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Prize appeal case for the ship 'Columbia', Charles Jennison (master), at the Vice-Admiralty Court of the Bahamas, 1817

HCA 45/70/16

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Before the most Noble and Right Honourable the
Lords Commissioners of Appeals in
Prize Causes.

The COLUMBIA, CHARLES JENNISON Master.

*The said Charles Jennison, the Master, and Alexander H. Gibbs, the Super-
cargo, Claimants of the said Ship and Cargo, as protected by a Licence
granted by the Right Honourable Lord Sidmouth, one of his Majesty's* } *Appellants,*
principal Secretaries of State,

AGAINST
Richard Coulson, Commander of the Private Armed Schooner Swift, the } *Respondent.*
Captain of the said Ship and Cargo,

On an Appeal from the Vice Admiralty Court of
the Bahama Islands.

APPELLANT'S CASE.

THIS ship under American colours, being furnished with a licence granted by the Right Honourable Lord Sidmouth, one of his Majesty's Principal Secretaries of State, to import into Cuba, from any port in the United States of America, a cargo of grain, meal, flour, or rice, sailed from Boston in ballast, for New Orleans, in the month of December 1812, where she was detained a considerable time, not being able to procure a cargo, but in the early part of the month of May 1813, she took on board her present cargo, consisting of flour, with which she sailed from New Orleans, on or about the 15th day of the said month of May, bound to Cuba, but was steering for Havannah to repair a leak, when she was seized and detained on the 29th day of the said month of May, by the private armed Schooner Swift, Richard Coulson, commander, and carried to the port of Nassau, in the Island of New Providence, where proceedings were instituted against the ship and cargo.

App. So. 1. A claim was given by Charles Jennison the Master, and Alexander H. Gibbs the Supercargo for the ship and cargo as American Property, and as being protected by the licence.

App. So. 1. Annexed to the claim is an attestation, in which the Master and Supercargo state the particulars of the voyage, and set forth the cause to touch at the Havannah, when they could not have disposed of the cargo, otherwise than at a losing price.

PREPARATORY EVIDENCE.

Declarations of C. Jennison the Master, and A. H. Gibbs the Supercargo, and of R. Coulson the Captain of the Swift, and of the witnesses.
App. So. 2. 3d. That the said ship was captured off Havannah, the 28th or 29th of May last, that he believes the principal reasons for the capture were, on account of her going or being about to go into Havannah, and the British licence they had on board being near about expiring, sailed under American colours, and had no others on board.

5th. That the burthen of the said ship, is 246 some odd parts of a ton; that she was navigated with ten men.

7th. That she had a licence on board, that she sailed from Boston to New Orleans, during the said voyage in ballast, and from New Orleans, as her last clearing port on the 18th or 19th of May last.

9th. That Samuel A. Wells and Isaac Waters, are the sole and exclusive owners of the ship, that the said owners are Americans by birth, that they both reside at Boston.

12th. That the cargo was shipped by Mr. Gibbs the Supercargo, that the said Wells and Waters own one half of the said cargo, and that Messrs. Amory and Williams, own the other half, that he believes it was consigned to the Supercargo, that he believes the said Amory and Williams are Americans, that they live in Boston, that the said goods were to have been delivered on the said owners account, risk and benefit at Cuba.

13th. That he signed three or four bills of lading, all of the same tenor and date, that none of them were false or colourable.

Before the most Noble and Right Honourable the Lords
Commissioners of Appeals in Prize Causes.
FREDEN,
ANDREAS NIELSEN, Master.