

At the Court at St. James's
the 30th day of April 1724

Present

The Kings most Excell: Majesty

Arch Bishop of
Canterbury

Lord President

Duke of Kent

Duke of Roxburghes

Dukes of Newcastle

Earl of Lincoln

Earl of Cadogan

Earl Coningsby

Lord Viscount Townshend

Lord Viscount Torrington

Lord Bishop of London

Lord Carteret

M: Comptroller

Lieu: Gen^l of the Ordnance

J: Robert Sutton

Upon reading this day at the Board a Report
From the Lords of the Committee for hearing
Appeales Complaints &c. from the Plantations
Dated the 17th of this Instant upon Considering
a Petition of Jonathan Forward of London
Merchant, Complaining of Some unjust Proceedings
Carried on against him and his Agents in the
Courts of Maryland at the Suit of Gilbert
Poulson Master of the Ship Dolphin, Relating
to an Agreement Entered into between them for
the said Poulson to Transport from England
to the said Province and to Virginia One

Hundred

Curia

Hundred and Thirty one Servants on Account
whereof severall Attachments have been obtained
against his Effects there. And also Complain^{ing}
that he hath not Received any benefitt from
an Order of Their Excellencies the late Lords
Justices in Council of the 11th Day of August
1720 made upon a former Complaint of the
said Petitioner, Which Order Directed that all
his Goods that had been Seized by Virtue of the
said Attachments should be restored to him, or
in Case they were Sold then the Money to be
Paid him arising from the Sale thereof. All
which is fully sett forth in the Petition hereto
annexed — And the said Lords of the
Committee Reporting that notwithstanding such
Order in Council the Petitioner hath not been
able to obtain Restitution of his Goods in
Species or the Payment of any Money for the
Same as by the said Order was Commanded,
And that therefore they are of Opinion the said
Order ought to be Enforced: —

His Majesty in Council taking the said
Report into Consideration, is Pleased to
Approve thereof, and accordingly to Enforce
the said Order of the 11th of August 1720; —
And to that end His Majesty is hereby pleased

to Order, that the Deputy Governor of the said
Province of Maryland Do Command the
Said Courts there to Carry the said Order into
immediate Execution, by Causing Speedy
Restitution to be made the Petitioner of his
Effects, or in Case they are Sold, immediate
Payment of the Money arising therefrom;—
And his Majesty taking particular Notice
that the said Deputy Governor hath not
Complied with the said former Order in
Councill. Is hereby further pleased to Order
and Require him, forthwith to Send an
Account to this Board why the said Order
was not Carryed into Execution, together with
his Reasons for the Same.

Jas Vernon

To the Kings most Excellent Majesty
in Council

The humble Petition of Jonathan
Forward of London Merchant

Sheweth

That your Pet.^r 5th Sep^r 1717 Entered into
Charterparty with Gilbert Poulson Master of the
Ship Dolphin whereby the said Master let
the said Vessel to Freight to yo^r Pet.^r for six
months certain and for a further term
(uncertain) not exceeding Six months more
for transporting of 131 Servants to Maryland
or Virginia on your Pet.^r Account and to
deliver them to yo^r Pet.^r Factors there and
receive from them such each Loading of
Goods as they should put on Board which
he was to fetch at his own expence and being
Loaden was to Sail directly back to the
River Thames and there unload and
deliver to your Pet.^r his homeward bound
Cargoe —

And

And your Pet^r was to clear the said Ship
from his service in 12 Months and within 10
days after Delivery of the said homeward
bound Cargoe in the Thames to pay Poulson
after the Rate of 50[£] Ster^d p^r Month for each
Month his Ship should be on the said Voyage
with Primage average &c.^a as Customary
Poulson was also to receive 5[£] p^r week for each
Servant he should deliver to yo^r Pet^r's
Factors at Maryland or Virginia immedi-
ately on their delivery to Commence from the
Servants entry on Board.

That after Execution of the said Ch^r P^ty
Poulson told your Pet^r he was not able to
set out on the said Voyage without 375[£]
which he requested your Pet^r to Lend him
on the Credit of the Ch^r P^ty and the s^d
Poulson and his Ship both being actually
under an arrest hereupon and on the said
Poulsons request and to enable Poulson
to fit out his ship and pay his Tradesmen
your Pet^r Lent him 375[£] which Poulson
secured to your Pet^r by a Bottomree Bond
in

£ 750 Penalty and also by an Indorsment
on the said Cherty under his hand whereby
he agrees all sums to grow due by Virtue of
of the said Cherty should remain and be
a security for the more sure payment to yo^r
Pet. of all sums to grow due on the said Bottom
-ree Bonds

That the said Poulson having performed
his Voyage on his arrivall at Maryland
he delivered 151 Servants to your Pet.^s Factors
there the Victualing Wages for which
amounted to 470.

That your Pet.^s Factors payd Poulson £
on his said arrivall which with the Moncy before
lent him by your Pet.^s over payd the £ 470 (being
all that Poulson could any ways pretend due
to him) 39 and your Pet.^s Factors then put on
Board him a back Loading out of hand &
ordered him to saile directly for London but y^e
said Poulson contriving how to raise great
sums to himself out of your Pet.^s Effects
there and confederating with those to injure

Your

Your Pet. in his property who by vertue of these
Offices ought to have Protected Your Pet. from
all Injury. He was encouraged to present a
Petition the 3 of July 1718 to the then Gov. there
setting forth that the said Victualling Wages
Amounted to 470 but that your Pet. Factors
refused paying him the same and Ordered
him to sail without giving him any thing
to fit out his ship and having no money or
Credit to supply his ship with Victuals and
as the freight of his ship on her Arrival in
Shamus would amount to severall hundred
pounds besides the said sum due for Victualling
Wages he therefore laid his case before his
then Excellency that if he could find any
method of redressing his wrong he would be
pleased to do it, he declaring himself ignorant
and hopeless of any Relief unless by some
order from his Excellency which he declares
he knows not how to pray for or propose
but submits whether any thing can be done
for him and any favour that can be proposed
by his Excellency should be very gratefully
acknowledged

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setting forth that the said Victualling Wages
Amounted to 470 £ but that your Pet^r Factors
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acknowledged by him

That this application to the then Governour is
conceived to be of a very Extraordinary Nature
whereby Poulson owns himself to have neither
money nor credit and does not pray ~~for~~ any
particular Relief nor ask for Justice but favours
promising a gratefull acknowledgment for the
same. That however his then Excell: thought
fit to receive his extraordinary Petition and refer
it to the then Attorney Gen: for his Opinion
how far it was in his Excellency's Power to
relieve the Pet: by Vertue of his Commissions
as Vice Admirall of the Province, who the
very same day Reported as his opinion That
the Charter and other Contracts made
between your Pet: and Mr. Poulson were
not to be were not to be performed within the
Body of any County in Great Britain
But that there having been a Transportation
thro' the high Seas and the Quarrell between
the Merchant and Proprietor of the ship
being then properly beyond sea therefore
he advised his Excellency to refer Poulson to
the

the Court of Vice admiralty within that Province
and accordingly the 9th of July 1718 Poulson
Libelled ag^t your Petitioner for the said Victuall
ing Freight in the Court of admiralty of the
said Province setting forth the substance of
the Charter party the Original of which
he alledged he had left in London and
thereupon all your Pet:^s Factors were summoned
to the Court and Examined upon oath to
discover your Pet:^s effects and he obtained
Sentence against your Pet:^s and Attachm^t
and Condemnations not only against his
Goods and effects that were then in the hands
of his said factors there but also ag^t his Goods
& Effects that arrived there Subject to these
Orders of Condemnation and when ever any
Effects of your Pet:^s were heard of now Attachm^t
issued against the same And by Executions of
that Court the same were Seized to the Value
of near 2000 and delivered over to Poulson
without giving any Security save only
his own Bond to return the same when
adjudged thereto tho' by an Act of Assembly
of

of that Province good and sufficient security ought to have been given and as the usuall course of the Court is, and which in this case was the more Necessary, Poulson having himself acknowledged in his Libell that he had neither money nor Credit so that they could not but know he was unable to make your Pet: any restitution.

That the great Number of Attachm^{ts} and Executions that Issued came to a very considerable expence and which was in the first place paid for out of your Pet:^s Effects.

That notwithstanding your Pet:^s Agents there protested ag: the said Libell and all the proceedings thereon and tho' your Pet:^s Agents also preferred a Bill in Equity to the then Gov: as Chancell: of the said province setting forth your Pet:^s Case and Complain^t of the said proceedings and praying a stay thereof and that a ne. Exec provincia might be awarded ag: the said Poulson Yet could your Pet: Obtain no Relief therein all his Endeavours for which by his Agents there
proved.

there proved in Effectuall and it being plain
the Admiralty Courts had no Jurisdiction in
that affair. Your Pet: in July 1720 by his
Humble Petition laid this his Case before
their Excellencies the then Lords Justices in
Councill praying Relief ag: the said
unjust proceedings and which petition
being Referred to the Right Honble the Lords
of the Committee for Plantation Affairs on
their Lordships Report thereon the Lords
Justices by their order in Councill dated the
11th of August 1720 Ordered that upon your
Pet^{rs} giving such security as the Gov: and
Councill of the said province should think
sufficient to answer the said Toulson's demands
Your Pet: goods which had been seized
and remained in specie should be Restored
to him and in Case they were sold That
your Pet: should be payd the money arising
from the sale thereof and that thereupon the
provinciall Court should proceed to hear
and determine the Cause or Causes with
Liberty for either party to appeal
That

That accordingly the 2^d Decemb: 1720 Security
was given on your Pet: ^L behalf in 1200 and
approved by the said Governor and Council
and thereupon your Pet: ^L Council moved for
Restitution of your Pet: ^L Goods or the pro-
duce thereof pursuant to the said Order in Council,
with which the Court ordered the said
Poulson to be acquainted who returned for
answer that what he had got he had got by
Law and that he had neither the money nor
the Effects to restore.

That notwithstanding the said Order in Council
Your Pet: ^L hath not been able to gett the same
performed or any restitution made him under
the same.

Therefore and as the proceedings ag^t your
Pet: ^L have been of so ^{very} extraordinary a Nature and
as it is ^{is} clear the Admiralty Court had no
Jurisdiction in the Case nor were the ^{Pris} ^{ers} ^{is}
Cognizable there and as y^r Pet: ^L hath been so great a
Sufferer thereby not only in the great Value of
his Goods and Effects seized there but in his
Credit as a Merchant in Consequence of such
Seizures

Seizures which is irreparable and as the said
Poulson over and above what of your Pet: Effects
he has already got into his hands by the
unjustifiable means aforesaid is really indebted
to your Pet: on the Ballance of accounts.

Your Pet: humbly prays your Majesty
That in Consideration of the hard and
unprecedented Circumstances of this Case
your Majesty would graciously be
pleased to Enforce the said Order in
Councill of the 11th of August 1720
by directing speedy restitution to be
made your Pet: of such part of
his said Effects that may be remaining
in specie and ^{of} the money that arose from
such part thereof as were sold and that
your Majesty will be pleased to limit
some time in which the said Court who
pronounced and Issued such Extraordinary
Sentence Attachm^{ts} and Executions shall
Cause such restitution to be made
Your

Your Petitioners Agents in Maryland and
give Directions to the Deputy Gov: there
or whom Else it may Concern to Cause
your Majesty's said Order to be duly
obeyed as he or they will answer the contrary
at their Perill and that your Majesty
will be pleased to give such further and
other directions as will be Effectual to
Cause such restitution to be duly made
to yo: Pet: or his said Agents for your
Pet: Relief in the premises as your
Majesty in your Consummate Wisdom
shall think proper

And your Pet: shall ever pray

sc^a

Ex: /

Lucas

Howard

Brookfield

Stoughton

Brookfield