

Thereupon and for redress of the Same by an order of his Majesty in Councill bearing date at his palace at Kingsington the 4th day of July past made a Court thereupon reading a Report of the Lords of the Committee for hearing appeals from the Plantations dated the Seventeenth of June Last in the Words following Viz^t In pursuance of an order in Councill of the Twenty first of February last referring to this Committee the Humble Petition and Appeale of Jonathan Forward of London Merchant against Gilbert Powlson from Maryland their Lordships appointed this Day for Considering the Same and do find the Said Petition Setts forth (Inter alia) that on the fifth Day of September Seventeen hundred and Seventeen the Appellant Entred into Charter Party with the Said Gilbert Powlson Master of the Ship Dolphin for the Freight of the Said Vessell for Transportation of One hundred and Thirty one Servants to Maryland and Virginia and to bring one homeward Bound Cargo back from thence to the Appellant Within ten Days after delivering of Which homeward Bound Cargo in the Thames the appellat was to pay to the Powlson after the Rate of fifty Pound per Month for Each Month his Ship Should be out in the Said Voyage and According to Which Agreement the Said Powlson Delivered the Said Servants in Maryland but tho no part of the Ships Freight became due till the Ship Arrived in the Thames and tho the Appellants Factor had Shipt a back Loading on board Powlson and Directed him to Sail for London and protested Ag^t him for not Doing So and tho the Apellants Factors then had paid Said Powlson a Considerable Sum of money Yet the Said Powlson brought an Action in the Provinciaall Court there Ag^t the Appellant for three hundred and Sixty Pounds Seven Shillings and Six pence Pretended to be due to him for the Said Ships Freight and for non payment whereof he laid his Damages at Seven hundred and fifty Pounds Whereupon the Twentieth of Sept^r Seventeen hundred and Twenty the Court declared the Said Powlson Ought to recover against the Petitioner the Damages he had Sustained in the premisses and to Ascertain which a writt of Inquiry issued which was Executed and Returned the Same Day whereby the Said Powlsons Damages besides his Costs were Ascertaind to Six hundred Pounds Sterling and Six Thousand four hundred and fifty one [686] Pounds of Tobacco for his Damages as also Twelve hundred and Seventy three Pounds of Tobacco for Costs that Powlson took out a Writt of Attachment upon the Said Judgment which was Actually Executed Severall times over on the Appellants Effects in the hands of his factors there and the Said Powlson also took out a fieri facias Ag^t the Appellant Whereupon the Petitioners Attorney brought a Writt of Error Assigning Severall Errors in the Said Judgment proceedings and Execution Notwithstanding Which Powlson Moved the Court for Condemnation of the Petitioners Effects in the hands of Thomas Cockey one of his Factors So attached as af^d to Satisfie Powlson the Said Judgment as also the Cost of the Said Execution which the appellants Attorney opposed by reason of his hav-