the after Magazine - but being told that the Captain, Surgeon, Purser, and other Officers of the Ship had severally varities of valuable property, Consisting of Articles of plate, Silver Coin &c.a in the after part of the Ship, and that there was also a Box Containing Jewels (said to be prize property) on the Gun Deck - your Petitioner for the primary purpose of recovering the property last mentioned, employed himself and very one on board for the Space of 14 Days in Stopping the port holes and Stern Windows as effectually as possible - and thereby excluding the Surf which hitherto had violently rushed in and carried every thing before it.

That your Petitioner did principally effect his purpose; - but not till after much labor and after receiving by himself and others many bruises and Contusions.

That by the Continuance and means of another Machine, and by the use thereof by Divers under his personal Superintendance, your Petitioner after a Search of one Month, and his unremitted Attention from Morning till Night recovered many Articles of plate, Gold - Coin, and Jewels - during the progress of which recovery your Petitioner with his own hands picked out the Small pieces of pearls,

diamonds,

Diamonds, beads, rings, Coins, buckles and other Articles from the larger quantities of Sand, broken Glass, China Ware, and other Rubbish, that had been Scattered about and brought into the Ship.

That your Petitioners personal Superintendance and employment were the more essentially requisite in and about the last mentioned purposes from his having detected those, whom he had engaged to assist him, in an attempt to Steal some of the said Articles.

That the greater portion of the State aforesaid recovered by your Petitioner was Claimed by Captain Tucker as his private property - and accordingly such part of it as bore his Crest, was delivered to the said Captn Tucker - but that, although your Petitioner enquired as well from the said Captain Tucker as from the said Richard Bramley for a list of the Articles of Jewelry which were alleged to have been on board the said Ship Dover at the time of her loss, in order that your Petitioner might Compare therewith the Several Articles aforesaid which had been saved by him - yet that your Petitioner hath not hitherto received such a List or a description of the Jewels or other Articles of such Alledged prize property as aforesaid - and the said Articles of Jewelry remaining Plate, Pearls, Gold Coin - & Gold Buckles, diamond &c. have not been Specifically Claimed by any one.

That your Petitioner in and towards recovery of the said property, not only expended a large Sum of Money, but also Sacrificed to the objects of such discovery, the hull of the said Ship Dover, which Consequently went to pieces before that your Petitioner had time to break it up.

That the whole of the Copper and Silver, Gold Coin, Jewels remaining Plate, and other the Articles

of

of valuable property so as aforesaid recovered by your Petitioner are specified in a Schedule subjoined hereunto.-

That your Petitioner having been led to suppose (from the Representation so as aforesaid made to him by the said Richard Bromley) the said several Articles to be such prize property as aforesaid - your Petitioner hath described them as supposed to be such in a return heretofore made by him to a Monition issued out and under the Seal of this Honorable Court on the 27th Day of August now last past - but otherwise than from such representation as aforesaid, by the said Richard Bromley - and otherwise than from the facts disclosed in and by the several Affidavits (filed in this Matter) of the said Captain Edward Tucker and from the information hereinafter mentioned, your Petitioner is uninformed of the Nature of the property of or in the said several Articles - but your Petitioner hath understood from the said Captain Tucker and also (to the best of your Petitioners Recollection) from the said Richard Bromley that such Jewels as were claimed by them to be prize property were not taken as Prize but were only purchased by the Captors with Money or property taken as Prize.-

That the several other Articles saved by your Petitioner do not appear to be within any description of property hitherto mentioned or pointed out to your Petitioner as Prize Property and your Petitioner was also informed by several of the Officers of the said Ship that there were other Articles of valuable property on board of the said Ship independently of the Prize property.-

That a Commission hath lately issued out and under the Seal of this Honorable Court directed to the said Richard Bromley and your Petitioner

granted

(granted on an Affidavit of the said Edwd Tucker and on a return delivered into this Honorable Court on the 5th day of September now last past of many Articles Saved from the Wreck of the said Ship Dover) whereby the said Richard Bramley and your Petitioner are jointly and severally authorized and empowered, and also Commanded, to reduce into Writing an inventory of all and every the Articles of what description soever Saved and recovered from the said Ship Dover from the time of the Wreck thereof to the date of the said Commission and to Cause the same Articles to be Sold, and the proceeds thereof to be brought into the Registry of this Honble Court, on or before the 30th Day of the present month of March; there to abide the Order of your Lordship Subject to any Claim for Salvage to be made thereupon.—

That the list or account hereinbefore mentioned and subjoined hereunto of the plate Silver and Copper money and Jewels and the other Articles aforesaid is, and doth Contain a true and perfect Inventory of all such Articles (independently of the hull rigging and Naval Stores) as have been saved or recovered by your Petitioner from the Wreck of the said Ship Dover.—

That your Petitioner is willing and hereby Submits to account for all the said Property last mentioned to whom it may be found to belong according to the Direction of your Lordship — your Petitioner humbly suggesting that he be at Liberty to retain in his possession (according to the terms of his Agreement aforesaid with the said Richard Bramley) two 5ths parts (the whole being divided into 5 Equal parts) of the Net Value or proceeds of so much of the same property as may be proved to be prize property.—

Your Petitioner therefore prays that the Commission aforesaid issued out and under the Seal of this Honble Court on the 7th day of

of February now last past may be recalled by your Lordship - and that the Agents of the Captors Claiming prize property lately taken on the said ship Dover may be Ordered to Specify the Articles of property which are so Claimed as Prize and the right by which they Claim to Consider the same as Prize property - And that another Commission may issue to the said Richard Bromley and your Petitioner (or such other persons as your Lordship shall be pleased to appoint) authorizing and directing a valuation and (if necessful) a Sale to be made of the Property aforesaid and the Net value or proceeds of such prize Property as aforesaid being divided into 8 Equal parts - that two of the same parts may be declared to belong to and may be retained by your Petitioner and that the Residue may be received by the Registrar of this Honorable Court.—

And your Petitioner shall ever Pray &c.

(Signed) S. H. Greig—

The

Property Saved from the Dover — Continued —

Schedule

The Schedule which is referred unto by the foregoing Petition —

A List of Articles Saved from the Wreck of His Majestys Ship Dover by Mr. S. M. Craig —

1 Silver Jug.
5 Prs Candlesticks —
1 Pr Fish Dish —
2 Broken Branches of Silver —
2 Broken pieces of a turtle Shell Box mounted with Gold —
5 Broken Gold Watches
1 Bundle Containing Gold Beads —
1 Do —— Containing Gold Buttons
1 Pr Containing Pearls —
1 Do Containing Sundry Gold Buckles and broken Articles of Jewelry ——
1 Gold Chain
1 Small Gold Box } One Bundle —
Gold Sword Handles — One Bundle
1 Bundle Containing Diamond or Stone Jewelry (Vest)
12 Pins set with Diamonds or Stones —
1 Head Ornament — Do —— Do
8 Rings —— Do —— Do
2 Pins Head —— Do —— Do
2 Buckles —— Do —— Do
3 Broaches —— Do —— Do
1 Breast Ornament — Do —— Do
4 Ear Jewelry —— Do —— Do
1 Comb. Head — Do —— Do
1 Cross —— Do —— Do

23 Buttons —

23 Buttons —— Do —— Do —
1 Stove —— Do —— Do —
230 Different Coins One Bundle —
1 Gold Spitter —
5 Rings — Gold —
60 Planks —
1 Cask of Silver Money —
1 Do of Silver and Copper Money —
50 Casks of Copper Money including 4 at Mr Bromley's —

S. H. Greig —

Jas. Morris
Proctor.

In the Vice Admiralty Court Madras — } In the Matter of certain property Saved from the Wreck of His Majesty's Ship Dover —

Sebastian Holford Greig of Madras Merchant maketh Oath and Saith that the Matters of fact alledged by the foregoing Petition of this Deponent are true —

(Sd.) S. H. Greig —

Fort St George this 28th Day of March 1811 Sworn Before me —

J. A. Strange

Order for issuing one Commission &c.

Vice Admiralty Prize Court Madras —

Tuesday the 28th day of April 1812 —

Before the Honble Sir T. L. Strange Kt
Commissary and Judge &c. at his chambers
present Hent. Gahagan Esqr Registrar. —

In the Business of the
Property saved from the
Wreck of H. M. Ship
Dover Captain Tucker

Captured on and off the Island of Ambayna
and its Dependencies. —

On Motion of Mr Austruther and on
reading the Petition of Sebastian Holford Greig of Madras Merchant
It is ordered that the Commission issued in this business on the
7th Day of February last past Directed to Mr Richard
Bramley Agent for the Captors and the said S. H. Greig
be revoked and that a New Commission do issue under the
Seal of this Court directed to the same persons, authorizing
and empowering them and each of them to make an
Allottment into five Equal parts of so much of the
property saved from the said Wreck of His Majesty's late Ship
Dover, as they shall Judge to be Capable of such
Allotment, and also authorizing them and each of them to sell
and dispose by public Auction of the Residue (if any)
of the said Property, and to receive the Sale proceeds
thereof, and further empowering them to deliver and pay over
to the said Sebastian Holford Greig, or permit him to
deduct two full and equal fifth parts of the Property
so as aforesaid to be delivered and allotment, and also two full
and equal fifth parts of the Sale proceeds of the Residue
of the Property so as aforesaid to be sold - and likewise further
empowering and requiring the said Richard Bromley and
Sebastian Holford Greig (after Satisfaction by them of all the
Costs and Charges of Sale) to bring and deliver into the
Registry

Property Taxes from the

Registry of this Court the Sale proceeds of the three fifth parts to be by them also sold after such Allotment as aforesaid and the Sale proceeds of the beforementioned Reserve (if any) also to be sold as aforesaid — And it is further Ordered that the said Sebastian Wolford Greig be allowed all the Costs and Charges by him incurred in the Prosecution of his said Petition before this Court to be to him re satisfied and paid out of the Proceeds so to be delivered into the Registry as aforesaid —

D. D. Strange

Property Saved from the Dover — Continued —
Commission to Swear and Sell property Saved. —

George the third by the Grace of God of the united Kingdom of Great Britain and Ireland King. Defender of the Faith &c. &c. &c. to Richard Bromley and Sebastian Holford Greig Esqrs. Greeting Whereas our Beloved the Honble Sir S. A. Strange Kt. Commissary and Judge in our 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 in a certain business moved and prosecuted before him in our said Court on our behalf against certain property taken on and off the Island of Anjengo and its Dependencies and brought in our Ships of War to Madras, rightly and duly proceeding upon the Petition of the said Sebastian Holford Greig and with the Consent of our Procurator in our said Court hath decreed that the Commission which issued out of our said Court on the 7th Day of February last past directed to the said Richard Bromley and Sebastian Holford Greig be revoked and that in lieu thereof a New Commission do issue for the Division and Sale of so much of the said Property as hath been saved and preserved from the Wreck of our late Frigate Dover, Justice so requiring. We do therefore by these presents authorize and empower you and each of you that you do make an Allotment or Division into five equal parts of so much of the said property as saved from the Wreck as aforesaid as shall be by you judged Capable of such Allotment or Division, and that you Sell and Dispose of by public Auction to the best bidder the Reserve, if any there shall be, of such last mentioned property and receive the Sale proceeds thereof, also by these presents. We do authorize and empower you to deliver and pay over to the said S. H. Greig, or permit him to deduct two

full

Property saved from the Dower — Continued —

full and equal fifth parts of the property so as aforesaid to be allotted and divided as well as two full and equal fifth parts of the Residue (if any) so as aforesaid to be sold, and we do further will and require you that you sell and dispose of by public Auction to the best bidder the three fifths parts of the property so to be allotted and divided as aforesaid, and after Satisfaction of the Costs and Charges of such Sale to bring and deliver into the Registry of our said Court the Sale proceeds of the said three fifth parts to be sold as aforesaid as well as the Sale proceeds of the Residue (if any) to be sold as hereinbefore mentioned And that at the same time you duly transmit an Inventory of all the property so divided and Sold as aforesaid together with the Account Sales Subscribed by you, to our aforesaid Judge or his Surrogate together with these presents —

Given at Madras aforesaid in our said Court on Tuesday the 28th day of April in the Year of our Lord 1812 and of our Reign the 52d

L. S.

Under the Seal of our said Court

(Signed) Henry Gahagan
Registrar

Served on Richard Bromley and J. H. Greig Esquires —

Will. Mc Taggart
Marshal —

Sugar taken at Java Continued from

Page 495.-

Commission &c.

George the Third by the Grace of God of the United Kingdom of Great Britain and Ireland King Defender of the Faith to the Honorable Thomas Raffles Esquire Lieutenant Governor of the Island of Java. Herman Warner Muntinghe Esq.re Jacob William Cranssens Esquire and to the Chief Secretary of the Government of the said Island. Greeting. Whereas our beloved the Honorable Sir Thomas Andrew Strange Knight Commissary and Judge in our Vice Admiralty Court of Madras aforesaid and also to hear & determine all and all Manner of Causes and Complaints as to Ships and Goods Seized and taken as prize Specially Constituted and appointed hath in a Certain business moved and prosecuted before him on our behalf rightly and duly proceeding on the Day of the Date hereof decreed a Commission to issue unto you for the Swearing and examining Certain Witnesses by whom the truth may be properly discovered relating to the Property of Sundry Quantities of Sugar taken at Batavia on the said Island and there Shipped on board a Vessel called the Arabella and in the said Vessel brought to the port of Madras and now there being within the Jurisdiction of our said Court - Justice so requiring We do therefore Authorize and empower you or any two of you and do hereby will and require you or any two of you that you do at such times and at such places as shall be by you Appointed Cause to Come and Appear before you or any two of you Such persons by whom the truth may be properly discovered relating to the property of the said Sugar And that you do them as Witnesses receive and Admit And that you do Administer an Oath in due form of law unto the said Witnesses to Speak the truth in this behalf and that you faithfully Carefully and secretly examine and Interrogate the said Witnesses upon the Interrogatories transmitted with these presents and Cause their

Sugar taken at Java – Continued –

their Sayings and Depositions to be faithfully reduced into Writing assuming for your Actuary therein any other fit and sufficient person to be by you Chosen and nominated further requiring you that you do immediately after the examination of the said Witnesses transmit to us or the aforesaid Judge of our said Court the Sayings and Depositions of the aforesaid Witnesses together with the Interrogatories upon which they were examined and the whole proceedings had and done before you reduced in a proper form Authentically and Closely Sealed up lest they should be Opened and perused and Thereof fail Not. –

Given at Madras aforesaid in Our aforesaid Court under the Seal thereof the 3d Day of June in the Year of our Lord 1812 And of Our Reign the 52d. –

L. S.

Henry Gahagan
Registrar –

Sugar taken at Java — Continued

Special Interrogatories —

Vice Admiralty Court
Prize Jurisdiction —

The King
against
Certain Sugar Captured at Batavia
on the Island of Java.—

Special Interrogatories to be administered to the following Witnesses who may be produced for or on behalf of His Majesty touching Certain Sugar Captured on the Island of Java as follows.—

1o Let each Witness be interrogated. Were you or were you not present at any and what port or place on the Island of Java about the Month of August in the Year 1811., and if you, do you know that the port or Settlement of Batavia on the said Island was then or at any other and what time Captured by the forces of His Britannic Majesty.—

Second Interrogatory 1o Let these Witnesses be interrogated do you know whether about the time in the preceding Interrogatory last mentioned or at any other and what time, the person or persons exercising the Government of the Island of Java or any and what public body carrying on Trade and Commerce under the Control or Authority of such Government was or were possessed of any and what Quantity of Sugar, and if so, where was such Sugar stored or deposited at the time of the Capture of Batavia in the preceding Interrogatory also mentioned and did the Same continue in the Charge of such Government or public body, and of which if then not the period of such Capture, and if you, was such Sugar or any part thereof taken possession of by the British forces or by any and what person or persons on their behalf, and if yea, do you know whether such Sugar was at any time afterwards and when or in any and what manner Claimed to be the property of any and what Individual or Individuals

515.-

Sugar taken at Java — Continued -

Said vessels on the said Island, and if not, was such Sugar, to your knowledge or belief deemed and reputed to have been the property of such Government or public body, and as such lawful prize to his Britannic Majesty, Set forth the particular Circumstances from which you have derived your knowledge or on which you found your belief of the Matters herein enquired after, and the whole truth declare.-

3rd Interrogatory To

Let these Witnesses be asked - Do you know whether any and what Quantity of the Sugar in the preceding Interrogatory mentioned was taken or Shipped at any and what time on the Ship Arabella, and if you, do you know for what purpose the same was so Shipped and for what port the said Ship was destined - If you, Set forth the reasons of your knowledge in this behalf and the whole truth declare.-

Last Interrogatory To all the Witnesses

Do you know of any other Matter or thing that relates to the Sugar in the preceding Interrogatories mentioned, and which can tend to establish that the same at the time of the Capture of Batavia belonged to the French Government or to any public body under its Control or Authority, other than the Matters or things to which you have already deposed. If you do, set forth the Same and the whole truth -

X^o declare.-

[Sgd.] Herbert Compston.-

Kte Acme

Kings Proctor.-

French Schooner Friendship

Affidavit as to Ships Papers. —

In the Vice Admiralty Court at Madras —

Prize Jurisdiction

French Schooner Friendship
Johannes Andrewsanson
Master

Appeared personally Phillip Henry Bridges a Lieutenant in His Majestys Navy serving on board His Majestys Ship Nisus James Coutts Crawford Esquire Commander and being Sworn on the Holy Evangelists to depose the truth made Oath that the Several papers and Writings hereunto annexed numbered from one to Eleven inclusively with the accompanying Log Book are all the Papers, Passes Sea Briefs Letters and other Documents and writings which were delivered up or found on board the French Schooner the Friendship taken and Captured as prize by His Majestys Ship the Nisus on the Fourteenth Day of November last at which Capture the Deponent was present And that the Several Papers and Writings are brought and delivered in as they were received and taken without any fraud, Addition Subduction or Embezzlement saving the Numbering thereof and Endorsements thereon. —

And the Deponent did further depose that the Cargo taken on board the said Schooner Friendship Consisting of Spanish Dollars is now within the Jurisdiction of this Honorable Court having been brought to Madras on board His Majestys said Ship Nisus the said Schooner Friendship not being at the time of her Capture fit to proceed to India as will appear from the Certificate hereunto Annexed Marked No 12. —

And the Deponent did further depose that the said Schooner Friendship being as before Stated unfit at the time of her Capture to proceed

to

Friendship — Continued —

to India she was publickly Sold at Soorabaya on the Island of Java for the Sum of Eight Hundred Dollars which Sum (after deducting one Hundred and thirty Dollars for the Charges of taking the Depositions at Soorabaya) is now also brought to Madras and within the Jurisdiction of this Court. —

Sworn at Fortst. George
this 12th. Day of June in
the Year 1812. . . . . —
Before Me.

J. A. Strange

P. H. Bridges. —

Rt. Crane
King Proctor. —

Certificate 8th. No. 12. —

This is to Certify that we the Undersigned have examined into the State of the French Schooner Friendship Captured by His Majestys Ship Hesper and find that she is Old, and in a very weak State, and in our Opinion totally unfit to proceed to India, particularly at this Season of the Year. —

Soorabaya November
27th. 1811.

John Brown - Master Attendant
Wm. Turner - Carpenter H. M. S. Hesper

Petition for an Order to examine Witnesses —

518

Friendship — Continued

In the Vice Admiralty Court at Madras —
Prize Jurisdiction

French Schooner Friendship
Johannes Andrewsanson — Master.

The humble Petition of Robert Orme Proctor
for our Sovereign Lord the King. —

Sheweth,

That your Petitioner a Proctor for our Sovereign Lord the King hath introduced the Affidavit of Phillip Henry Bridges a Lieutenant in His Majesty's Navy with the papers found on board the French Schooner the Friendship whereof Johannes Andrewsanson was Master Captured as prize by His Majesty's Ship the Nyssar whereof James Coutts Crawford Esquire was Commander. —

That your Petitioner is now desirous that an Order should issue for the examination of Witnesses on the Standing Interrogatories. —

Your Petitioner therefore humbly prays that the usual Order may issue to the Standing Commissioners to examine Witnesses on the Standings Interrogatories. —

And your Petitioner shall ever Pray &c.

Rt. Orme
Kings Proctor. —

519

Order to examine Witnesses — Friendship — Continued

Vice Admiralty Prize Court Madras.—

Friday the 12th. Day of June 1812.

Before the Wanble Sir Thos. A. Strange Kt. Judge of the said Court present Henry Gahagan. Esquire Registrar.—

In the Business of the Schooner Friendship J. Andrew Manson Master } taken by H. M. S. Hussar Captn. Crawford.—

On Motion of the Kings Advocate and on reading the Petition of the Kings Proctor It is Ordered that examinations of Witnesses on the Standing Interrogatories be taken in this Business.—

T. A. Strange

Petition for a Monition —

520

Friendship — Continued

To the Honorable Sir Thomas Andrew Strange knight Judge of H. M. Vice Court of Admiralty at Madras. —

The humble Petition of Robert Orme Proctor for the Captors of the French Schooner Friendship whereof Johannes Andreewanson was Master. —

Sheweth

That your Petitioner as the Proctor for Captain James Coutts Crawford and the other Officers & Crew of H. M. Ship Mufear hath introduced the Ships papers relating to the French Schooner Friendship whereof Johannes Andreewanson was Master Captured as Prize by H. M. said Ship Mufear, with the Affidavit of Lieut. Phillip Henry Bridges of the said Ship Mufear annexed, and deposited the same with the Registrar of this Honorable Court. —

That your Petitioner is now desirous that a Monition should issue against all persons in general having or pretending to have any right Title or Interest in the said Schooner her tackle Apparel and furniture and the Goods Wares and Merchandizes laden therein to appear at such time as shall be Appointed to shew and alledge in due form of law any reasonable or lawful Cause if they have any why the said Schooner her tackle Apparel and furniture and the Goods Wares and Merchandizes laden thereon should not be pronounced to belong at the time of the Capture to Enemies or otherwise liable and Subject to Condemnation and to be adjudged good and lawful prize. —

Your Petitioner therefore humbly prays that the usual Monition may accordingly issue —

And your Petitioner shall ever Pray &c.

R. Orme
Kings Proctor. —

Order for Monition —

Friendship — Continued

Vice Admiralty Prize Court Madras

Friday the 12th Day of June 1812 —

Before the Honble Sir T. A. Strange Kt
Commissary & Judge &c &c present Henry
Gahagan Esqr &c Registrar —

In the business of the
Schooner Friendship
J. Andreanuanson Master

} taken by W. M. L. Hufnan J. C. Crawford Esqrs
Commanders —

On Motion of the Kings Advocate and
on reading the Petition of the Kings Proctor with the Affidavit
of Lieutenant Phillip Henry Bridges of H. M. said Ship St Fiore
Ordered that the usual Monition calling on all persons who have
or pretend to have any right title or Interest in the said
Schooner and Cargo, do Issue

T. A. Strange

George the third by the Grace of God of the United Kingdom of Great Britain and Ireland King Defender of the faith to William McTaggart Gentlemen Marshal of our Vice Admiralty Court of Madras and the territories thereunto belonging or to his Deputy whomsoever lawfully - Whereas the Honorable Sir Thomas Andrew Strange Knight Judge of our said Court and also to hear and determine all and all Manner of Causes and Complaints as to Ship and Goods Seized and taken as Prize Specially Constituted and appointed, rightly and duly proceeding at the Petition of our Promotor in our said Court hath decreed all persons in General who have or pretend to have any right title or Interest in a Vessel or Schooner called the Friendship whereof Johannes Andrewsanson was Master, her tackle Apparel and furniture and the Goods, Wares and Merchandizes thereon taken by our Ship of War the Hussar James Coutts Crawford Esqr. Commander to be marshalled Cited and Called to Judgement at the time and place under Written and to the effect hereinafter expressed (justice so requiring) we therefore Charge and strictly enjoin and Command you jointly and Severally that you omit not but that by affixing these presents upon one of the Pillars of Sea Custom House of our Port of Madras at the usual time of the public resort, thither and by causing thereon affixed a true Copy thereof you do monish & Cite or cause to be monished and Cited peremptorily all persons in General who have or pretend to have any right title, or Interest in the said Schooner her Tackle, Apparel and furniture and the Goods, Wares and Merchandize laden therein to appear before our said Judge or his Surrogate in the Court House in Fort St George Madras on the twentieth Day after Service of these presents, if it be a Court Day or else on the Next Court Day following between the usual hours of hearing Causes, then and there to shew and allege in due form of law reasonable and lawful Cause, if they have any, why the said Schooner her tackle, Apparel and furniture and the Goods Wares & Merchandize laden therein should not be pronounced to belong at the time of the Capture of the same to our Enemies as good of our Enemies or otherwise liable and subject to Condemnation to be adjudged and Condemned as good and Lawful Prize taken by our said Ship Hussar.

Fanie

Friendship — Continued

James Coutts Crawford Esq.re Commander and further to do and execute in this behalf as to justice shall appertain and that you duly intimate or Cause to be intimated peremptorily unto all persons aforesaid in General (to whom by the tenor of these presents we do also intimate that if they shall not appear at the time and place abovementioned or appearing shall not shew a reasonable and lawful Cause to the Contrary our aforesaid Judge or his Surrogate doth intend and will proceed to Adjudication on the said Capture, and may pronounce that the said Schooner her tackle Apparel and furniture, and the Goods Wares and Merchandize laden therein did belong at the time of the Capture of the same to our Enemies and as goods of our Enemies or otherwise liable and subject to Condemnation and Confiscation to be adjudged and Condemned as good and lawful Prize taken by our said Ship, the absence or rather Contumacy of the persons so cited and Intimated in any wise Notwithstanding - and that you duly Certify to our said Judge or his Surrogate what you shall do in the premises together with these presents.—

Given at Madras in our aforesaid Court Under the Seal of the Same this 12th. Day of June in the year of our Lord 1812 and of our Reign the 52nd.—

L. S.

Henry Gahagan
Registrar.—

This Monition was duly executed on Saturday the 13th. Day of June by affixing the same on one of the Pillars of the Sea Custom House in Madras and leaving affixed thereon Copy thereof.—

Will.m M.c Taggart
Marshal

Friendship — Continued
Notice &c.

Vice Admiralty Prize Court Madras —

In the Business of
the Schooner
Friendship I.
Abraham Master
} taken by H. M. S. Harpooner
Captain Crawford —

The Depositions of the Witnesses
examined upon the Standing Interrogatories on this business
having been duly returned into Court by Luke Hansterville
Sterling Esquire one of the Commissioners whereof he pleased
to take Notice —

Henry Gahagan
Registrar
23rd June 1812.

To Mr. Robt. Arne
Kings Proctor
&c. &c. &c.

Friendship — Continued
Order &c.

Vice Admiralty Prize Court Madras —

Friday the 26th Day of June 1812
Before the Honble Sir J. A. Strange
Kt. Commissary & Judge &c. present
Henry Gahagan Esqr. Registrar —

In the Business of
The Schooner Friendship
J. Adriaansen Master
} Taken by H. M. Ship Bellona Captain Crawford —

On Motion of the Kings Advocate and on reading the Certificate of the Registrar that the Depositions of the Witnesses examined upon the Standing Interrogatories in this Business, have been duly returned, It is ordered that Publication of the said Depositions do now pass. —

J. A. Strange —

Friendship - Continued
Depositions of Witnesses &c.

To the Honorable Sir Thomas Andrew Strange Kt. Commissary and Judge in His Majesty's Vice Admiralty Court of Madras and the territories thereunto belonging &ca &ca &ca.-

I Henry Gahagan Registrar and Actuary appointed in the Commission for taking examinations upon the Standing Interrogatories do hereby Certify that Jacob Stimson, Charles Bufsey Richard Watkins & Isaac Jones American Seamen were in my presence produced and brought before and secretly and separately examined & Interrogated by Luke Hauterville Sterling Esquire one of the Commissioners in the said Commission Named, upon the Standing Interrogatories, touching the Capture of the Schooner Friendship & her Cargo, & the whole of their Sayings and Depositions were by me faithfully reduced into Writing and such Sayings and Depositions of the aforesaid persons so reduced into Writing are transmitted annexed to these presents as the aforesaid Commission requires.-

Witness my Hand & Seal at Fort St George Madras aforesaid this 20th day of June in the year of our Lord 1812.-

L. S.

Henry Gahagan
Registrar & Actuary
Vice Admiralty Court Madrs

Friendship — Continued.

In His Majestys Vice Admiralty Court of Madras and the territories thereunto belonging —

Depositions of Witnesses had and taken at the Office of Henry Dahagan Esq^re Registrar in Fort St George on the Sixteenth Day of June in the Sixteenth Day of June in the year of our Lord 1812. before Luke Hunteruille Sterling Esq^re one of the Commissioners named and appointed in the Standing Commission for taking examinations of Witnesses upon the Standing Interrogatories, issued out of and under the Seal of His Majestys said Vice Admiralty Court of Madras upon the Acts of Witnesses hereinafter Named, in the presence of the Actuary —

Joel Stimson aged twenty Years an American Seaman late of the American Ship Rapid Henry Dore Master, deposeth & saith as follows that is to say —

1st — To the first Interrogatory this Deponent answering saith that he was born in the Town of Poland in the State of Connecticut, has resided in Poland and at Boston for the last seven years, is a Subject of the United States of America, has been admitted a Burgher of Colombo, about four Years ago - paid for such admission, remained there for about three Months after admission, has been at Sea since — he paid five pounds for his admission as a freeman, is not married —

2nd — To the Second Interrogatory this Deponent answering saith that he was not present at the Capture of the Ship or Goods concerning which he is now examined. She had a Commission from the Dutch General Janssens - he saw from the Shore the boats board her —

3d — To the third Interrogatory this Deponent answering saith that the Schooner Friendship was seized in the Straits of Bally on the 14th of last November /1811/ - she was seized for being under French or Dutch Colours - she was carried into Banjoe Wangay - Sailed under Dutch Colours - she had also English & French Knows of no particular reason why she had such - no Resistance was made at the time - she was not a Ship of War but had the Commission before mentioned - No other Ship (of the Nature the Capturing Ship) was in sight —

do

Friendship — Continued

4th. To the fourth Interrogatory this Deponent answering saith that the Name of the Master of the Schooner taken is Adriaansen - he has known him three Months - heard him say that he was appointed Master by a Mr. Simmerman of Batavia who was owner of the Schooner - the Master took possession at Soorabaya he thinks in August last. Does not know who declares possession - the Master lives at Batavia, and has resided there (so the Master said) for twenty Years - the Master said he was born in Holland is not married, does not know to whom the Master is subject -

5th. To the fifth Interrogatory this Deponent answering saith that the Schooner taken is about 30 Tons he believes - there were eight Malays on board - the Captain a Dutchman & the Mate, he believes a German, there was also a Frenchman named Delancourt, who acted as Supracargo - An American was also on board - they all went on board at Soorabayah - and were shipped in August by the Master. -

6th. To the Sixth Interrogatory this Deponent answering saith that he understood the Captain has a Share in the Friendship - Witness had also an Interest to the Extent of one & a half per Cent upon all the Dollars in the Schooner - all the Officers he believes had a Share in the Ship - he did belong to the Schooner at the time she was taken was a foremast man - he he was not in the French or Dutch Service, but he went on board the Schooner for the purpose of searching for property which had been lost on board the American Ship Rapid, to which he belonged, before she was run on shore & was lost - first saw the Schooner at Soorabayah, has heard she was built at Batavia & knew her about three Months & three Days before she was taken -

7th. To the Seventh Interrogatory this Deponent answereth that the Schooner taken is named Friendship - has been called so as long as he knew her, never knew her by any other Name - She had a Passport from General Janssens the Governor of Java - she sailed from Soorabaya direct to the Coast of New Holland - her Voyage began at Soorabaya & was to have ended by her return to some port in Java - sailed without Cargo - but on the Westernmost Coast

J

of New Holland - She got part of the Cargo of the American Ship Rapid consisting of Dollars and returned with them to the Straits of Bally where she and the Cargo were Captured - the Vessel before Capture did touch at a port Called Boger in the Island of Java - does not know any thing of the Schooner Employment in Trade before he went on board - has no Correspondence with any one about the Schooner - believes that the Schooner was built at Batavia -

8th To the eighth Interrogatory this Deponent says that the Schooner had no Cargo at all on sailing from Soerabayah -

9th To the Ninth Interrogatory this Deponent answering saith that Mr. Timmerman was the Owner, has heard so from Mr. Timmerman himself he lives in Batavia - does not know whether he is married - does not know to whom he is subject -

10th To the tenth Interrogatory this Deponent answering saith that he knows Nothing of any bill of Sale, or of the Purchase of the Schooner -

11th To the eleventh Interrogatory this Deponent answering saith that the Dollars were all taken on board at the same time from the Wreck of the Rapid on the Coast of New Holland, & Amounted to 2 Hundred & 54 Thousand Spanish Dollars -

12th To the twelfth Interrogatory this Deponent answering saith that the Dollars belonged, he understands, to Several Owners, partly to the Owners of the Ship Messrs. Boardman & Pope of Boston in the United States Merchants - partly also to Henry Dove Master of the Ship Rapid which was lost - does not know the Names or the Consignees - the Owners he mentioned are Americans & are employed in trading with the East Indies and reside in America & have resided there ever since he knew them - at no other place that he knows of - the Dollars were to have been delivered at Canton in China - the goods were for the receipt of Messrs. Boardman and Pope - & at the risk of the insurers - He takes upon himself to Swear that he believes if the said Cargo of Dollars were now unloading at the destined port and were restored, that they would belong to the Persons he has mentioned - he knows nothing wherein to ground a Contrary belief -

13th To the thirteenth Interrogatory this Deponent says that he does

not

not know how many bills of Lading were signed for the Goods seized on board the Schooner - knows nothing of any bills of lading for the Goods.-

14th - To the fourteenth Interrogatory this Deponent answering saith that there are no Documents that he knows any thing about is referred to in this interrogatory.-

15th - To the fifteenth Interrogatory this Deponent that he knows nothing of any Charter Party about the Ship.-

16th - To the Sixteenth Interrogatory this Deponent answering saith that there were no Documents that he knows of on board at the time the Schooner sleared from Soorabaya - he knows of none having been destroyed or cancelled or concealed or Attempted to be so, when the Schooner was taken.-

17th - To the Seventeenth Interrogatory this Deponent answering saith that he does not know whether the Schooner was ever before the present capture, taken as Prize.-

18th - To the eighteenth Interrogatory this Deponent answers that he has sustained loss by the Capture of the Schooner faithfull to the extent of 2,800 or near 3000 Dollars besides his Wages - has received no satisfaction or indemnity nor any promise of any for such loss-

19th - To the nineteenth Interrogatory this Deponent answering saith that the Schooner was not insured that he knows of - the Cargo of Dollars was insured in America by the House of Perkins, as he has understood, for a Voyage to Canton in China.-

20th - To the twentieth Interrogatory this Deponent answering saith that he does not know to whom the Dollars were consigned but understood they were sent for the China Market - they were the property of Boardman & Pope and the Master Henry Done - & would have been so shou they arrived at the destined port.-

21st - To the twenty first Interrogatory this Deponent answering saith the Dollars were generally Spanish, a few of them were united States Dollars.-

22d - To the twenty Second Interrogatory this Deponent answering saith that the Dollars were taken from the Wreck of the American Ship Rapid & removed to the Schooner Friendship on the Coast

of

of New Holland about the Middle, or some time in the Month of October 1811.-

23d To the twenty third Interrogatory this Deponent saith that he does not know of any Documents such as are mentioned in this Interrogatory.-

24th To the twenty fourth interrogatory this Deponent saith that he does not know of any paper having been taken or destroyed out of or carried away from the Vessel.-

25th To the twenty fifth Interrogatory this Deponent answering saith that after the Dollars were taken & put on board the Schooner, some of them were put on Shore at Java, about 7,000, the rest were transhipped on board His Britannic Majestys Frigate Wasp, Deponent, by Order of the Officers of the Wasp - does not know whether this transhipment took place immediately upon the Capture or afterwards - Deponent they were removed for their better Security - does not know in what manner they were removed.-

26th To the twenty Sixth Interrogatory this Deponent answering saith that there were on board no Passengers - Nobody Hidden or Secured - there were none of His Britannic Majestys Subjects on board at the time of Capture.-

27th To the twenty Seventh Interrogatory this Deponent answering saith that the only Ships Paper he knows of, the Passport, he believes to be true and fair - It was obtained by the Captain of the Ship from General Janssens for this Schooner only - he knows no other Circumstance relative to the Passport except that the Vessel was in a Port of Java Java Baya when it was obtained - All the Americans, amounting to Six, who had been on board the Rapid which was wrecked had papers in this Schooner from General Janssens - those papers were Certificates that the bearer were not in the French or Dutch Service but were Americans who had sailed in the Schooner for the purpose of recovering the property which had been lost by the Wreck of the American Ship Rapid.-

28th To the twenty eight Interrogatory this Deponent answering saith that he knows of no other Documents but those of which he has spoken.-

29th To the twenty Ninth Interrogatory this Deponent answering saith that the Schooner was at Anchor in the Straits of Bally when captured - Before Capture she steerd at all times direct from the Coast of New Holland for the Port of Banjos Wangay.-

To

Friendship — Continued

28th. To the thirtieth Interrogatory this Deponent answering saith that he knows nothing of any Sale or transfer of the Vessel - & if she was restored, he believes she would be the property of Mr. Timmerman and no one else - knows of no private Agreements about the Ship.-

31st. To the thirty first Interrogatory this Deponent answering saith that the Schooner has two Guns mounted and a few Muskets also two Guns not mounted - No Warlike Stores on board of any description whatsoever except those abovementioned which were for the purposes of Defence against Pirates & Savages on the Coast.-

32. To the thirty second Interrogatory this Deponent answering saith that he hath stated the whole of what he knows & believes regarding the real & true property of this Schooner, and of the Cargo of Dollars on board.-

Additional Interrogatories.

1st. To the first Additional Interrogatory this Deponent saith that he does not know the Vessel ever sailed under any Convoy - that no instructions or directions about avoiding Capture or destroying or refusing to deliver up papers & does not know of any.-

2. To the second Additional Interrogatory this Deponent answering saith that he does not know of the Vessel ever having entered any port under blockade by any of the belligerents.-

Joel Stimson

Sworn before Me

P. H. Sterling

in the presence of

Henry Gahagan

Actuary

Tuesday the 16th June 1812.-

Charles Bufton aged twenty one years, late Seaman on board the American Ship Rapid Captain Done.—

1st To the first Interrogatory this Deponent answering saith that he was born at Milton near Burton in the United States of America - has resided at Dorchester in America for the last Seven Years & it is now his residence when at home - is subject to the United States - was admitted a freeman of Dorchester & paid for his admission - is not married - has resided at Dorchester.-

2d To the Second interrogatory this Deponent answering says that from the Shore at Java he saw the Schooner captured by the boats of a Frigate - the Schooner had a Commission from Genl Daendels then Governor of Java -

3d To the third Interrogatory this Deponent saith that the Schooner was taken in November last in the Straits of Bally near Palambang he supposes because she was an Enemys Vessel - she was carried to Palambang - she sailed under French Colours - had English & Dutch also on board - does not know for what reason - no resistance was made at the time of Capture - she was taken by the British Frigate Hussar Captn Crawford - No other Ships in sight at the time of Capture.—

4th To the fourth Interrogatory this Deponent answering saith that the Captains Name was Adriaansen, has known him ten or eleven Months, does not know who appointed him to the Command, but he took the Command at Soorabaya in July last - does not know who gave possession of the Vessel to the Master - Master generally resided at Batavia, how long he does not know, Where he was born and to whom he is subject, Witness can not say, believes he is not married.-

5th To the fifth Interrogatory this Deponent answering saith that the Schooner is about forty Tons burthen, there were eight Malay Mariners on board - they were all Shipped at Soorabaya by Captain Adriaansen - and hired by him about ten or eleven Months ago -

6th To the Sixth Interrogatory this Deponent answereth that he has a share in the lading which was on board the Schooner, he has one & an eighth per Cent, & the rest also of the Americans - the Malay Mariners had no share or Interest therein. the lading consisted of Dollars - he belonged to the Schooner in so much as he had enchanted on board of her to go in Quest of the property that has been lost in the American Ship Rapid -

He

We first saw the Schooner at Soorabayah about 11 or 12 Months ago.-

5th. To the Seventh Interrogatory this Deponent answering saith that the Schooners Name is the Friendship and he never knew her by any other Name - she had he believes a passport on board, but from whom he does not know - She sailed from Soorabayah to Newkastle & she was to have ended her voyage at Java - She sailed from Soorabayah without Cargo but on the Coast of Holland she took in Money - Soorabayah was the last port she sailed from, she touches at some small Port on the Island of Java and took in Water - believes that the Schooner was under the Management of Mr. Timmerman a Merchant at Batavia & Adriaansen with respect to her employment in trade - he corresponds with no one about her - he does not know where she was built.-

8th. To the eighth Interrogatory this Deponent answering saith that the Schooner sailed without loading from Soorabayah - at the time of Capture she was laden with Money - the Money was taken on board last October 1811 - Spanish Dollars amounting to two hundred & fifty one thousand.-

9th. To the Ninth Interrogatory this Deponent answering saith that Mr. Timmerman & Adriaansen were the owners of the Ship, he heard Adriaansen say so - they are both Dutchmen resident at Batavia - does not know how long they have resided there they were subject to the Government of Batavia.-

10th. To the tenth Interrogatory this Deponent answering saith that he knows nothing about a bill of Sale of the Ship.-

11th. To the Eleventh Interrogatory this Deponent answering saith that all the Lading of the Dollars was taken on board on the Coast of Holland some time in the Month of October last - the whole Consisted of Spanish Dollars he believes.-

12th. To the twelfth interrogatory this Deponent answering saith that he believes there were Owners or right Owners in America of these Dollars - Messrs. Boardman & Pope Merchants of Boston, & Captain Dove Master of the Ship Rapid which was wrecked on the Coast of New Holland - the Loders he does not know, nor any Consignees - Captn. Dove is an American - also resident at Boston - knows of no other Residence; the Dollars were to have been delivered

at

Friendship ——— Continued

Canton, for the benefit of the Owners - believes they were insured - He believes that if the Dollars could now be restored and delivered at their Destined Port, they would be the Property of the owners he mentioned - he does not know the Name of all the Owners -

13th - To the thirteenth interrogatory this Deponent answering saith that he does not know of any bills of lading having been signed for the Goods -

14th - To the fourteenth Interrogatory this Deponent answereth that he knows nothing of the Matters alluded to in this Interrogatory -

15th - To the fifteenth Interrogatory this Deponent answering saith that he does not know of any Charter Party having been executed for the Voyage of the Vessel -

16th - To the Sixteenth Interrogatory this Deponent answering saith that he does not know what Papers or Documents were on board the Schooner - he does not know of any having been destroyed concealed or Attempted to be so -

17th - To the Seventeenth interrogatory this Deponent answering saith that he does not know whether the Schooner, before her present Capture, was ever taken as Prize -

18th - To the eighteenth interrogatory this Deponent answering saith that he has lost to the extent of four thousand Dollars by the taking of the Schooner - he has received no indemnity or promise of any to make good this loss -

19th - To the Nineteenth Interrogatory this Deponent answereth that the Schooner was not insured as he knows of. the Dollars were insured he believes at Boston, but by whom or at what rate or when he can not say -

20th - To the twentieth Interrogatory this Deponent saith that he believes the Dollars were sent to Canton by the Owners to take the Chance of the China Market -

21st - To the twenty first Interrogatory this Deponent answering saith that the Cargo consisted of Spanish Dollars -

22d - To the twenty Second Interrogatory this Deponent answering saith that the Cargo taken on board the Schooner Friendship was in October last removed from the Ship Rapid to the Coast of New Holland -

23d - To the Twenty third Interrogatory this Deponent answering saith he knows nothing of the Matter referred to in this Interrogatory -

24 - To the twenty fourth Interrogatory this Deponent saith he does not know of any Papers having been delivered out of or carried away from the said Schooner at the time of her Capture -

do

25th To the twenty fifth Interrogatory this Deponent answering saith that after the Dollars had been received on board, on the Arrival of the Schooner at Bally. Some of the Dollars to the Amount of 10.000 or thereabouts were taken by Order of Captain Adriaansen - After Capture the Batavian Frigate transhipped the Dollars from on board the Schooner, to herself she believes - does not know for what purpose. -

26th To the twenty Sixth Interrogatory this Deponent answereth that there was one Passenger on board the Schooner when taken a Mr. Delaneourt a Frenchman - No Passengers was secreted - She believes that he Mr. Delaneourt has an Interest in the Dollars - Mr. Delaneourt was going to Soorabay but in what business Witness can not say there were none of the B. M. Subjects on board. Nor any Officers or Soldiers -

27th To the twenty Seventh Interrogatory this Deponent saith that the Passport (the only Ships Paper she knows of) was she believes a true & fair one. was obtained for the Schooner only, how it was obtained she does not know, the particulars relative to it she does not know. the Vessel was at Soorabaya when the Passport was obtained — all the Americans had passes from General Janssens certifying that they were not in the french or Dutch Service but were Americans going to New Holland for the recovery of their Property from the Wreck of the Ship Rapid. —

28th To the twenty eighth Interrogatory this Deponent answering saith that she knows nothing of any papers except those to which he Spoken - has written no papers or letters concerning the Schooner or her lading. —

29th To the twenty Ninth Interrogatory this Deponent saith that when the Vessel was taken she was at Anchor in the Straits of Bally - during her Voyage from New Holland she always Steers direct for Java. -

30th To the thirtieth Interrogatory this Deponent saith that she knows nothing of the Vessel ever having been sold - She believes that if she was restored she would belong to the Owners she has before Named. Knows nothing of any Private Agreements about the Vessel. —

31st To the thirty first Interrogatory this Deponent says that the Schooner had four Guns, two Mounted. two not - had five or Six Muskets or Pistols, armed for defence against Pirates —

She

She has no Warlike Stores of any description, than those necessary for such defence.-

3d. To the thirty Second Interrogatory this Deponent answering saith that she has stated the whole of what he knows and believes as to the Property of this Schooner & as to the property of the Lading taken on board her.-

Additional Interrogatories.-

1st To the first Additional Interrogatories this Deponent saith that the Vessel was never under any Convoy to his knowledge- She had no Instructions to avoid or escape Capture, nor any directions to refuse to give up her papers - or to destroy or to Conceal them.-

2d To the second Additional Interrogatories this Deponent answereth that he does not know that the Schooner ever entered or Attempted to enter any port blockaded by the Belligerent Powers.-

Charles Bufsey.-

Sworn before me
D. K. Sterling
in the presence of
Henry Gahagan
Actuary
Tuesday 16th June 1812.-

In His Majestys Vice Admiralty Court of Madras and the territories thereunto belonging —

Depositions of Witnesses had and taken at the Office of Henry Gahagan Esq^re Registrar in Fort St George Madras on the 28^th. Day of June 1812 before Lake Mauteville Sterling Esq^re one of the Commissioners for taking the examinations of Witnesses upon the Standing Interrogatories, upon the Oaths of the Witnesses hereinafter Named, in the presence of the Actuary. —

Richard Watkins, an American about the Age of twenty eight years deposeth and saith as follows. —

1^st — To the first Interrogatory this Deponent answering saith that he was born at Providence in Rhode Island in the United States of America — has resided at Baltimore ever since the age of nine years has been occasionally at Sea — a Subject of the united States — was admitted a freeman of Maryland & paid 21 Dollars for admission — seven years ago — is Married & his Wife and Family are at Baltimore. —

2^d — To the second Interrogatory this Deponent answereth that he was on Shore near the entrance of the Straits of Palambang & saw the Vessel seized by the Boats of a Frigate — he believes she had no fighting Commission —

3^d — To the third Interrogatory this Deponent answereth that the Vessel was seized at the entrance of the Straits of Palambang. he believes last August — was taken as being an Enemys Vessel — was Carried to Soorabay — She Sailed under Dutch Colours — had a French & English Ensign on board — he understood they were in the Vessel when she was bought — No resistance against Capture made, was taken by the Boats of the English Frigate Mufsar Captain Crawford — No other Vessel in sight at the time of Capture. —

4^th — To the fourth Interrogatory this Deponent saith the Master of the Vessel taken is named Adriaansen — he knew the Master two Months before he / Witness / went on board Schooner a Mr. Timmerman a Merchant of Batavia — appointed Adriaansen as Witness has

understood

understood - Adriaansen took possession of the Vessel at Batavia - but when he can not say - Adriaansen lives at Batavia & has resided there about 21 Years Witness believes - Adriaansen was born in European Holland - does not know to whom he is subject — he is not married —

5th " To the fifth Interrogatory this Deponent answereth that the Schooner is Small Craft about 30 or 35 or 40 Tons - there were eight Malay Mariners to work the Ship & there were Six Americans on board - the Malays came on board at Soorabayah, Shipped and Hired by Adriaansen about ten Months Ago - the Malays were landed at Boba before Capture —

6th " To the Sixth Interrogatory this Deponent saith that he had an Interest in the Cargo of the Schooner which Consisted of Dollars saved from an American Ship which had been wrecked - his Interest was one and an eighth per Cent on the Dollars saved - All the Americans had also an Interest some more & some less - he belonged to the Schooner at the time she was taken, was the Cook of the Vessel - has known her about Eleven Months past saw her at Soorabayah - does not know where she was built -

7th " To the Seventh Interrogatory this Deponent answering saith that the Vessel taken is named the Friendship, never known her by any other Name - she had a Passport on board from Genl Janssens the Governor of Java - she sailed from Soorabay direct to the East of New Holland & she was to have returned to Soorabay - at the time of her Capture - her Cargo Consisted of Dollars & she had not any other Cargo - She Cleared from Soorabay but on her return from New Holland she touched at Boba for Water, she was under the Management of Timmerman he believes as to her employment in trade - Witness Can not write —

8th " To the eighth Interrogatory this Deponent saith that the Schooner at the time of her Sailing from Soorabay had only Provisions and Water - When she was taken she had the Dollars on board - Spanish Dollars most of them, there were a few American Dollars the total Amount was about 250,000 Dollars - he believes they were taken on board about November last -

9th " To the Ninth Interrogatory this Deponent answereth that

We

Friendship ——— Continued

Mr. Timmerman was the Chief Owner, but Mr. Adriaansen he believes had also a share it went by Mr. Timmerman's Name - they both reside at Batavia - Adriaansen is a Dutchman, does not know of what Country Timmerman is - he believes Timmerman is now a Subject of the English; does not Know what is become of Adriaansen.-

10th. To the tenth Interrogatory this Deponent saith that he knows nothing of a bill of Sale for the Vessel.-

11th. To the eleventh Interrogatory this Deponent answereth that all the Dollars were put on board at the same place but on successive Days.-

12th. To the twelfth Interrogatory this Deponent saith that Mr. Pope an American Merchant residing at Boston was owner of the Dollars - does not know to whom the Goods were consigned - believes Mr. Pope to be a Native of Boston in the United States of America - does not know the Lader of the Goods - they were to have been delivered at Canton in China - does not know on whose account, believes they were insured - he takes upon himself to swear that he believes at the time of lading the Dollars and now, if they were restored they did & would belong to Mr Pope of Boston - he has no reason for believing the Contrary.-

13th. To the thirteenth Interrogatory this Deponent saith that he knows nothing about the bills of lading for the Dollars, except that he believes they were last at the Wreck of the Ship Rapid.-

14th. To the fourteenth Interrogatory this Deponent saith that he knows nothing of the Matters enquired into by this Interrogatory.-

15th. To the fifteenth Interrogatory this Deponent saith that he does not know any thing of any Charter Party for the Voyage.-

16th. To the sixteenth interrogatory this Deponent saith that he can not speak to any papers on board the Vessel taken except as to her passport - he does not know of any having been burnt or destroyed or concealed or attempted to be so.-

17th. To the Seventeenth Interrogatory this Deponent saith that he does not know that the Vessel was ever before taken as Prize.-

18th. To the eighteenth Interrogatory this Deponent answereth that he has sustained a loss which he supposes amounts to 3,500 Dollars - has received no Satisfaction or indemnity for such loss no promise of any-

19th. To the Nineteenth interrogatory this Deponent answereth that he does

does not know whether the Schooner was insured - but the Dollars were insured by Mr. Parkins House in Boston has Witness has heard - at what premium he does not know - they were insured to Canton at China -

19th - To the twentieth Interrogatory this Deponent answering saith that the Dollars had they arrived at Canton were he believes to have taken the Chance of the China Market -

21st - To the twenty first interrogatory this Deponent saith that the Dollars were generally Spanish, there were a few United States Dollars -

22d - To the twenty Second Interrogatory this Deponent saith that the Dollars were taken from the Wreck of the American Ship Rapid on the Coast of New Holland by the Means of Divers and put on board the Schooner - about Nine Months Ago -

23d - To the twenty third Interrogatory this Deponent saith that he knows nothing of the Matters inquired of by this interrogatory -

24th - To the twenty fourth interrogatory this Deponent saith that no papers that he knows of were delivered out of or carried away from the Schooner -

25th - To the twenty fifth Interrogatory this Deponent saith that after the Schooner came to Anchor in the Strait of Bally about 75,000 Dollars were taken out and landed - since the Schooner was Captured, the remainder were all taken out of her and put on board the Wasp by Captain Crawford's Order, the Schooner was laid alongside the Frigate & they were taken out for their better Security as to make Prize of them -

26th - To the twenty Sixth Interrogatory this Deponent answering saith that there was a Frenchman a Passenger on board of the Name of Delaucourt also an American Named Trowbridge - the Frenchman was a Sort of Supra Cargo - does not know what the American was - they were not Commissioned - they came on board at Soorabayah just before the Vessel Sailed - they were going to the Coast of New Holland - the Frenchman had some Concern in & Authority over the Dollars - the American had not - No one was Secreted on board - None of the King of England's Subjects on board -

27th - To the twenty Seventh Interrogatory this Deponent saith that the only paper he knows of the Passport, he believes fair and true once - Mr. Timmerman procured it from General Janssens for the Schooner - does not know any particulars as to the Mode of procuring it - It

was

was a Pass to New Holland and back again - the Vessel was at Soorabay when the Passport was granted - All the Americans on board had papers signed by Dansens, certifying that they were not in the French or Dutch Service, but that been Cast away were in distress & were going for the purpose of endeavouring to recover their Property.—

28th To the twenty eight Interrogatory this Deponent saith that he knows nothing of any of the Documents referred to or mentioned in this Interrogatory he can not write and has never signed any papers relative to the Vessel or the Dollars.—

29th To the twenty Ninth interrogatory this Deponent answering saith that the Vessel was coming through the Straits of Bally when pursued, but not being able to get away she was run close in shore and Anchored and was taken at her Anchorage.— her Course was always directed for Soorabay & she was taken on her way there - except when the Frigate was seen the Vessel hauled her round & tried to get away.—

30th To the thirtieth interrogatory this Deponent answering saith that he does not know whether the Vessel was ever sold or transferred knows of no private Agreements about her - believes if she was restored, she would belong to Mr Timmerman.—

31st To the thirty first Interrogatory this Deponent answering saith that the Schooner has four Guns on board two mounted, four or five Muskets, three or four Cutlasses for protection against Pirates No other Warlike Store of any description except the few Necessary for defence.—

32d To the thirty Second Interrogatory this Deponent answering saith that he believes that the Ship at the time of Capture belonged to Timmerman & Adriaansen - and as to the Goods on board that they been got on shore they would have belonged in his Opinion to Mr Timmerman and Adriaansen and to the rest who were instrumental in Saving them - this is the whole of what he knows and believes as to the Schooner and Goods.—

Additional.

Friendship —— Continued —

Additional Interrogatories.-

1st To the first Additional Interrogatory this Deponent answering saith that the Vessel never to his knowledge was under Convoy — had no instructions as to avoiding or escaping Capture, or withholding or destroying papers —

2d To the Second Additional Interrogatory this Deponent saith that the Vessel Never to his Knowledge entered or attempted to enter any Blockaded Port.-

Richard his + mark Watkin.-

Sworn before me
L. H. Sterling
Com.r
in the presence of
Henry Gahagan
Actuary
Saturday 20th. June 1812.-

Isaac Jones an American Seaman late of the Ship Rapid aged twenty Years deposeth and saith as follows.-

1st To the first Interrogatory this Deponent saith that he was born at Brighton near Boston in the State of New England in the United States, has resided at Boston near 17 Years - in the Course of that time has been at Sea - is a subject of the United States - is a freeman of Boston, paid five Pounds for his admission in 1813 & is not married.-

2d To the second Interrogatory this Deponent answering saith that he was on the beach at the Straits of Bally & saw the Schooner taken by the Boats of a Frigate - she was not Commissioned for fighting.-

3d To the third Interrogatory this Deponent answering saith that the Schooner and her goods were taken about October last in the Straits of Bally - because she was thought to be French & was carried to Banjee Wangy - she sailed under Dutch Colours - they had also French & English - there were on board the Vessel when she was taken She made no resistance & was taken by the English Frigate Nusparo - No other Vessel in sight.-

4th To the fourth Interrogatory this Deponent answering saith that the Commander of her was named Troubridge - but Mr Adriaansen cleared her out of Soorabayah as Commander - Adriaansen then appointed Troubridge to Navigate the Vessel after she was cleared out - Troubridge took possession in August and received possession from Adriaansen - Troubridge belongs to New York - but the last place of his abode was Soorabayah - he came to Soorabayah from Batavia - he was born at New York, is married there and his Wife and family reside there & he is a Subject of the United States.-

5th To the fifth Interrogatory this Deponent answering saith that the Vessel is between 400 & 500 Tons burthen - there were eight Malay Mariners shipped & hired in August at Soorabay by Adriaansen - but they had been landed before Capture.-

6th To the Sixth Interrogatory this Deponent answering saith that he had an Interest to the extent of one per Cent upon the Dollars on board the Schooner - all the Americans had some Interest, some more and some less - the Cargo Consisted of Dollars - he belonged to the

Vessel

Vessel when she was taken - he worked his passage in her - as a Passenger - & can know her till he saw her for the first time at Soorabayah - does not know where she was built -

4th To the Seventh Interrogatory this Deponent answering saith that the Name of the Schooner she remembers was the Friendship the only name by which he ever heard her called - she had a Passport on board from General Janssens the Governor of Java she Sailed from Soorabayah to New Holland and was to have returned to Soorabayah - she sailed without Cargo but returned from New Holland with Dollars - she cleared out at Soorabayah - the Vessel in her employment generally was managed by Timmerman a Merchant at Batavia - Witness never Corresponded about the Vessel or Cargo with any one - does not know where she was built -

5th To the eighth Interrogatory this Deponent answering saith that the Vessel at Sailing had only provisions on board - but when taken had a Cargo of Spanish and a few American Dollars to the Amount of 25,000 Dollars, taken on board about the end of last October -

6th To the Ninth interrogatory this Deponent answering saith that Timmerman & Adriaansen both Dutchmen, and resident at Batavia are owners of the Vessel - Adriaansen has resided there he said 17 or 18 Years - does not know how long Timmerman has - Does not know to whom they were subject - they Cleared her out as owners & said they were owners of the Vessel -

10th To the tenth Interrogatory this Deponent answering saith that he knows nothing of any bill of Sale of the Vessel -

11th To the eleventh Interrogatory this Deponent answering saith that the Dollars were all but on board on the Coast of New Holland at one time. Dollars amounted to 2,01,000 -

12th To the twelfth Interrogatory this Deponent answering saith that he does not know the Leader or Consignee but Messrs Boardman and Pope of Boston Merchants & Mr Thomas A Perkins also a Boston Merchant are owners - they are Americans - he has known them at Boston for 8 or nine Years - the Dollars were to have been delivered at China on account and for the benefit of the

Owners

Owners - they were insured - he believes that if the Goods were restored they would belong to the persons he has named & he believes to no one else -

13th " To the thirteenth Interrogatory this Deponent answering saith that he does not know any thing of the bills of lading for the Goods -

14th " To the fourteenth Interrogatory this Deponent saith that he can not Speak to the Matter enquired of by this Interrogatory -

15th " To the fifteenth Interrogatory this Deponent answering saith that he does not know of any Charter Party signed for the Voyage -

16th " To the Sixteenth Interrogatory this Deponent answering saith that he does not know what papers she had on board when she sailed except the Passport - No papers were burnt or thrown over or destroyed or attempted to be so to his knowledge -

17th " To the Seventeenth Interrogatory this Deponent answereth that he does not know that this Vessel was ever before taken as Prize -

18th " To the eighteenth Interrogatory this Deponent answering saith that he has sustained loss to the extent of 2,700 Dollars - he has received no promise of indemnity or Satisfaction for such loss -

19th " To the Nineteenth Interrogatory this Deponent answering saith that the Schooner was not insured - but the Dollars were insured in America - the particulars of the Insurance he can not Speak to -

20th " To the twentieth Interrogatory this Deponent answering saith that had the Dollars arrived at Canton they would have taken the Chance of the China Market, in purchasing two Cargoes for the Owners -

21st " To the twenty first interrogatory this Deponent answereth that the Dollars were generally Spanish, a few Double and half United States Dollars -

22d " To the twenty Second Interrogatory this Deponent answering saith that the Dollars were removed to the Schooner in boats from the Wreck of the American Ship Rapid - on the Coast of New Holland in the end of October last -

23d " To the twenty third Interrogatory this Deponent answering saith that he can not Speak to the Matters enquired of by this Interrogatory -

J.

Friendship ——— Continued

24th To the twenty fourth Interrogatory this Deponent answeth that there were no papers delivered out of or carried away from the Vessel that he knows of.-

25th To the twenty fifth Interrogatory this Deponent saith that after the Arrival of the Schooner Dollars to some amount were landed before Capture - after Capture the remainder of the Dollars were put on board the Bufpar, he supposes by the Captains Order, why he does not know -

26th To the twenty Sixth Interrogatory this Deponent saith that there was a Danish Passenger Named Franck going to New Holland, came on board at Soorabaya in August, there was also a Frenchman named Delaucart he was going to New Hollandalso- to see after the Recovery of the Dollars - No Officers or Soldiers nor any English subjects on board.-

27th To the twenty Seventh Interrogatory this Deponent saith that the Passport was a fair one procured by Adriaansen from General Janssens for the Schooner when she was lying at Soorabaya the particulars of the Passport or the Mode of procuring it he is not acquainted with - All the Americans had passes from General Janssens certifying that they were Americans cast away - & that they were not in the French or Dutch Service.-

28th To the twenty Eighth Interrogatory this Deponent saith that he does not know of any Documents as referred to in this interrogatory he has not written or Signed any letters or papers concerning the Vessel or her lading.-

29th To the twenty Ninth Interrogatory this Deponent saith that when pursued the Schooner was going into the Straits of Bally but on seeing the Frigate she hauled her wind, but not being able to get away she Anchored in the Straits- She was in her Course for Soorabaya-

30th To the thirtieth Interrogatory this Deponent answering saith that he does not know that the Vessel was ever sold or transfered or any private Agreements made about her - believes that if she was restored she was to belong to Timmerman & Adriaansen & to no one else -

To

31st To the thirty first Interrogatory this Deponent answering saith that there were two Guns Mounted and two in the Hold - a few Muskets & a few Cutlasses - she has no Warlike Stores of any Description besides those he has mentioned -

32d To the thirty Second Interrogatory this Deponent answereth that Mr Adriaansen & Timmerman are the Owners of the Schooner and he believes that they also were the Owners of the Dollar after the recovery of them from the Wreck - they were originally destined to China -

Additional Interrogatories -

1st To the first additional Interrogatories this Deponent answereth that the Vessel never to his knowledge was under any Convoy had no instructions to avoid or escape Capture or to withhold or Conceal Ships Papers -

2d To the Second Additional Interrogatory this Deponent saith that the Vessel never to his knowledge entered or Attempted to enter any Port under Blockade -

Isaac Jones -

Sworn before me
L. D. Sterling
Com.r
In the presence of
Henry Gahagan
Actuary
Saturday 20th June 1812 -

349

Allegations ——

In the Vice Admiralty Court at Madras.
Prize Jurisdiction

Our Sovereign Lord the King
against
The Schooner Friendship whereof
Johannes Adriaansen was Master her
Tackle Apparel & Furniture & the Goods
Wares Specie & Merchandize therein taken
and seized by H. M. Ship Nassau whereof
James Coutts Crawford Esqr was Commander.

9th July 1812.

On which Day Robert Orme Proctor & General
for our Sovereign Lord the King by all lawful Means & 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's the 16th day of
May 1803 declare and Order that General Reprisals be granted against
the Ships Goods and Subjects of the French Republick so that as well
H. M. Fleets and Ships & all other Ships and Vessels that should be
commissioned by Letters of Marque or General Reprisals or otherwise
by H. M. Commissioners for executing the Office of Lord High Admiral
for the time being Or by any Person or Persons duly authorized 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 Judgment 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
unto the Great Seal of Great Britain authorizing the Right
Honble the Lords Commissioners for executing the Office of Lord
High Admiral of the united Kingdom of Great Britain
and Ireland and the Lieutenant & Judge of the same Court
and his Surrogate. And also the Several Courts of Admiralty
within His Majestys Dominions which should be duly

Commissioned

Friendship ——— Continued

Commissioned to take Cognizance of and Judicially to proceed upon all and all manner of Captures Seizures Prizes Reprisals of all Ships Vessels 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 & Notorious and the Party Proponent doth alledge and propound every thing in this and the Subsequent Articles contained Jointly and Severally.-

Secondly That the said Schooner Friendship whereof the said Johannes Adriaansen was Master with the Goods Wares Specie & Merchandize laden thereon were on or about the fourteenth Day of November One thousand eight hundred and eleven seized and taken as Prize by His Majestys Ship of War the Wasp whereof James Coutts Crawford Esquire was Commander and respectively were at the time of the aforesaid Seizure thereof belonging to the French Republick or to the Government of France or to persons being subject of the French Republick or to persons being subject to the person then exercising the Government of France or to persons inhabiting within the Territories of the French Republick or of the Government of France 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 further to be adjudged and decreed that the said James Coutts Crawford the Commander of His Majestys said Ship of War the Wasp and the Officers and Crew on board the said Ship under his Command were and are the Captors thereof respectively And the Party Proponent doth alledge and propound as before.-

Thirdly 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 Majestys Vice Court of Admiralty at Madras or your lawful Surrogate And that the said Schooner

Friendship

Friendship ——— Continued

Friendship whereof the said Johannes Adrianssen was Master
Sea Tackle Apparel and Furniture and the Goods Wares Specie
and Merchandizes so seized and taken as aforesaid lie pronounced
to have belonged at the time of the aforesaid Seizure to the
French Republick or to the Government of France or to persons
being subjects of the French Republick or to persons being
subjects of the Government of France or to persons inhabiting
within the territories of the French Republick or subject
to the said Government of France and as such or otherwise
liable to Confiscation and Condemnation. And that it may
be pronounced and decreed that the said Schooner Friendship
her tackle Apparel and furniture and the Goods Wares and
Specie & Merchandizes laden thereon do belong to Enemies
of the Crown of the United kingdom of Great Britain
and Ireland. AND that the said Schooner Friendship
her tackle. Apparel and furniture and the Goods Wares,
Specie & Merchandizes laden thereon be adjudged and condemned
as good and lawful Prize accordingly seized and taken by
His Majestys said Ship of War the Defiance whereof the said
James Cuttle Crawford was Commander as aforesaid. ——

Herbert Compton

Wm Deane
Kings Proctor

Friendship ——— Continues

Order upon the said Schooner & Dollars.—

Vice Admiralty Prize Court Madras.—

Wednesday the 15th Day of July 1812.

Before the Worble. Sir Thomas Andrew Strange

Kt. Commissary and Judge &c. &c. present

Henry Gahagan Esqr. Registrar.—

In the Business of the Schooner Friendship L. Vidricansen Master } taken by H. M. Ship Hussar J. C. Crawford Esqr. Commander.—

Mr. Compton the Kings Advocate having been heard on behalf of the Captors in this business, and the Affidavit of Lieut. P. H. Bridges with the papers of the said Schooner and a Certificate accompanying the said Affidavit having been read, and the Depositions of the Witnesses examined upon the Standing Interrogatories together with the Allegations filed against the said Schooner having been also read, and It appearing that the said Schooner had not been brought into the Port of Madras, nor into any Port or Place of the territories thereunto belonging, and it not having been satisfactorily shewn and proved that she might not have been so brought by the Captors, the Court pronounced and declares that its Jurisdiction did not attach upon the said Schooner, but it also appearing by the Affidavit aforesaid that the Sale proceeds of the said Schooner, sold at Soorabayah, in the Island of Java, were now within the Jurisdiction of this Court, It is Ordered that a Monition do issue calling upon the Captors, or their Agent, forthwith to pay the said proceeds into the Registry of this Court, to be invested according to the rule of this Court, to abide the Orders of the High Court of Admiralty of England, to which said High Court It is further Ordered that the Registrar do transmit by the first Opportunity Copies of all the proceedings had in this business. And with respect to the Cargo of Dollars taken on board the said Schooner and brought to this Port on board His Majesty's said Ship Hussar, It appearing from the Depositions abovementioned that they had been Shipped at Boston in the United States of America by Merchants Citizens of the said United States, the

owners.

Suenaship ——— Continued

Owners of the said Dollars, and it not appearing that any thing has occured to alter their property therein, the Court postponed the adjudication of the said Dollars, for the purpose of allowing a Claim to be put in for them on behalf of the said American Merchants and Citizens, and It is Ordered that in the mean time a Commission of Sale of the said Dollars do issue directed to the Marshal of this Court, and that the Sale proceeds thereof be paid into the Registry, to be invested according to the Rule of this Court and so to abide further Orders.

J. A. Strange

Friendship ——— Continued

Proxy for Claimant.-

In the Vice Admiralty Court Madras.-

I Edward Augustus Newton of Boston Merchant who am Supracargo and part owner of the American Ship Calcutta which is now in the Roads of Madras do (as far as I may be enabled or as may be permitted to me in this behalf) hereby Constitute James Morris one of the Proctors of the Court of Vice Admiralty at Madras to be the Proctor of and for the Owners and Underwriters at Boston of and upon certain treasure which was taken at Boston at a period of time now about Two Years past on board of the American Ship Rapid under the Command of Dorr - and which was Consigned from Boston to China - and in relation thereto to exhibit my Claim on behalf of the same Owners and underwriters to a quantity of Dollars which have been brought within the Jurisdiction of the said Court by Captain Crawford on board of His Britannick Majestys Ship as prize Property taken in Batavia Roads on board of a Dutch Schooner called the Friendship - And for the Interest of the Owners and underwriters at Boston aforesaid to do such further Acts in the same Matter as shall be needful -

Witness my hand the Seventeenth day of July in the Year of our Lord One thousand Eight Hundred and twelve.-

E. A. Newton.-

Claim.

In the Vice Admiralty Court Madras

In the Matter of certain treasure taken as prize on board of the Dutch Schooner Friendship in Batavia Roads - and brought within the Jurisdiction of this Court on board of His Majestys Ship Hyæna under the Command of Captain Crawford -

The Claim of Edward Augustus Newton an American Citizen of Boston in the United States being also Supracargo and part owner of the American Ship Calcutta now in the Roads of Madras -

The said Edward Augustus Newton as an American Citizen and Merchant of Boston alleges and Claims (by James Morris his proctor in this behalf) that all the treasure consisting of Dollars which has been brought into the Roads of Madras on board of His Britannick Majestys Ship Hyæna under the Command of Captain Crawford and which was taken on board of that Ship from the Dutch Schooner Friendship at or near Batavia on the Coast of Java, was the property of American Citizens dwelling at Boston in the United States (that is to say) of Messieurs James and Thomas H. Perkins - Mr William Pratt - Mr Ebenezar Francis - Mr Jonathan Amory - and others whose Names the Claimant is not now enabled to particularize - And that the same treasure was taken from an American Ship called the Rapid belonging to Messieurs Boardman and Pope of Boston which was wrecked on the Coast of New Holland at a period of time now about Two years past -

And the Deponent Edward Augustus Newton, therefore, on behalf of the Merchants of Boston hereinbefore Named and of such others, owners or Underwriters as shall be lawfully interested - Claims the same treasure to be the property of Citizens

of

of the United States of America which has not
at any time been abandoned.—

J. A. Newton

Jas. Morris
Proctor

557

Friendship — Continued

Affidavit in Support of the Claim

In the Vice Admiralty Court Madras.

In the Matter of certain treasure Consisting of Dollars brought within the Jurisdiction of this Court on board of His Britannick Majestys Ship Wasp under the Command of Captain Crawford and taken as prize from a Dutch Schooner Called the Friendship in the Roads of Batavia.

On this Day being the Eighteenth Day of July in the year One thousand Eight hundred ——— twelve has appeared personally Edward Negustus Newton Supracargo and part own[illegible] of the American Ship Calcutta now in the Roads of Madras who deposes and Says that he is an American Citizen of Boston in the United States - and that he left Boston in the Month of January in the year One thousand eight hundred and twelve - and that he departed from New Holland in the Ship Calcutta aforesaid bound to Madras on the Ninth Day of February now last past - and the Deponent further Says that for some time previously to his departure from Boston it was a Subject of General Conversation amongst the Merchants and Underwriters at that place and a matter of public Notoriety that the ship Rapid of that port belonging to Messrs Boardman and Pope of the same place had sailed from Boston at a period of time now about Two years past under the command of one Dorr as Master - laden with Dollars to the number of two hundred and fifty thousand or thereabouts the property of divers Merchants of Boston and bound to China - and the Deponent Says that the Merchants at Boston who freighted the said Ship were (as the Deponent understood) many in Number - but that the Deponent is enabled only to recollect the Names or Firms of Four Houses, and that those were - Messrs James and Thomas H Perkins Mr William Pratt - Mr Ebenezer Francis - and Mr Jonathan Amory - respectively of Boston - and the Deponent also says that according to his understanding and to the best of his recollection Eighty thousand Dollars of the said Cargo were the property of the

Friendship Continued.-

the said James & Thomas W. Perkins whereof twenty thousand Dollars were uninsured - And the Deponent further says it was further reported and generally understood and also believes that the said Ship Rapid had proceeded by the Eastern passage in the Indian seas towards China and has been wrecked on a part of the Coast of New Holland with her Cargo aforesaid of Dollars on board her - and that with the express design of securing - and afterwards reclaiming the Cargo aforesaid of Dollars the said ------ Dorr had caused the Vessel to be burned to the Water's Edge - so that the lower part of her Hull with the treasure might remain unobserved until he should be enabled to return to the ---, and regain, and remove the treasure - that the ---- Master ------ Dorr and part of the Crew had afterwards found means to proceed from New Holland to Batavia and that from thence the said Master Dorr had returned to Boston, and the Deponent further says that after such return as aforesaid of the said Master ------ Dorr to Boston, it was generally known or understood that the Ship, and all or the most part of the Cargo aforesaid which had been insured, had been abandoned to the Underwriters, and that the insurance in respect to the Ship and Cargo, or certain portions thereof had been recovered - And the Deponent also says that he was personally acquainted with the said Master ------ Dorr at Boston aforesaid after such his return thither, and that proposals were in or about the Months of July and August in the year One thousand eight hundred and eleven - Circulated at Boston - whereby a certain premium was offered for Salvage of the aforesaid treasure - And the Deponent further says that (as he understood and as he believes) an Agreement was Entered into at Boston - with Captn Woodward of the Ship Agnes by or on behalf of those who were interested - for recovery of the treasure aforesaid - and that, for the purpose of such recovery, the said Captain Woodward left Boston in the Month of September or the Month of October last with the design of proceeding to China by the Eastern passage, and touching upon the Coast aforesaid of New Holland - and the Deponent also