

Lib. X. as his Opinion that the Charter Party and other Contracts made between your petitioner and M^r Poulson were not to be perform'd within the Body of any County within Great Britain but that there having been a Transportation thro' the High Seas and the quarrel between the Merchant and the Proprietor of the Ship being properly beyond Sea therefore he advised his Excellency to refer Poulson to the Court of Vice Admiralty within that Province and Accordingly the 9th of July 1718 Poulson Libelled against your Petitioner for the said Victualling freight in the Court of Admiralty of the said province setting forth the Substance of the Charter party the Originall of which he Alledged he had left in London and thereon all your Petitioners Factors were Summoned to Court and examined upon Oath to discover your Petitioners Effects and he Obtained Sentence against your petitioner and Attachments and Condemnations not only against his Goods and Effects that were then in the hands of his factors there but also against his Goods and Effects that arrived there Subject to those Orders of Condemnation and whenever any Effects of your petitioners were heard of new Attachments issued against the same And by Executions of that Court the same were seized to the Value of near 2000^ls and delivered over to Poulson without Giving any Security save only his own Bond

p. 107

to return the same when Adjudged thereunto tho by an Act of Assembly of that Province good and sufficient Security Ought to have been given and as the usual 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 petitioner any Restitution That the Great number of Attachments and Executions that issued came to a very Considerable Expence and which was in the first place paid for out of your Petitioners Effects

That notwithstanding your Petitioners Agents there Protested against the said Libell and all the Proceedings thereon and tho your petitioners Agents also preferred a bill in Equity to the then Governor as Chancellor of the said province setting forth your petitioners Case and Complaining of the said Proceedings and praying a stay thereof and that a Ne Exeat Provinciam might be awarded against the said Poulson yet Could your Petitioner obtain no relief therein all his endeavours for which by his Agents there prov'd ineffectual and it being plain the Admiralty Courts had no Jurisdiction in that Affair Your petitioner in July 1720 by his humble petition laid this his Case before their Excellencys the then Lords Justices in Council praying Relief against the said Unjust Proceedings and which petition being referred to the Right