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Prize appeal case for the ship 'Philip Dundas', unknown (master), at the Vice-Admiralty Court of the Cape of Good Hope, 1817

HCA 45/70/34

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HCA 45/70/34

Before the Most Noble and Right Honorable the Lords Commissioners of Appeals in Prize Causes.

Philip Dundas.

WILLIAM COLVIL LEARMOUTH, of Cape Town, Cape of Good Hope, Claimant of the said Ship PHILIP DUNDAS, her Tackle, Apparel, and Furniture, for and on Behalf of D'Abdul, of Penang, in Prince of Wales's Island, and a Subject of our Sovereign Lord the King, the Owner thereof, when seized and taken as Prize by the French, and retaken by His Majesty's Sea and Land Forces at the Surrender of the Isle of France and its Dependencies, APPELLANT.

AGAINST

Vice-Admiral Sir ALBEMARLE BERTIE, and Lieutenant-General the Honorable JOHN ABERCROMBY, the Commanders of His Majesty's said Forces, RESPONDENTS.

APPELLANT'S CASE.

THIS Vessel, the Property of a British Subject, was taken in the Month of June, 1810, by the French Private Ship of War *La Confiance*, and carried to Port Louis in the Isle of France, and afterwards retaken in December following at said Place, by His Majesty's Sea and Land Forces, under the Command of Admiral Bertie and General Abercromby, at the Surrender of the Isle of France and its Dependencies.

The usual Proceedings were instituted in the Vice-Admiralty Court at the Cape of Good Hope on Behalf of the Captors, against the Ship as Prize, and, on the

1811,
6th November,
App. Page 1.

A Claim was given by William Colvil Learmouth, of Cape Town, for the Ship, as the Property of D'Abdul, of Penang, in Prince of Wales's Island, and a Subject of His Majesty; the said Ship having been taken by a French Privateer, and retaken at the Surrender of the Isle of France as aforesaid.

The Claimant, in the Attestation in support of his Claim, states, "That D'Abdul, of Penang, Prince of Wales's Island, a British Subject, was the true and lawful sole Owner and Proprietor of the above-mentioned Ship, her Tackle, Apparel, and Furniture, at the Time of the Capture thereof by the French, and the Re-capture thereof by His Britannic Majesty's Sea and Land Forces, under the Command of Vice-Admiral Bertie and Major-General Abercromby, at the Surrender of the Isle of France and its Dependencies, in the Month of December last (1810), and then negatives the Interest of the Enemies of the Crown of Great Britain."

PREPARATORY

Before the Most Noble and Right Honorable the Lords Commissioners of Appeals in Prize Causes.

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