

SCOTTISH RECORD OFFICE  
Edinburgh

West Register House

1731

AC.7/36. ADMIRALTY COURT. Decrees, 1731. (Pages numbered 1-1166)

p. 17-23 . 1731 Jan 15. John White, Samuel Worsley, et al, agt. Robert Rae.

Pursuers are sailors and carpenter of the ship Cathcart of Greenock; defender is the ship's master. Action concerns wages for an 8-month voyage, Feb-Oct 1724, from the Clyde to Quatico, Virginia, presumably for the mercantile concern of Dr. William Cathcart's family.

p.328-338. 1731 Mar 12. James Gibson of Pungotaigne Creek, Accomack Co., Virginia, agt. James Blair, et al.

Voyage of the Brisbane of Glasgow in a 1727 venture to Virginia and Maryland. Testimony in the action shows how a cargo of tobacco was made up by a British firm's factor.

p.780-917. 1731. John Lyon agt. David Main.

The firm of Lyon and Main traded with British America and with Europe. It appears to have been involved principally in the Virginia tobacco trade. A subsidiary of this firm was the Gigha Fishing Company, investors in which included two of the principal gentlemen in the 1739 Argyll Colony which emigrated to North Carolina - Daniel McNeill, son of Taynish, and Neil McNeill of Ardelay in Gigha. See also AC.9/1185.

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AC.7/43. ADMIRALTY COURT. Decrees, 1738. (pages numbered 1-912)

p.4-213. 1738 Jan 6. William Bryce agt. Ninian Bryce.

The question in controversy is whether or not a supercargo had exceeded his commission or betrayed his trust. Ninian Bryce was sent to Boston by Glasgow merchants to purchase for them there a ship which was to be laden with American goods for the European market after which the vessel constructed for the venture would be sold, too. Some goods were freighted in the Betty Doggar, aboard which Ninian Bryce sailed to America, in order to pay the costs of the construction of the new vessel and of her cargo. The course of building the American cargo was to be in three stages: Ninian Bryce was to lade the new vessel with plank staves, joiner's work and fish at Boston to trade at Barbadoes for rum, sugar, and molasses, which in turn was to be traded in Virginia for tobacco. The tobacco, ultimately, was to be the money cargo through British and European sales.

At the same time as the above commission, Ninian Bryce was entrusted with a commission from William Bryce. William Bryce freighted goods of his own in the Betty Doggar in addition to the goods shipped by the Glasgow merchants who were underwriting the construction of a vessel at Boston. William Bryce's cargo consisted of some cutlery to be sold at Boston and seven casks of "Woods halfpennies" weighing 1,980 pounds to be sold at the same place, and Boston goods purchased suitable for a direct trade for Virginia tobacco (bypassing the West Indies part of the triangle specified by the Glasgow merchants who had separately commissioned Ninian Bryce on their own behalf).

Ninian Bryce, as supercargo both to the Glasgow merchants and to William Bryce, disposed of what goods he could in Boston. The cutlery belonging to William Bryce did not move well, and the sale of the half-pennies for 1 penny each Mass. currency was interfered with and halted by Massachusetts authorities.

At Boston, Ninian Bryce purchased boards, clapboards, joists, and shingles from Zachariah Stone and William Thick on William Bryce's account and persuaded the owner of the Betty Doggar, Walkinshaw, to let him send them to Barbadoes aboard another of his vessels, the Nelly. As a result, William Bryce charged that his commission to Ninian Bryce had been counteracted, and that Ninian Bryce was to have traded for him directly with Virginia or Maryland for tobacco from Boston, not to have completed a triangle through the West Indies.

The trade in boards, clapboards, joists, houseframes, and so forth with the West Indies became of some importance to North Carolina trade by the third quarter of the eighteenth century. The Port Brunswick shipping register includes of some similar cargoes being shipped out of Wilmington, and there are one or two similar entries in the Port Roanoke records.

The process file in this action, AC.9/1425, appears to duplicate the above precisely.

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AC.7/44. ADMIRALTY COURT. Decrees, 1739. (Pages numbered 1-992)

p.287-296. 1739 Mar 9. Alexander Davidson agt. William Blackshell.

Davidson, a bookseller in Edinburgh, now at Inverness; Blackshell (elsewhere Backshell), a London merchant. Controversy is over a 1736 agreement between Blackshell and Capt. Joseph Avery to transport people to South Carolina to plant on land being granted there. Blackshell entered into a charter party with Peter McCathie, merchant in London, owner of the ship commanded by Capt. Urquhart "which ship came to Scotland to take in servants and others that wanted to be transported to the sd. colony, and first of all to the road or harbour of Leith, and placards being set forth in the name of Captain Joseph Avery for transporting of passengers directing them to make bargains with Kenneth Mackenzie of Blackwater, brother-in-law to Mr. Avery. The said Alexr. Davidson agreed with the sd. Kenneth McKenzie to transport himself, wife, child and servant to the sd. place for the sum of £13 sterl. until their landing in the sd. colony." A comedy of errors in which Davidson and his family get left behind while their luggage and goods get sent on. After chasing the vessel from one Scottish port to another, Davidson is left behind for good at Inverness.

See also AC.8/599.

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AC.7/46. ADMIRALTY COURT. Decrees, June-December 1754. (Pages 1-342)

p.212-233. 1754 Aug 23. John Freeman the Younger, et al, of Bristol,  
agt. John Rowand Sr., Merchant in Glasgow.

A controversy concerning linen and other goods shipped for trade to Rowand, Wells & Rowand in Charleston, South Carolina. Presumably the Charleston house and the Glasgow firm both had ties to Matthew Rowan, and to Robert Rowan of Cumberland County. Stephen B. Weeks suggests that Matthew Rowan, a member of the family from Govan, Scotland (but born in County Antrim, Ireland), had a mercantile background prior to settling in North Carolina.

Pages 185-211 in this same volume of decreets (but not copied) are concerned with a suit brought by Henry Wachop, late of Maryland, Merchant, against John Rowand, Merchant in Glasgow and others, in relation to a 1748 contract to operate a store in Virginia having connections with the Maryland and Virginia tobacco trade.

See also AC.9/1857

AC.7/47. ADMIRALTY COURT. Decrees, 1755. (Pages numbered 1-1355)

p.32-597. 1755 Feb 18. Robert McNair & Son, Merchants in Glasgow,  
agt. John Grahame of Dougaldstone, Esq., et al.

A bitterly fought suit over insurance of the ship Jean (James McNair, master) and cargo in Virginia-Barbadoes-Glasgow trade, lost in the Bermuda triangle. The suit appears to have been watched anxiously by underwriters in the new branch of commerce, insurance, throughout Scotland. The insurers alleged that the master of the vessel had deliberately scuttled it for the insurance, and after bringing unsuccessful criminal charges against him (upon conviction for which, the sentence would have been to have been hanged within the flood mark of Leith), the owner, also father to the master, filed suit against the insurers. Includes transcriptions of letters, accounts, bills, depositions, and so forth. Depositions, including that of James Peadie (age 50) of Glasgow who had made 7 or 8 trips to Virginia and Carolina and 12 to Jamaica, relate to the effect of the Gulf Stream on navigation in the vicinity of Bermuda where the vessel was lost. Most of the depositions relate to the Virginia-Jamaica-Boston trade routes.

See also AC.9/1866. The criminal trial is in AC.16/2, which see.

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AC.7/49. ADMIRALTY COURT. Decreeets, 1756-1757. (Pagination, 1-1099,  
1200-1575.)

p.1293- 1757 Nov 11. Alexander McDougall agt. John McKenna.  
1534. Controversy concerning the voyage of the Elizabeth & Peggy  
of Leith (Walter Scott, captain) on a venture to "Carolina"  
laden with tartans, shoes, hats, Shetland stockings, linen,  
glass, drugs, copperware, candles, 11 indentured servants  
(whose names are, for the most part, to be found scattered in  
the document), and so forth, to be used in exchange for a  
return cargo of rice. Though the principal concern of the  
venture is with South Carolina, goods left with John Rutherford  
& Co. at Cape Fear in North Carolina are involved (see, for  
example, pages 1300, 1309, and 1445 where there is an inventory  
of the correspondence with Rutherford). Highly detailed, with  
accounts, bills, invoices, etc., transcribed.  
See also AC.9/1591.

AC.7/51. ADMIRALTY COURT. Decreeets, 1765-1766. (No through pagination)

1766. Gilbert Meason, Merchant in Leith, against Allen McDonald of Kingsborrow.  
A suit to recover a protested bill for £26 drawn on and accepted  
by the husband of Flora McDonald. 4 pages. See also AC.8/1216.

AC.7/53. ADMIRALTY COURT. Decreeets, 1769-1770. (No through pagination)

1769 Aug 1. Alestor McAlestor Writer in Campbelltown agt. Angus McAlestor  
Merchant and Shipmaster in Tarbert, et al.  
Other parties are: Charles McAlester, shipmaster in Tarbert;  
Lauchlan McAlester, shipmaster in Tarbert; Neill Munro, ship-  
master there; Duncan McDougald, shipmaster there; Roger McNeill  
of Taynish, Esq.; Archibald McNeill, Niven Galbreath and  
Archibald Graham, all sailors in Gigha; Donald McAlester and  
Donald Stewart, both sailors in Gigha; John Paterson, farmer  
in Glenhart; John McNaughtan, laborer in Baraskomill; and  
Godfrey McAlester at the Lochend of Campbelltown. There is  
no direct connection with North Carolina in this suit for debts  
arising out of the Scottish fishing and coastal trade, but  
many of the parties are cousins to members of the 1739 Argyll  
colony, and it may be useful to background to consult this  
suit. 12 pages. Process in AC.9/ not searched or copied.

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AC.7/55. ADMIRALTY COURT. Decrees, 1774-1776. (Lacks through pagination)

- 1774 Mar 4. John Alston, Merchant in Glasgow, against James Hepburn and Joseph Montford, Merchants in Cape Fear.  
Concerns a protested bill of exchange drawn in 1772, payable at the Exchange Coffee House, Glasgow, for £1538/2/4. Gives various styles for the defenders: Jas. Hepburn & Co., Jos. Montford & Co., Joseph Montford, James Hepburn & Co., etc. 5 pages. See also AC.8/1827, AC.8/1844, and AC.15/307.
- 1769, 1774. Robert Dryburgh, Carpenter in Leith, against Messrs. Forrest and Blair, Merchants in Edinburgh (and afterwards at the instance of Thomas Kinnear, Insurance Brokers in Edinburgh).  
Involves Stewart Duncan & Co., Philadelphia, and also involves Captain Alexander Ramage and the Bachelor and the ventures of James Inglis in the Carolina rice trade. Testimony in the action states that the Bachelor was built by John Wharton of Philadelphia in 1764. Refers to voyages by the Bachelor from Charleston to Leith, from London to Charleston, and from Charleston to London to Rotterdam. 198 pages.
- 1776 Apr 2. James Reid, smith in Glasgow, against William Miller, Ship-builder in Wilmington in the Province of North Carolina.  
An action to collect debts outstanding from 1774 and 1775. 6 pages and endorsement. See also AC.7/56 and AC.9/2903.
- 1776 Nov 1. Decree of Condemnation of the ship or schooner Betsy (Thomas Newman, master) out of Ipswich, Massachusetts.  
This vessel was taken prize by HMS Otter off the Virginia capes while en route to "some of the Southern Colonies as appears from a certificate of the Committee of Correspondence of Ipswich" to purchase grain, 29 Jan 1776. 9 pages and endorsement.  
No process papers were found for this or any other Revolutionary War prize case in the High Court of Admiralty of Scotland.

Note: Many of the decrees from 1774 appear to have been missing at the time the survivors were formed into this volume by binding them up. The decree in the action James Hogg against James Inglis should have appeared in this volume, but was not found there at the time of search.

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AC.7/56. ADMIRALTY COURT. Decrees, 1777-1778. (No through pagination)

1777 June 6. Hamilton, Wallace & Co., merchants in Greenock, agt. William Miller, shipbuilder in Wilmington, North Carolina.

Suit to collect balance of an account current in which  $\frac{1}{4}$  dividend of the profits on the brigantine Hunter figures. 4 pages. See also AC.8/2016.

1777 June 20. James Wilson, merchant in Greenock, agt. William Miller, carpenter in Wilmington, North Carolina.

Suit to collect a bill of exchange drawn in September 1775. 3 pages and endorsement. See also AC.8/2005.

1777 Aug 22. James Reid, smith in Glasgow, agt. William Miller, shipbuilder in Wilmington, North Carolina.

Decree of preference resulting from the pursuer's 1776 suit (see AC.7/55). Concerns payment of price of  $\frac{1}{4}$  interest in the brigantine Hunter. Includes account of charges "for sending John Telfard and Thomas Scott to Carolina." 22 pages and endorsement. See also AC.9/2903.

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AC.7/57. ADMIRALTY COURT. Decrees, 1778-1780. (No through pagination)

1780 June 9. Andrew Maitland agt. Andrew Salisbury, et al.

Concerns wages of a sailor aboard the Nancy of Sunderland which vessel had once been taken prize between Memel (modern Klaipeda) and Leith and ransomed, then was chased into Dunbar harbor by the squadron under Paul Jones, later sold, etc. 8 pages and endorsement.

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## AC.8. ADMIRALTY COURT. Decrees in Absence.

AC.8/599. Alexander Davidson agt. William Backshell.

599/1. 1737 Mar 10. Precept in the action concerning an abortive effort by Davidson to emigrate to South Carolina. 1 side (2½ ft. long) and endorsement.

599/2a. 1739 Mar 9. Decree making an award to the pursuer. 3 pages and endorsement.

599/2b. 1738 Mar 8. Execution of the admiralty precept and warrant. 1 side and endorsement.

599/2c. 1737 Nov 18. Account of sums paid by Alexander Davidson in his abortive effort to emigrate to South Carolina, and his subsequent suit costs in the Scottish Court of Admiralty. 1 side and endorsement.

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AC.8/1216. Gilbert Meason agt. Allan McDonald of Kingsborrow.

1216/1. 1766 Sep 17. Admiralty precept and warrant to recover the value of a bill of exchange drawn on and accepted by the husband of Flora McDonald. 2 sides.

1216/2. 1766 Oct 9. Execution of the warrant. 2 sides.

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AC.8/1674. John Auld agt. Robert Campbell of Sunderland and William Campbell of Ormsary Islay.

1674/1. 1772 Oct 9. Admiralty precept and warrant to recover protested bills of exchange. (The preceding Campbell of Ormsary had spoken of an intended emigration to N.C. during the summer of 1740. In 1779 the nephew of this Campbell of Ormsary, Alexander Campbell of Ballole and Lossit whose brother James had been one of the 1739 gentlemen-venturers to N.C., left a will in which his uncle, William Campbell of Ormsary, was joint executor with Farquhar Campbell in North Carolina.) 2 sides.

1674/2. 1772 Dec 2 and 4. Execution of the warrant. 2 sides.

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AC.8/1827. 1773 Sep 27. Petition for John Alston agt. James Hepburn and Joseph Montford. FRAGMENT. Setting forth indebtedness to Alston and asking that effects of Hepburn and Montford in Glasgow be arrested. 2 sides and endorsement.

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AC.8/1844. 1773 Dec 4. Admiralty precept and warrant in the action John Alston, merchant in Glasgow, against James Hepburn and Joseph Montford, merchants in Cape Fear, to recover the value of a 1772 bill of exchange for £1538/2/4 payable at the Exchange Coffee House in Glasgow. 2 sides (4½ ft. long).

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AC.8. Admiralty Court. Decreeets. Concluded

AC.8/2005. James Wilson, merchant in Greenock, agt. William Miller, ship  
carpenter in Wilmington, North Carolina.

2005/1. 1777 Apr 10. Admiralty precept and warrant to recover the  
value of a protested bill drawn on William Hamilton and Co.  
of Greenock, 11 Sep 1775.

2005/2. 1777 Apr 16. Execution of the warrant. 1 side and endorsement.

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AC.8/2016. Hamilton, Wallace & Co., merchants in Greenock, agt. William  
Miller, ship builder in Wilmington, North Carolina.

2016/1. 1777 Apr 1. Admiralty precept and warrant to recover an  
an outstanding account of indebtedness from Miller. 2 sides.

2016/2. 1777 Apr 1. Execution of the warrant. 1 side & endorsement.

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AC.9. ADMIRALTY COURT. Processes in Foro.

- AC.9/1185. John Lyon against David Main.
- 1185/1. 1731. Inventory, Lyon v. Main. A listing of the 44 documents that comprise the process file from the first precept in 1726 to the receipt for productions on 4 Dec 1733. 2 sides.
- 1185/2. 1726 Nov 10. Admiralty precept and warrant, setting forth the complaint in the form of nine obligations of indebtedness owing to John Lyon, a merchant in Port Glasgow, from David Main, maltman in Glasgow. 2 sides. (4½ ft. long)
- 1185/3. 1726 Nov 11. Execution of the warrant. 1 side and endorsement.
- 1186/4. 1726. Account of Charge and Discharge Betwixt David Main and John Lyon. Debits and credits, including portage and shipping of tobacco, dating from 1722 to 1726. 2 pages and endorsement.
- 1185/5. 1722 Jun 8. Glasgow. Account of tobacco sold Mr. John Rae in Dumfries: fifteen lots of tobacco destined for Rotterdam, on five of which portage is shown to have been paid. 1 side and endorsement.
- 1185/6. 1722. Accounts of the portage tobacco, introduced as evidence in the suit. 1 side and endorsement.
- 1185/7. 1723 Mar 17. Account. John Lyon Debitor to David Main. Includes tobacco sold at Bristol by William Hair, tobacco sold to John Ree, tobacco shipped in the Hanover, cost of ¼ insurance on the last Virginia voyage, work on various ships, and half the fishing account. 2 pages and endorsement.
- 1185/8. 1717. Account. Invoice of Cargow and charges Loaded aboard the ship Lawrell. The portion of the cargo purchased by Messrs. John Lyon and James Couper included herring and tobacco. 2 pages and endorsement.
- 1185/9. 1726. Petition and Defences for David Main agt. John Lyon, alleging that he and John Pitcairn, then persons of credit, were persuaded by Lyon to join him in trade, but that their ignorance of mercantile matters has been taken advantage of by Lyon, and he and Pitcairn are ruined. Replies to the various allegations of indebtedness. Including  
1726 Dec 20. Interloquitor requiring accounts to be produced. 4 pages.
- 1185/10. 1726. Answers for John Lyon merchant in Port Glasgow to David Main, maltman in Glasgow his defences. A restatement and amplification of the debts alleged to be owing by Main to Lyon. 5 pages and endorsement.
- 1185/11. 1727 Jan 25. John Lyon, Merchant in Port Glasgow, his account with David Main. Accounts from 1715 to 1719. Includes ventures to Holland, France, Stockholm, and names several vessels but does not specify their cargoes or destinations. 2 sides.
- 1185/12. 1727 Jan 25. John Lyon, Debitor to David Main. Accounts are chiefly those for the Mary's tobacco voyages from Virginia in 1722, 1723, and 1724. 1 side and endorsement.

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AC.9/1185 Continued

- 1185/13. 1726. Objections of David Main against the account given in by John Lyon, claiming that the intent of the interlocutor of 20 Dec 1726 has not been fulfilled by Lyon. 1 page and endorsement.
- 1185/14. 1727 Feb 10. Petition for David Main against John Lyon waiving some claims, but insisting on debts out of the Drummond's 4 cargoes of tobacco, an unspecified vessel's 3 cargoes of salt, and a tun of brandy sold at Bristol. Sets forth statements in anticipation of Lyon's objections to the petition. 4 pages.
- 1185/15. 1727 June 27. Answers for John Lyon to David Main's Petition, giving some details of the mercantile backing of the Drummond's first tobacco voyage (but without specifying its destination), etc. 11 pages and endorsement.
- 1185/16. 1727 Jan 18, 25. Depositions Tuo, David Main, concerning accounts for timber and codfish which John Lyon says are owing. 2 pages and endorsement.
- 1185/17. 1727 Jan 17. Interlocutors in action John Lyon agt. David Main, stipulating which accounts are allowable and to what amount. 3 pages and endorsement.
- 1185/18. 1727 Jan 25. Deposition, John Lyon, concerning the accounts between him and David Main. 2 pages and endorsement.
- 1185/19. 1727 Jan 25. Port Glasgow - Account of Herring shipped by John Lyon from 1717 to 1719 (some from the Gigha Fishing Company) to Cork, Bilboa, Danzig, and Barbadoes. 4 pages.
- 1185/20. 1722 Oct 30. Account of David Main with the Gigha Fishing Company. Includes hooks, brandy, sugar, tobacco, etc., furnished by Main in 1718. 2 pages and endorsement.
- 1185/21. 1721. Endorsed 1723. Mr. Thomas Houston's Bill and Account, for expenses incurred by David Main. 1 page and endorsement.
- 1185/22a. 1720 Dec 27. Jo. Lyon, Pt. Glasgow, to Coss David (Main), ordering Main to get money of Thomas Houston. 1 page and address with endorsement. Enclosing
- 1185/22b. 1720 Jul 16. Stockholm. Bill of exchange drawn by Campbell, Jarratt and Dobson on Thomas Houston, merchant. 2 sides.
- 1185/23. 1718 Sep 18. Receipt, John Lyon, Port Glasgow, to John Pitcairn of Blortormock, of £50 for herring on the account of David Main. 1 side and endorsement.
- 1185/24. 1724 Aug 22. George Frazer, Excise Office, Edinburgh, to David Main, Glasgow, inventory and missive letter concerning debentures belonging to Lyon and Main & Co. The report of debentures paid include the quantity and value of fish shipped aboard what vessels to what ports (Cork, Danzig, Bilboa, the Canaries, Rotterdam, Stockholm, and Barbadoes). 2 pages and address with endorsement.
- 1185/26. 1723 Jun 15. Alexander Carstairs, Rotterdam, to John Lyon, Port Glasgow, containing receipt for 5,560 lbs. tobacco shipped aboard the Hanover. 1 page and address with endorsement.

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## AC.9/1185 continued

- 1185/27. (1717?) Contract of Copartnery (the Gigha Fishing Company) among John Pitcairn of Elarthomock, Archibald Campbell of Knockbowie, John Lyon merchant in Port Glasgow, David Main maltman there, John Campbell brother german to Mr. Neil Campbell M.G. at Renfrew, Daniel McNeill son to Taunneish to conduct a business of catching, curing, and dressing fish from the Highland Islands of Scotland and in selling the fish at home or abroad. Witnesses to Daniel McNeill's signature include Ronald Campbell son to Patrick Campbell of Kilduskland. Including
- 1718 Apr 4. Clause incorporating Neil McNeill of Ardelay as a member of the copartnery. 3 pages and endorsement.
- (Two of the partners, Daniel McNeill of Tainish stock and Neil McNeill of Ardelay, were gentlemen-venturers in the 1739 Argyll Colony to North Carolina; the witness Ronald Campbell was brother to the principal leader of the colony, Duncan Campbell of Kilduskland.)
- 1185/28. 1727. Account relating to the Drummond's cargoes and missive thereunto for David Main. (One tobacco venture in the Drummond to Virginia in 1717, one in the Drummond to Virginia and the West Indies in 1718, a voyage in the Olive to Virginia in 1718, and a fourth venture, to Virginia, in the Drummond in 1718. 4 pages.
- 1185/29. 1727 Feb 3. Jo. Baird, Glasgow, to Mr. John Bogle, writer to the Signet in Edinburgh, anent the Drummond's cargoes. 1 page and address with endorsement.
- 1185/30. 1721 Apr 28. Discharge, Bessie Bogle to Lyon and Main, for a 1717 bond. 1 page and endorsement.
- 1185/31. 1727 Jul 14. Interloquitor in action Lyon agt. Main adjusting the financial claims and counterclaims. 2 pages & endorsement.
- 1185/32. 1726-1731. Diets of Court, costs of action Lyon agt. Main from 18 Nov 1726 through 17 Aug 1731. Includes receipts of papers in the process "borrowed up" by various writers. 3 pages and endorsement.
- 1185/33. 1728 Jun 25. Diligence, Lyon agt. Witnesses. Including  
1728 Jul 10. Warrant, Admiralty Macer to Admiralty Messenger to execute the diligence. 2 pages and endorsement.
- 1185/34. 1728 Aug 1. Execution of the diligence for Lyon. 1 page and endorsement.
- 1185/35. 1728 Aug 16. Cross Interrogatories for David Main to be put to the witnesses for John Lyon concerning tobacco imported aboard the Drummond. 1 page and endorsement.
- 1185/36. 1728 Aug 16. Depositions of the Witnesses, John Lyon agt. David Main, concerning accounts of the Drummond's tobacco. 3 pages and endorsement.
- 1185/37. 1729 May 2. Interloquitor in the process Lyon agt Main, adjusting accounts and counter accounts. 3 pages and end<sup>t</sup>
- 1185/38. 1729. State of the process, John Lyon agt David Main, stating the various grounds of controversy and noting which have been settled and disposed of and which issues remain to be settled. 9 pages and endorsement.

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AC.9/1185 Concluded

- 1185/39. 1729. Memorial for David Main agt. John Lyon. 1 page and endorsement.
- 1185/40. 1729. Petition, John Lyon agt. David Main, with answers, concerning tobacco and fishing accounts. Including  
1729 Nov 4. Interloquitor reducing one of the accounts.  
4 pages.
- 1185/41. 1729. Petition for David Main agt. John Lyon. Including  
1730 Feb 20. Interloquitor remitting certain accounts.
- 1185/42. 1730. Answers for John Lyon Merchant in Port Glasgow to the  
Petition of David Main, Maltman in Glasgow, concerning  
tobacco accounts. 6 pages and endorsement.
- 1185/43. 1730 Feb 20. Diligence, David Main agt. John Houston. Including  
1730 Mar 3. Warrant to execute the diligence. 2 pages.
- 1185/44. 1730 Mar 3. Deposition of John Houston in action Lyon agt.  
Main, concerning a 1720 fish debenture. Including  
1730 Apr 14. Interloquitor sustaining the facts in the  
deposition. 1 page and endorsement.
- 1185/45. 1731 Apr. Account between John Lyon and David Main Conform(able)  
to the Interloquitors of the Judge Admirall. 4 pages.
- 1185/46. 1733 Dec 4. Receipt for productions in the action Lyon agt.  
Main. 1 side and endorsement.
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AC.9/1185 Concluded

- 1185/39. 1729. Memorial for David Main agt. John Lyon. 1 page and endorsement.
- 1185/40. 1729. Petition, John Lyon agt. David Main, with answers, concerning tobacco and fishing accounts. Including 1729 Nov 4. Interloquitor reducing one of the accounts. 4 pages.
- 1185/41. 1729. Petition for David Main agt. John Lyon. Including 1730 Feb 20. Interloquitor remitting certain accounts.
- 1185/42. 1730. Answers for John Lyon Merchant in Port Glasgow to the Petition of David Main, Maltman in Glasgow, concerning tobacco accounts. 6 pages and endorsement.
- 1185/43. 1730 Feb 20. Diligence, David Main agt. John Houston. Including 1730 Mar 3. Warrant to execute the diligence. 2 pages.
- 1185/44. 1730 Mar 3. Deposition of John Houston in action Lyon agt. Main, concerning a 1720 fish debenture. Including 1730 Apr 14. Interloquitor sustaining the facts in the deposition. 1 page and endorsement.
- 1185/45. 1731 Apr. Account between John Lyon and David Main Conform(able) to the Interloquitors of the Judge Admirall. 4 pages.
- 1185/46. 1733 Dec 4. Receipt for productions in the action Lyon agt. Main. 1 side and endorsement.
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AC.9. ADMIRALTY COURT. Processes in Foro.

AC.9/1425. William Bryce against Ninian Bryce.

The original process papers in this action appear not to have survived. The single document in the file is a manuscript volume of 221 pages, presumably an extract (i.e., exemplification) of pages 4-213, AC.7/43. If so, it should precisely duplicate the record found there.

For a description of this complicated suit involving a triangular venture between Boston, the West Indies, and Virginia, consult the note under AC.7/43.

Exports to Boston included £285 sterl. worth of half-penny coins; purchases at Boston to be traded in the West Indies included house-building materials; purchases in the West Indies for trade in Virginia included rum, sugar, and molasses; tobacco was to be purchased in Virginia for the return cargo.

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AC.9. ADMIRALTY COURT. Processes in Foro.

- AC.9/1591. Alexander McDougald against John McKenna. 1757.
- 1591/0. Slip label for processes in the action. Noted "Incomplete."  
1 side.
- 1591/1. 1757 Oct 1. Precept and warrant in the action McDougald agt. McKenna, concerning a mercantile venture to South Carolina with goods for the store of John Rutherford at Cape Fear, North Carolina, aboard the Elizabeth and Peggy of Leith (Walter Scott, captain) in the summer of 1753, that was wrecked near the coast of England in the return voyage. 2 sides (about 4 ft. long).
- 1591/2. 1757 Oct 1. Execution of the warrant. 1 side and endorsement.
- 1591/3. 1756 Jun 22. Answers for Alexander McDougal to the defenses of John McKenna. Avers that McKenna solicited the position of supercargo in the venture and was to share the commission money with the master (if they deserved any), but that McKenna neglected and mismanaged the outward cargo and altogether left the ship in which the homeward cargo was shipped. Claims that McKenna has not properly accounted for the sales at Carolina. Corrects the account of charges for having the Town of Edinburgh's seal affixed to the letter of attorney that was sent to Cape Fear. 4 pages & endorsement.
- 1591/4. 1756 Jul 16. Petition for John McKenna appealing from an interlocutor in favor of Alexander McDougal. 2 pages.
- 1591/5. 1757 Mar 22. Declaration by Alexander Hogg and David Loch, auditors in the process of account and reckoning, setting forth faults in McKenna's accounts. 2 pages and endorsement.
- 1591/6. 1757 Jun 17. Report by David Loch confirming his earlier assessment of the accounts and vouchers and stating sums due from McKenna to McDougal. 3 pages and endorsement.
- 1591/7. 1757 Jun 17. Account of the voyage from Leith to Charleston, South Carolina, and account current between Alexander McDougal and John McKenna, etc. Includes a stated rate of exchange of £7 Carolina currency to £1 sterling. Does not appear to account for the goods for Cape Fear. 6 pages and endorsement.
- 1591/8. 1757 Jun 17. State of the first and third particular account produced by John McKenna. Includes a keg of barley sent as a gift to the governor of S.C. among the incidental charges for the voyage. Includes several Cape Fear charges, among them: for Capt. Jonnes for note delivered Capt. Scott to receive at Cape Fear; to Capt. Sarsum for freight of the goods to Cape Fear; Capt. Scott's expenses for going to Cape Fear; to Capt. Ball for freight of goods to Cape Fear. 8 pages.
- 1591/9. 1757 Jun 17. Account and state of expenses chargeable on the ship Elizabeth and Peggy of Leith. 2 pages and endorsement.
- 1591/10. 1757. Petition for William Rankin and Patrick Begbie, cautioners to the defender in the action McDougal agt. McKenna, requesting the action may be delayed until the return to Scotland of the defender. Including  
1757 Jul 12. Interlocutor granting them access to writs and accounts in the action. 5 pages and endorsement. Enclosing

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## AC.9/1591 Concluded

- 1591/11. Letter, 1757 Feb 4, Kingston, John McKenna to Mrs. McKenna in Morison's Close in Edinburgh, on sickness in Jamaica, his state of finances (complicated by an estate in chancery), the arming of his vessel because of privateers, expectation of buying 3 Negro sailors; refers to a cargo to Virginia and Philadelphia and from thence to London. 4 pages, plus separate wrapper with endorsement.
- 1591/12. 1757 Jun 5. Answers of Alexander McDowal (i.e., McDougal) to the petition of Rankin and Begbie, arguing against delaying the action in the Court of Admiralty until the return of the defender, John McKenna. 1 side and endorsement.
- 1591/13. 1757 Oct 7. Interloquitor in the process, ruling that the defender is indebted to the pursuer in the amount of £264/13/4, and that the cautioners are liable in payment. 2 sides and endorsement.
- 1591/14. 1757 Oct 20. Petition for Alexander McDougal requesting he be awarded costs against McKenna (states that he has already paid more than £10 in costs and that the cost of an extract will be upward of £20). Including  
1757 Nov 11. Interloquitor awarding cost of the extract. 2 pages and endorsement.
- 1591/16. n.d. Account of sales of goods at Charleston by J. McKenna and W. Scott in a 1753 venture. A six-columnar account, the first of which details £305 worth of goods sent to Cape Fear (incl. 727 yds. of Edinburghs, 51 yds. of tartan, and many other textiles; 163 bottles of claret; 13 pairs of stays and 4 doz. fans; 12 pieces of wrought copper, etc.) lp. & end†
- 1591/17. 1755. Account betwixt the owners of the ship the Elizabeth and Peggy and Alexander McDougal. Expenses incidental to fitting out the vessel for the voyage to Carolina. 1 side (i.e., 2 spread pages) and endorsement.
- 1591/18. 1756. Inventory of writs produced for Alexander McDougal. An item-by-item listing of 8 bundles of documents introduced in the action McDougal agt. McKenna. Bundle 7 included the correspondence between McDougal and John Rutherford of N.C., 1754-1756. The 8 bundles of documents were returned to McDougal on 16 Jan 1758, upon cessation of the action in the Admiralty Court. 20 pages.
- 1591/19. 1753. Inventory of the cargo of the Elizabeth and Peggy of Leith on a voyage to Carolina. Disposition of goods is shown in marginal notes, the ones "Sent to Cape Fare" being so marked. 32 pages plus 2 pages of index (damaged) and endorsement (soiled and damaged).
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AC.9. ADMIRALTY COURT. Processes in Foro.

- AC.9/1857. John Freeman the Yr., et al, agt. John Rowand Sr., 1754.
- 1857/1. 1754. Inventory of process, Freeman, Smith, & Factor agt. Rowand. 1 page & endorsement.
- 1857/2. 1754 Jul 25. Precept and warrant from the Court of Admiralty concerning goods shipped aboard the Lamb (John Price, master) for Carolina in risque of Rowand, Wells, and Rowand in Nov 1753. 2 sides (2½ ft. long)
- 1857/3. 1754 Aug 16. Defences for John Rowand, Mercht. in Glasgow, agt. John Freeman et al, setting forth that cloth he had shipped to the pursuer in Bristol in Oct. 1753 was to have been disposed of for ready money in order to freight Rowand's cargo to Carolina in the following month. 4 pages.
- 1857/4. 1754. Petition for John Rowan against caution, the action against him being mercantile only rather than maritime in nature. Including  
1754 Aug 23. Interloquitor requiring the finding of caution. 1 page and endorsement.
- 1857/5. 1754 Aug 21. Answers for John Freeman to the Petition of John Rowand against Caution. 1 page and endorsement.
- 1857/6. 1754. Petition of John Rowand, merchant in Glasgow, reiterating his argument that a cargo of cloth shipped in Oct. to the pursuer at Bristol should serve as a credit to that firm's charges for freighting for Rowand a cargo shipped to Rowand, Wells, and Rowand in Charleston, S.C., and contesting the contention that the matter is a maritime, as opposed to a purely mercantile, one in its nature. Including  
1754 Sep 6. Interloquitor affirming the requirement of caution. 6 pages and endorsement.
- 1857/7. 1754 Sep 4. Answers for John Freeman & Co. to the Petition of John Rowand, arguing that the nature of the present action is maritime, and that Rowand be required to find caution before his defense can be heard by the Court of Admiralty. 4 pages and endorsement.
- 1857/8. 1754. Dyets of Court, Freeman agt. Rowan, for costs from Aug 6 to 23, 1754. 1 page and endorsement.
- 1857/9. 1754 Aug 23. Receipt for productions, Freeman agt. Rowand. 1 page and endorsement.
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AC.9. ADMIRALTY COURT. Processes in Foro.

- AC.9/1866. Robert McNair & Son agt. John Graham of Dougaldstone, 1755.
- 1866/1. 1754. Inventory of Processes, Graham et al agt. McNair et al contra. 3 pages and endorsement.
- 1866/2. 1751 Jul 16. Precept and warrant against Robert and James McNair at the instance of John Graham of Dougaldston et al concerning insurance policy of the ship Jean (James McNair, master) and her cargo on an ill-fated voyage from Virginia to Barbadoes. 2 sides. (2 ft. long)
- 1866/3a  
1866/3b. 1751 Aug 17. Precept against Robert and James McNair at the instance of John Graham of Dougaldston et al concerning insurance policy of the ship Jean (James McNair, master) and her cargo on an ill-fated voyage from Virginia to Barbadoes. 1 doc. separated into two pieces at the original join, 3b having on its verso the endorsement. Enclosing
- 1866/4. 1751 Aug 19. Execution of the above precept. 1 side.
- 1866/5a. 1752 Jun 19. Precept at the instance of Robert and James McNair against James Coulter, John Graham of Dougaldston and others, insurers of the ship Jean (James McNair, master) and her cargo on an ill-fated voyage from Virginia to Barbadoes. 1 side (2 ft. long) with endorsement. Enclosing
- 1866/5b. 1752 Jun 25-27. Execution of the above precept. 1 side & end<sup>t</sup>
- 1866/6. 1751 Jul 19. Execution of the precept and warrant against Robert and James McNair dtd 16 Jul 1751. 1 side & endorsement.
- 1866/7. 1752 Jul 23 (Endorsed). Account relative to the oath of William and Alex. Riddle. A 1748 account of cloth wrought for Robt. McNair and Robt. McCallow. 1 side and endorsement.
- 1866/8. 1753 (Endorsed). Copy of Four letters and an account current extracted from Robert McNair's Copy book of letters. 5 pages and endorsement. Including
- 1750 Mar 15. (Robert McNair), Glasgow, to Mr. William Welsh, concerning accounts of a cargo, part of which was left at Virginia and part at Barbadoes, and including a debit and credit account between McNair and Robt. McCauley.
- 1750 Aug 13. (Robt. McNair), Glasgow, to James McNair on a drop in the sugar market occasioned by the simultaneous return of the Adventure, Argyle, Prince Charles, and Cassandra all laden with sugar from Jamaica and the Houston from St. Kitts, with the Montrose, Emily, Glencairn, and Montgomery all daily expected from Jamaica, Antigua, and St. Kitts. Etc.
- 1750 Aug 13. Bailie James Smith, Glasgow, to Mr. David Currie, asking him to take out £100 sterl. insurance on McNair's goods in the brigantine Jean (Thomas Craig, master) from Virginia to Barbadoes.
- 1750 Aug 13. (Robt. McNair), Glasgow, to Mr. David Currie, on forwarding a letter to McNair's son at Barbadoes.

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AC.9/1866 Continued

- 1866/9. 1751. Petition for Robt. and James McNair praying a stop to extraction. Including  
1751 Aug 2. Interloquitor stopping extraction and requiring an answer of Graham of Dougaldston and the other pursuers. 1 page and endorsement.
- 1866/10. 1751 Aug 28. Petition of John Graham of Dougaldston, referring to a criminal action against the McNairs for the wilful destruction of the Jean (in which the younger McNair was acquitted) alleging fraudulent double insurance policies on the vessel, and requesting the testimony of Thomas Craig, first mate of the Jean who kept an independent journal of the voyage from Virginia to Barbadoes. Including  
1751 Aug 29. Interloquitor requiring answers to the petition. 4 pages.
- 1866/11a and 11b. 1751. Reasons of Reduction. James Coulter et al against Robert and James McNair. Claims that McNair for sinister purposes sailed from Virginia to Bermuda (where the Jean was cast away on the rocks) rather than to Barbadoes as stipulated in the insurance policy. Including  
1752 Mar 20. Interloquitor allowing the pursuers to adduce proof of the wilful casting away of the Jean on the rocks near Bermuda. 4 pages.
- 1866/12. 1751 Aug 30. Answers for Robt. and James McNair to the petition of John Graham, et al, stipulating that the examination of Thomas Craig to be with advice of their counsel rather than by commission, only. Including  
1751 Aug 30. Interloquitor granting diligence and stipulating that Craig will be examined by the Judge in Admiralty rather than by commission. 2 pages and endorsement.
- 1866/13. 1751. Petition for Robert & James McNair alleging that Craig has been tampered with and asking that his testimony not be received. Including  
1751 Sep 3. Interloquitor granting diligence for witnesses to prove the objections to Craig's testimony. 2 pages & endors<sup>t</sup>
- 1866/14. 1751 Sep 4. Craig's Oath. Depositions In the Process John Graham et al against Robert & James McNair. Testimony of Thomas Craig, unmarried, aged 24, who entered the Jean (originally, the Industry) as first mate in Jan. 1749, at Flower de Hundred, Virginia, for a voyage to Barbadoes and return to Virginia, James McNair, master of the vessel, concerning a second voyage from Hampton Roads to Barbadoes during the course of which the vessel was cast away in an effort to touch at Bermuda. Touches on practices in the keeping of ships' journals and navigation. Makes serious allegations against James McNair. 11 pages & endorsement.
- 1866/15. 1751 Nov 20. Petition for Robt. McNair agt. Graham et al, asking for the appearance of Archibald Nicholson, about to sail to St. Christopher's, as a witness against the testimony of Thomas Craig. Including  
1751 Nov 23. Interloquitor granting a diligence for Nicholson's appearance. 2 pages and endorsement.

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AC.9/1866 Continued

- 1866/16. 1751. Defences for Robert & James McNair and Answers to the Reasons of Reduction at the Instance of James Coulter et al against them. Sets forth some background and history of Robert McNair as a merchant and reveals James McNair as a novice sailor (who trusted to his first mate for navigation) principally concerned as a supercargo. Sets forth counter charges of sharp practices on the part of the insurers. 15 pages and endorsement.
- 1866/17. 1751 Nov 29. Deposition of Archibald Nicholson In Process Graham et al Agt. McNairs, on proving objections against Craig's testimony. Says Craig was sent for from the Isle of Man by the insurers of the Jean, three of whom paid him 20s apiece, and one of whom offered Craig good employment at sea. 2 pages and endorsement.
- 1866/18. 1752 Feb 28. Act and Commission for taking (John) Mathie's oath, Graham et al agt. McNair. 8 pages.
- 1866/19. 1752 Mar 3. Answers for John Graham of Dougaldston et al, Insurers of the Vessel Jean To the Defences of Robt. and James McNair, attempting to set forth principles on which one of the insurance policies was judicially reduced. 12 pages.
- 1866/20. 1752. Petition of John Graham of Dougaldston et al, for a commission to take the oath of John Mathies. Including  
1752 Feb 27. Interloquitor requiring answers to the petition. 5 pages and endorsement.
- 1866/21. 1752 May 22. Petition of John Graham & others, concerning oaths and depositions of the pursuers, to be taken pursuant to an interloquitor of 5 May 1752. Including  
1752 May 22. Interloquitor granting a prorogation for perpetuating the testimony of the pursuers. 2 pages and endorsement.
- 1866/22. 1752 Feb 28. Answers for John Dickie, doer, for Robert and James McNair to the Petition of James Graham & others, asking that the deposition of Mathies not be taken until "Tuesday next." 2 pages and endorsement.
- 1866/23. 1752. Petition for James Coulter and others In the process agt. Robt. and James McNair, avoiding the production of documents and seeking a commission for depositions. Including  
1752 May 5. Interloquitor granting commission. 3 pages & end.
- 1866/24. 1752 Apr 24. Answers for Robert McNair to the Petition of James Coulter & others reiterating that the insurers have illegally taken and withhold the accounts, letters, and papers of McNair. 3 pages and endorsement.
- 1866/25. 1752 Mar 3. Report of the Commission for taking the oath of John Mathie (late mate on board the brigantine Jean of Glasgow). Mathie, unmarried, aged 25, was engaged as mate in June 1750 for the voyage from Virginia to Barbadoes but his journal of the voyage that ended in the wreck of the Jean off Bermuda was left in his chest at Maryland. His deposition concerning the navigation of the vessel is from memory, but he is able to give considerable details concerning the wreck. 5p. & end.
- 1866/26. 1752 Jun 2. Report of Act of Commission, John Graham and others agt. Robt. & James McNair with the Commission itself, containing the pursuers' oaths regarding the papers of McNair. (Act and Commission is p.1-6 and separate endorsement; depositions in exhibition in p.7-16.) 16 pages and 2 endorsements.

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AC.9/1866 Continued

- 1866/27. 1752. Petition for Robt. McNair, craving a proof for reprobating Craig's oath, alleging that Craig is a corrupted man of malice and ill fame who has been convicted of theft. Including  
1752 Jul 22. Interloquitor allowing the pursuers to see this petition. 2 pages.
- 1866/28. 1752 Jul 22. Answers for John Graham & others to the Petition of Robt. McNair, setting forth that in Scotland, as opposed to practice in England, proof of character is not admissible in courts except in the case of "Egyptians," and saying that McNair cannot prove that the insurers have corrupted the witness Craig. Including  
1752 Jul 22. Interloquitor allowing McNair to attempt to prove the corruption of Craig and to prove that Craig bears malice toward McNair. 3 pages and endorsement.
- 1866/29. 1752 Jul 22 & 23. Depositions for the Defenders in the process Graham & others agt. McNair, concerning the credibility of Thomas Craig. 17 pages and endorsement.
- 1866/30. 1752 Jul 24. Deposition of Robert McNair Jr., for the Pursuers, concerning his father's copy book of letters and his brother's journal of the voyage of the Jean. 2 pages and endorsement.
- 1866/31. 1752 Jul 24. Robert McNair's Deposition in the Exhibition, concerning his letters, journals, etc. 2 pages & endorse<sup>t</sup>
- 1866/32. 1752 Aug 7. James McNair's Oath, concerning journals of the voyage of the Jean and of other papers of whose whereabouts he is ignorant. 2 pages and endorsement.
- 1866/33. 1752 Aug 7. Deposition of Ninian Terbert for the Pursuers, proving certain McNair papers by parity of hand (he being McNair's clerk). 2 pages and endorsement.
- 1866/34. 1752. Petition for John Graham & others agt. Robert & James McNair, asking for a review of the interloquitor of 22 Jul 1752 concerning Craig's testimony. 8 pages.
- 1866/35. (1753) Answers for Robert & James McNair to the Petition of John Grame of Dougladston and others. Reviews the history of the action and asks that the interloquitor concerning Craig's testimony be upheld. 16 pages.
- 1866/36. 1753 Feb 7. Additional Petition for John Graham of Dougalston & others with Replys from them to The Answers for Robert & James McNair To the Insurers Petition, alleging McNair's objections to the original petition are "indecently insisted upon," that the pursuers did not call all of their witnesses for whom they hope a diligence can still be obtained, etc. Including  
1753 Feb 16. Interloquitor requiring all letters, journals, and other writings in the hands of the McNairs and various writers to be produced, and granting fresh diligences for witnesses who have not previously appeared and commissions for perpetrating their testimony if unable to appear; all other prayers of the pursuers are denied. 9 pages and 2 endorsements.
- 1866/37. 1753 Feb 14. Answers for Robt. McNair to the Additional Petition of John Graham et al, referring the court to the former answers. 1 page and endorsement.

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- 1866/38. 1753 Feb 24. Petition of John Graham of Dougaldstoun et al agt. Robt. & Jas. McNair, complaining of the last provisions of the Interloquitor of 16 Feb 1753 denying earlier prayers of the pursuers--specifically the one seeking reconsideration of the reprobation of the testimony of Thomas Craig. 8 pages and endorsement.
- 1866/39. 1753. Answers for Robert and James McNair To the Petition of James Graeme of Dougaldstown & others, arguing against allowing the testimony of Craig. Including  
1753 Mar 13. Interloquitor requiring a certified copy of Craig's criminal indictment by next court day. 11 pages and endorsement.
- 1866/40. 1753 Mar 13. Certificate By Archd. Inglis Deputy Clerk of Admiralty, from the criminal indictment Graham of Dougaldston et al agt. McNair in which Craig is set forth as "a Person of bad fame," and an excerpt from the deposition of Robert McAulay, a witness in the action, stating his opinion that "Thomas Craig was not an honest man." 2 pages & endorsement.
- 1866/41. 1753 Apr 2-4. Report of the Commission In Causa John Graham of Dougaldstone et al agt. Robert & James McNair, containing depositions of a Glasgow merchant trading to Barbadoes and Jamaica, and persons who knew Thomas Craig, or had knowledge of Craig's journal or other writings concerning the Jean's voyage. The testimony of John Gray, aged 30, admits that he has never made the voyage from Virginia to Bermuda, but says that he has been upon the coast of Bermuda, has been a ship-master a dozen years, and "has sailed these seas at different times for these twenty years," knows that there are various strong currents upon the coast of America, and has heard of several ships being wrecked upon Bermuda but can't tell the cause thereof. (Testimony taken under this commission is for the purpose of recreating a plan or chart of the last two days of the Jean's ill-fated voyage.) 25 pages and endorsement.
- 1866/42. 1753 May 6. Deposition of Robt. McNair In the Exhibition concerning copies of letters from his Copy Book of Letters to be exhibited in the action Graham et al agt. McNairs. 3 pages and endorsement.
- 1866/43. 1753 May 11. Deposition of Daniel McNaughton In Process Graham et al agt. McNairs, relating to Thomas Craig. 1 page and endorsement.
- 1866/44. 1753. Information for John Graham et al agt. Robert and James McNair. "The proof being at length Concluded in this very Singular & extraordinary Case, from the general Complexion of which the Defenders Stand Charged with one of the Deepest frauds that has at any time been attempted in the Commercial World, and which, if Slurred over, must prove the Ruin of this Infant Branch of trade of Insurance in this Country. This information is humbly offered on the part of the Pursuers, the Under Writers, or Insurers upon the Ship, the Jean and her Cargo, and the Facts upon which the present Question does Arise, Stand Shortly thus." 36 pages.
- 1866/45. 1753 Sep 4. (PRINTED) Information for Robert Macnair Merchant in Glasgow, and James Macnair his Son, Defenders; AGAINST John Graham of Dougalston, and others, Pursuers. 19 pages.

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AC.9/1866 Continued

- 1866/46. (1753) (PRINTED) Additional Information for John Graham of Dougalston, James Coulter (and six others) all Merchants in Glasgow, Insurers of the Ship Jean and her Cargo, Pursuers; AGAINST Robert and James McNair, Defenders: With Remarks upon the Defenders Information ... 34 pages
- 1866/47. 1753 Jul 24. Petition for Robert Macnair, praying a diligence for citing shipmasters for examining the pursuers' reconstructed plan of the Jean's voyage. Including
- 1753 Jul 25. Decree for service of the petition on the pursuers. Also Including
- 1753 Jul 27. Interloquitor refusing the prayer. 3 p. & endors.<sup>t</sup>
- 1866/48. 1753 Jul 26. Answers for John Graham & others to the Petition of Robert McNair, arguing against an examination of their recreated chart by shipmasters. 5 pages and endorsement.
- 1866/49. 1753 Oct 26. Interloquitor for the Process Graham et al agt. McNairs, ordering a commission of four to compare the ship's journals kept by James McNair and Thomas Craig from 1 Jul 1750 until the wreck of the Jean and to prepare a plan of the ship's course. 1 page and endorsement.
- 1866/50. 1753 Nov 13. David Lock et al Deposition In process Graham et al agt. McNairs, certifying the chart prepared from the journals of McNair and Craig. 1 page and endorsement.
- 1866/51. 1753 Nov 15. Petition for Robert McNair, asking that the chart drawn up by the pursuers in April now be thrown out. Including
- 1753 Dec 14. Interloquitor allowing the pursuers to attempt to prove that the new chart drawn in Nov. is not a true and just plan of the Jean's course. 3 pages and endorsement.
- 1866/52. 1753 Dec 11. Answers for John Graham of Dougalston et al to the Petition of Robert McNair, denying any irregularity in the pursuers having unilaterally having had a chart made of the Jean's voyage, agreeing that only one of the two charts can stand, and arguing that their chart be upheld over the one prepared by four Leith shipmasters in November. 11 pages and endorsement.
- 1866/53. 1754 Jan 4, 9, & 12. Depositions in the Process Graham et al agt. McNairs. 20 pages. Containing the following:
- (a) Thomas Carpenter, a sailor and ship carpenter aboard both merchantmen and HM ships; testifies on the effect of the Gulf Stream on Bermuda navigation. Has sailed London to Bermuda, but not America to Bermuda.
- (b) John Murray, master of the Thistle, sailing from Gt. Brit. to America; testifies to the effect of the Gulf Stream off the Virginia capes and to difficulties of Bermuda navigation.
- (c) James Hamilton, shipmaster in Leith, having made one voyage to the West Indies does not think the Gulf Stream goes so far east as Bermuda.
- (d) Robert Wilkie, shipmaster in Leith, who has sailed the routes of Gt. Brit. to Virginia, Virginia to Jamaica, Jamaica to Boston, Boston to Leith, and has been passenger in a ship to Virginia (Capt. Kerr's vessel) in the year that Gov. Pitts went to take office in Bermuda among the convoy of 30 vessels. How their vessel got separated at Bermuda and was forced between the island and the rocks. The man-of-war with Gov. Pitts missed the island altogether, originally. Discusses the currents off the island, etc.

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AC,9/1866 Continued

1866/53 continued

(e) Daniel Clark, shipmaster in Edinburgh, who has made three voyages to America as master of a vessel (and has been both north and south of Bermuda) and has been in five voyages to Virginia; refers to two wrecks at Bermuda of vessels from Boston and Glasgow, and says he has heard of many New England ships being cast away upon Bermuda.

1866/54a. 1754 Jan 9-11. Depositions in Process Graham et al agt. McNairs. 18 pages. Containing the following:

(a) Hugh Crawford, shipmaster late in London now in Glasgow, who was forced by loss of a mast in a voyage from Jamaica to London to put in at Bermuda, and who "has been a very many voyages in Virginia & Jamaica where he has had occasion to observe the Influence of the Stream of the Gulph of Florida."

(b) Robert Jamieson, shipmaster in Greenock who has made 13 voyages to America, some of them to Boston, some to Virginia, and some to South Carolina; observations on the Gulf Stream.

(c) James Peadie, merchant and shipmaster in Glasgow, who has made several voyages to America, has been a dozen times at Jamaica, and seven or eight times from Gt. Brit. to Virginia and Carolina; testifies that in a 1719 voyage from Philadelphia to Curacoa he struck on the Bermuda rocks; makes observations on the Gulf Stream, but says that mistaken reckoning, not the Stream, is the cause of so many ships suffering and striking on the Bermuda rocks.

Enclosing

1866/54b. 1754 Jan 10. Interloquitor forbidding new marks to be put upon the chart reconstructing the Jean's voyage. Including

1754 Jan 11. Interloquitor ordering the closing of Peadie's deposition but reserving to the pursuers the right to petition for witnesses to be examined on the Jean's position according to the reckonings for each day in the journals. 3 pages and endorsement.

1866/55. 1754 Jan 10. Petition for Robert McNair, praying a diligence to obtain the testimony of Capt. Wilkie and Capt. Daniel Clark, "both shipmasters & who are in use to Ply the American Seas." Including

1754 Jan 10. Interloquitor granting diligence. 2 p. and end.

1866/56. 1754 Jan 12. Petition for John Graham of Dougalstone et al agt. Robt. and James McNair, praying additional expert testimony on the journals and the chart of the Jean's voyage. Including

1754 Jan 21. Interloquitor granting the petition. 12 pages.

1866/57. 1754. Answers for Robt. & James McNair, summarizing arguments against further delay by calling of further expert testimony. 31 pages and endorsement.

1866/58. 1754 Jan 25. Petition of John Graham et al, setting forth that the pursuers have called three expert witnesses only (Boyd of Leith, Auchterlony of Boston, and his mate Wilson), and protesting that they should be able to call Capt. Carse who has had great experience of the Bermuda seas. 7 p. & end.

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## AC.9/1866 Continued

- 1866/59. 1754 Jan 29. Petition of John Graham et al, praying suspension of execution of a decret ordering them to pay McNair £1000, handed down in a counter suit against them by McNair as pursuer. Including  
1754 Jan 29. Interloquitor refusing to allow a defense and ordering that the decret be extracted. 2 pages and end.
- 1866/60. 1754 Jan 31. Deposition of Robt. Jamieson on the verity of the Plan for the pursuers, Graham et al agt. McNairs, attesting to a plan, or chart, showing the position of the Jean off Bermuda as determined by day to day reckonings. 2 pages and endorsement.
- 1866/61. 1754. Answers for Robert & James McNair to the Petition of John Graham et al, concerning the calling of additional expert witnesses. Including  
1754 Jan 29. Interloquitor granting commissions to take additional depositions. 7 pages and endorsement.
- 1866/62. 1754 Feb 1. Deposition of Hugh Brown for the pursuers on the verity of the Plan, certifying the accuracy of the positioning of the Jean in the last days of her voyage. 3 pages & end.
- 1866/63. 1754. Petition for John Graham of Dougalstone, et al, praying an enlargement to the Interloquitor of 29 Jan on expert testimony and seeking a specific diligence against Capt. Carse. Including  
1754 Feb 9. Interloquitor extending time for examining additional witnesses. 4 pages.
- 1866/64. 1754 Feb 22. Report of the Act of Commission, John Graham et al against Robert & James McNair, on the correctness of the chart showing the position of the Jean in her approach to Bermuda. 12 pages.
- 1866/65. 1754 Feb 26. Deposition of David Ochterlony, shipmaster at Boston, Mass., on the Gulf Stream and the chart of the Jean's course off Bermuda. 3 pages and endorsement.
- 1866/66. 1754 Mar 19. Interloquitors in Process Graham et al agt. McNairs; one throwing out the testimony of Thomas Craig; the other assoilzing the defenders, the McNairs, from all conclusions of the pursuer's libel that James McNair had deliberately run the Jean on the rocks off Bermuda. 2 pages and endorsement.
- 1866/67. 1754 (Endorsed). Defences, John Graham of Dougalston et al agt. Robert McNair, setting forth that McNair alone is counter-suing them (not the firm), that McNair was not owner of the ship libelled, and that the insurance policy has not been produced. Including  
1753 Apr 9 (Endorsed 9 Apr 1754). Interloquitor decreeing that the insurers owe McNair £100 with interest from this date (which is 1754 rather than 1753). 2 pages.
- 1866/68. 1754 Mar 1. Petition for John Graham of Dougalston et al, setting forth that their action for a reduction of the £1000 policy bars a counter-action by McNair to recover the value of the policy; prays McNair's suit be dismissed. 3 pages and endorsement.

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AC.9/1866 Continued

- 1866/69. 1754 Mar 21. Answer for Robert McNair to the Defences of John Graham et al, setting forth that he has been assoilzied from the process of reduction which is now at an end, and therefore no bar to his suit against the insurers. 1 page and endorsement.
- 1866/70. 1754 Apr 23. Petition for John Graham et al agt. Robert & James McNair, appealing from the Interloquitors of 19 Mar 1754. Including  
1754 Nov 19. Interloquitor derying the appeal and sustaining the former Interloquitors. 7 pages and endorsement.
- 1866/71. 1754 Apr 23. Petition for John Graham et al against Robert and James McNair, appealing against the award of £100 with interest on account of the faulty date. Including  
1754 Nov 19. Interloquitor derying the appeal, and sustaining the Interloquitor in question by correcting the date from 1753 to 1754, and finding further that the insurers are indebted to McNair in the additional sum of £200 with interest from 9 Apr 1754. 9 pages and endorsement.
- 1866/72. 1754. Answers for Robert & Jas. McNair to the Petition for John Graham of Dougaldston et al, setting forth a history of the lawsuit and reasons against a reopening of it. 24 pages.
- 1866/73. 1754. Petition for Robt. McNair, asking for costs of court to be awarded to him. 2 pages.
- 1866/74. 1754 Dec 24. Interloquitor making a final award to McNair from each of the insurers, and awarding him costs of court. 2 pages.
- 1866/75. 1753 Mar 13. Act and Commission, John Graham et al agt. McNair, for the hearing of witnesses. 42 pages and endorsement.
- 1866/76. 1754 Feb 9. Act and Commission, John Graham et al, agt. Robt. & James McNair, for the examining of the plan of the course of the Jean at Bermuda. 12 pages and endorsement.
- 1866/77. 1753 Mar 13. Diligence. Graham et al agt. Witnesses. 2 pages. Enclosing
- 1866/78. 1753 Mar 21. Execution. Dougaldston et al agt. Witnesses. 1 page and endorsement.
- 1866/79. 1753 Mar 28. Diligence. John Graham et al agt. Witnesses. Including  
1753 Apr 2. Execution. 2 pages.
- 1866/80. 1753 Dec 25. Diligence, Graham et al agt. Witnesses. 1 p. & end.
- 1866/81. 1753 Dec 26-31. Execution of Citation. John Graham of Dougaldston et al against Witnesses. 1 page and endorsement.
- 1866/82. 1754 Jan 2. Execution. John Graham of Dougaldston (his diligence) agt. Jamieson. 1 page and endorsement.
- 1866/83. 1754 Jan 2. Execution (of Citation: John Graham of Dougaldston et al agt. David Auchterlony, John Boyd, and James Wilson). 1 side and endorsement.

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AC.9/1866 Continued

- 1866/84. 1754 Jan 2. Diligence. Robert McNair agt. witnesses (and execution thereof). 2 sides.
- 1866/85. 1754 Jan 10. Diligence. Robert McNair agt. Capt. Walker and Capt. Daniel Clerk, witnesses (and execution). 2 sides.
- 1866/86. 1751 Aug 30. Diligence. Graham et al agt. Craig a witness (and execution thereof). 2 sides.
- 1866/87. 1751 Nov 23. Diligence. Robert McNair agt. Niccolson, a witness. 1 side and endorsement. Enclosing
- 1866/88. 1751 Nov 25. Execution (of the diligence) Robert McNair agt. Archibald Nicolson. 1 side and endorsement.
- 1866/89. 1752 Feb 28. Diligence. John Graham et al agt. Mathis a witness. 1 side and endorsement. Enclosing
- 1866/90. 1752 Mar 3. Execution of the Diligence against Mathis. 1 side.
- 1866/91. 1752 Jun 30. Diligence. Graham et al agt. witnesses, including execution thereof. Enclosing
- 1866/92. 1752 Jul 7. Execution of the diligence agt. James Campbell, grocer in Leith. 1 side.
- 1866/93. 1752 Jul 17. Diligence. Robt. & James McNair agt. Witnesses, including execution thereof. 2 sides.
- 1866/94. 1752 Jul 22. Diligence. John Graham et al agt. witnesses, including execution thereof. 2 sides.
- 1866/95. 1752 Jul 22. Diligence. McNairs agt. witnesses, including execution. 2 sides.
- 1866/96. 1752 Jun 16. Diligence. Robt. & James McNair agt. witnesses, including execution. 2 sides.
- 1866/97. 1752 Jun 23 & 24. Execution. Robert & Jas. McNair against witnesses. 1 side and endorsement.
- 1866/98. 1752 Jun 24. Execution. Robert & James McNair agt. witnesses. 1 side and endorsement.
- 1866/99. 1752 Jun 25. Execution. Robert and James McNair agt. Witnesses. 1 side and endorsement.
- 1866/100. 1752 Jun 26. Execution. Robert & James McNair agt. Witnesses. 1 side and endorsement.
- 1866/101. 1752 Jul 20. Execution. Robert and James McNair agt. Peter Taylor in Greenock. 1 side and endorsement.
- 1866/102. 1752 Jul 18. Execution. Robt. & James McNair agt. Witnesses. 1 side and endorsement.
- 1866/103. 1752 Jul 16 & 17. Execution. Robert and James McNair agt. Witnesses. 1 side and endorsement.
- 1866/104. 1752 Jul 13, 15. Execution. Robert & James McNair agt. Witnesses. 1 side and endorsement.
- 1866/105a. 1750 Jul 1. James McNair's Journal (of the wreck of the Jean). Including 1754 attestations in the Court of Admiralty. 2 pages and endorsement.

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AC.9/1866 Continued

- 1866/105b. 1750 Jul 1. Thomas Craig's Journal (of the wreck of the Jean). Including 1754 attestations in the Court of Admiralty. 2 pages and endorsement.
- 1866/106. 1751 Mar 14. Copy of Mathie's Deposition (in the criminal trial of John Graham et al agt. James McNair). Contains more details than does his testimony in the civil trial. 11 pages and endorsement. (See also AC.16/2, p.277-405.)
- 1866/107. (1753) (List of) Letters to be Looked for. Condescendance relative to Robt. McNair's Oath 5 May 1753. 1 side and endorsement. (Stuck together, and damp damaged.)
- 1866/108. 1752. Inventory of writs produced. Robert McNair. Including borrowing notes. 2 sides. (Damp damaged.)
- 1866/109. 1749 Jun 8. Letter, John and Alexr. Harvie, Barbadoes, to Messrs. Archibald and John Coats, Merchants in Glasgow. Touches on business dealings with McNair. 3 pages and wrapper. (Much damaged by damp; too tender to read.)
- 1866/110. 1749 Aug 3. Letter, John and Alexr. Harvie, Barbadoes, to Messrs. Archibald and John Coats, Merchants in Glasgow. (Too tender to read.) Concerns business with McNair. Including  
1749 Aug 5. Letter, John and Alexr. Harvie to Messrs. Archd. and John Coats. 2 pages and wrapper.
- 1866/111. 1752 Feb 26. Certificate of Dr. John Woodrow that John Mathie is sick and in danger of death. 1 side and endorsement.
- 1866/112. 1752. Inventory of Certain Missives Produced by Insurers of the ship Jean in the Process at their Instance agt. Robert & James McNair. 2 sides. (Damaged and too tender to read.)
- 1866/113. 1749 Oct 18. Robert McNair, Glasgow, to Messrs. Archd. and John Coats, Merchants in Glasgow, declining to accept bills drawn by Harvie in Barbadoes, and arranging an insurance for a venture by him and son James. 2 sides.
- 1866/114. 1750 Apr 3. Letter. David Currie, London, to Messrs. Archd. & John Coats, Glasgow, on insurances for various ventures, including McNair's Barbadian venture. 1 page and endorsement.
- 1866/115. 1754 Mar 6. Bond of Caution for John Graham et al in the action McNair agt. Graham et al. 2 pages and endorsement.
- 1866/116. 1754 Mar 25. Bond of Caution for Robert McNair in the action McNair agt. Graham et al. 1 page and endorsement.
- 1866/117. 1754. Continuation of the Dyets of Court. Graham et al agt. McNair (writs in process from Jan 8 through Dec 24, 1754, including borrowing notes). 2 pages and endorsement.
- 1866/118/1. 1753. Continuation of the Dyets of Court, Graham et al agt. McNair. Processes from Feb 14 through Nov 16, 1753, with a borrowing note for two printed plans and the copy of a plan produced in the process as well as the journals of Craig and McNair. 2 sides. (Much damaged; stuck together.)
- 1866/118/2. 1754. Dyets of Court, Graham of Dougaldston et al agt. Robert & James McNair. Writs in the process from Jul 19, 1751 through Feb 13, 1753. 2 sides.
- 1866/118/3. 1754. Dyets of Court, McNair agt. Graham et al. Writs in the counter-suit by McNair. 2 sides.

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AC.9/1866 Concluded.

1866/119. 1755 Dec 20. Receipts for writs surrendered to attorneys for  
the insurers. 1 side and endorsement.

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## AC.9. COURT OF ADMIRALTY. Processes in Foro.

- AC.9/2903. James Reid against William Miller.
- 2903/1. 1777. Inventory. Reid v. Miller. Listing of 26 documents in the process. 1 side and endorsement.
- 2903/2. 1776 Jan 22. Precept. James Reid against William Miller in Willmington, No: Carolina, alleging indebtedness in excess of £153. Includes warrant, and a note to execute the precept at the Market Cross of Edinburgh. 2 sides.
- 2903/3. 1776 Apg 2. Decreet. James Reid Against William Miller. Making an award to the pursuer on non-appearance of the defender. 7 pages and endorsement.
- 2903/4. 1776 Jan 25. Execution of Arrestment on the Brigantine Hunter, belonging in part to William Miller of N.C., holding the vessel in harbor until caution be found. 1 side & endors<sup>t</sup>
- 2903/5. 1776 Jan 22. Execution, admirall precept, James Reid agt. William Miller. 1 side and endorsement.
- 2903/6. 1774 Feb 16 - Oct 26. Account, Willm. Miller to James Reid, for bolts, spikes, and a cask purchased of Reid. 1 page and endorsement.
- 2903/7. 1774 Feb 16. Account, Willm. Miller to Dunl. Miller, owed for charges in sending John Telford and Thomas Scot to Carolina by order of Wm. Miller. Debt endorsed to James Reid. 1 side and endorsement.
- 2903/8. 1774 Aug 1 - 20 Nov 1775. Account, William Miller to John Miller, for paying a note come due, for paying a debt to James Reid, and for paying the wages of John Cowan from Greenock to Carolina. Debt endorsed to James Reid, smith in Port Glasgow. 1 side and endorsement.
- 2903/9. 1774 Aug 1. Promissory Note, Wm. Miller (Wilmington, No. Carolina, New Hanover County) to John Miller. The original note, with William Miller's signature, endorsed to James Reid, smith in Port Glasgow. 1 side and endorsement.
- 2903/10. COPY 1775 Jul 3. Bill of exchange by Wm. Miller, Wilmington, N.C., in favor of John Telfair, endorsed first to John Miller, then to James Reid. 2 sides.
- 2903/11. 1776. Petition for Adjudication, James Reid agt. William Miller. Sets forth that Reid had caused to be arrested the brigantine Hunter of Greenock, which had been chartered to transport HM's troops to America, but that prior to the arrestment the intended cautioner had the vessel valued under order of the Admiral Substitute at Greenock causing the vessel to sail without the arrestment being loosed. Prays adjudication of a quarter value of the ship. Including
- 1776 May 10. Interloquitor awarding Reid a quarter value of the Hunter as security for debts owed to him by William Miller, ship builder in Wilmington, N.C. 3 pages and endorsement.

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AC.9/2903 Continued

- 2903/12. 1776. Petition for William Miller, addressed to the Judge Admiral Substitute at Greenock by John Miller, praying a deliverance by valuation of the Hunter now in arrest at the instance of James Reid, so that she can proceed on her voyage with troops for America. Including  
1776 Mar 5. Interloquitor by the Judge Admiral Substitute at Greenock naming valuers of the Hunter. Including  
(1776) Valuation of the Hunter at £1300 sterl. 2 pages & end.
- 2903/13. 1777 Mar 28. Report of the Warrant (from the High Court of Admiralty at Edinburgh) for inventorying and valuing the ship Hunter of Greenock. Including  
1777 Apr 1. Interloquitor of the High Court of Admiralty rousing one quarter of the Hunter. 3 pages and endorsement.
- 2903/14. 1777 Mar 28. Inventory of the ship Hunter of Greenock (her parts and mountings, sails, and stores). 1 side and endorsement.
- 2903/15. 1777. Petition for James Reid agt. William Miller, praying an inventory of the Hunter so the roup can be effected. Including  
1776 (i.e., 1777) Apr 16. Interloquitor commissioning an inventory. 3 pages and endorsement.
- 2903/16. 1777. Conditions of Roup of one fourth part of the ship Hunter of Greenock. Including  
1777 Apr 29. Intimation that the Hunter is on a voyage to Memel. Also including  
1777 Apr 29. Bid by John Miller of £340 sterl. for Wm. Miller's quarter share of the Hunter. Also including  
(1777 Apr 29) Bid by Ellis Martine, merchant in Leith, of £375 sterl. for one quarter of the Hunter. Also including  
1777 Apr 29. Interloquitor awarding one quarter of the Hunter to Martine. 3 pages and endorsement.
- 2903/17. 1777 Apr 16. Warrant for inventorying the brigantine called the Hunter of Greenock. 2 pages and endorsement.
- 2903/18. 1777. Petition for expences for James Reid, with a schedule of the costs of the action. Including  
1777 May 23. Interloquitor awarding costs of court to be paid out of the proceeds of roup to James Reid. 3 pages and endorsement.
- 2903/19. 1777 May 15. COPY Account, William Miller, debtor, with Hamilton, Wallace & Co., expressing debts for  $\frac{1}{4}$  of the Hunter and a cask of hardware, and credits of a quarter dividend of the Hunter's profits. 2 sides.
- 2903/20. 1777 Jun 4. Execution of Arrestment, Hamilton Wallace & Co. agt. William Miller in the hands of William Campbell (principal clerk of the High Court of Admiralty). 1 side and endorsement.
- 2903/21. 1777. Dyets of Court, Reid agt. Miller. 1 side and endorsement. Enclosing

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AC.9/2903 Concluded.

- 2903/22. 1776. Dyets of Court, Reid agt. Miller. Writs in the process from 2 Apr 1776 to 22 Aug 1777, with borrowing notes. 1 side and endorsement.
- 2903/23. 1777 July. Minutes in competition on price of  $\frac{1}{4}$  of the Hunter of Greenock, James Reid agt. William Miller, citing as well the actions against Miller in which Hamilton Wallace & Co. were pursuers, and James Willson was pursuer. Including  
1777 Jul 18. Interloquitor making awards to Reid, and Wilson, and Hamilton, Wallace & Co. Including  
1777 Aug 22. Interloquitor authorizing small payments to the three competing creditors. 6 pages and endorsement.
- 2903/24. 1777 Jun 6. Decreet, Messrs. Hamilton Wallace & Co. against William Miller. 5 pages and endorsement.
- 2903/25. 1777 Aug 8. Petition for James Reid, James Wilson, and Messrs. Hamilton, Wallace & Co., agt. William Miller, praying costs of court in their separate actions against the Wilmington shipbuilder. 2 pages and endorsement.
- 2903/26. 1777. Account of Expences of process, James Wilson agt. William Miller. 1 side and endorsement.
- 2903/27. 1777. Account of Expences of process, James Reid agt. William Miller. 1 side and endorsement.
- 2903/28. 1777. Account of Expences of process, Messrs. Hamilton Wallace & Co. agt. William Miller. 1 side and endorsement.
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- AC.9/2969. ADMIRALTY COURT. Processes in Foro. James Hogg against James Inglis, 1774.
- 2969/1. 1781. Inventory of Process, Hogg agt. Inglis, listing 20 documents from receipt and citation to the decret. 1 side & endors<sup>t</sup>
- 2969/2/1. (1774 May 9). Precept, in the action Hogg agt. Inglis, alleging breach of a contract dated 24 Aug 1773 in which James Inglis Jr. agreed to freight James Hogg of Borland in Caithness, his family and servants, and 200 emigrants aboard the Bachelor (Alexander Ramage, master) from Thurso to Wilmington, N.C. Hogg agreed to pay for himself, wife, Mrs. Alves (his mother-in-law) a specified rate, another for his children, a third for his servants (the latter being restricted to six in number), a fourth for emigrants above the age of eight, and a fifth for emigrants under the age of eight (excepting children at the breast for whom there was no fare). 2 sides (5 feet long)
- 2969/2/2.
- 2969/3. 1774 May 12. Execution of citation. 2 sides
- 2969/4. 1774 June 24 (Endorsed). Defenses for James Inglis agt. James Hogg, alleging damage by stress of weather prevented the defender from continuing on a voyage with emigrants, and suggesting that the commencement of this action by the pursuer has terminated their contract. 4 sides.
- 2969/5. 1774 June 9. Answers for James Hogg to James Inglis' Defences, replying that the defenses are designed "to protract the cause, and weary out the poor Emigrants." 4 sides
- 2969/6. 1774 June 15. Replies for James Inglis Jr. to James Hogg's Answers to the defenses of Inglis, stating that Inglis has had no concern whatever with the emigrants nor were they parties contractors to him. States that his contract with Hogg was for the freight of a certain number of emigrants who were to board his vessel as passengers to America, but that he had no concern with how they were to be employed, where taken in America, and so forth. States that to him the passengers stood in the same relationship as goods or common freight. Alleges that the real dispute is between Hogg and the emigrants. 8 pages and endorsement.
- 2969/7. 1774 June 17. Duplies for James Hogg to the Replies of James Inglis. Says that Hogg's brother had settled in Wilmington, N.C., "many years ago" and that at his solicitation James Hogg determined to go settle there. When this was learned in Caithness, many people applied to Hogg to freight a vessel to carry them all to Carolina. Accordingly Hogg contracted with Inglis to freight the Bachelor to carry Hogg, his family and servants, and 200 emigrants from Thurso to North Carolina. The vessel was to proceed from Leith to Thurso Bay or Scrabster Road to load the passengers. The vessel was to be ready to depart Leith in July. Hogg arrived in Leith on June 15 and hung on until Aug 26. The vessel then went to Thurso and was boarded by Hogg with his family and servants, and 204 emigrants. She sailed from Thurso on Sep 14, but they were soon forced to harbor from contrary winds at Stromness in Orkney where they lay (the passengers ashore) for 8 days. On Oct 3, two days after leaving Stromness, they were obliged to put into Vaila Sound in Shetland where the passengers were again put ashore. Here the Bachelor was damaged by the storm from which they were sheltering. Hogg, his family, and the 204 emigrants wintered at Vaila Sound. The following spring, on 20 Apr 1774, they departed for Leith in order for

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AC.9/2969 Continued

2969/7. continued

the ship to have the necessary repairs made. At Leith Inglis declared the contract at an end and declared he was as entitled to the fares upon landing them at Leith as he would have been had he landed them at Wilmington. The vessel lay without repairs, and on 28 May, Hogg entered a protest against Inglis; "it is only last week she was put into dock." Including

1774 June 24. Interloquitor ruling that Inglis is liable to refund £684/10 with interest to Hogg if he is unable to complete the voyage to Wilmington. 11 pages and endorsement.

2969/8.

1774 July 15. Petition of James Hogg and others and answers for them to the Petition of James Inglis Jr in an action for repetition of a freight for a voyage from Sutherland to Wilmington, N.C. Stipulates that Hogg was from Borlum in Caithness and that many people, particularly from the County of Sutherland, were to emigrate with him to North Carolina. Says Hogg anticipated that Inglis would be able to begin the voyage in July 1773, but admits that the contract was entered into on Aug 26, 1773. The master of the Bachelor sailed from Thurso (repeats the narrative of the beginning mishaps of the voyage). Many of the children of the emigrants, Hogg claims, died during their winter of hardships in Shetland. Now, he says, the emigrants have been turned ashore in Leith, 200 miles from home, and many of them have no means of returning home or of procuring another vessel to carry them to America. "There has seldom any case occurred in which one party resiling from a contract has subjected the other to more real injury and damages." Asks for punitive damages. Replies point by point to the defense of Inglis. Notes that Hogg and his family took another vessel sailing from the Port of Greenock, "the other poor emigrants dispersed, some to seek their way home, others to endeavour to gain their bread in the low country, and some of them attempted to procure their passage from Greenock...." Refers to the deaths of some emigrants "during the voyage before their arrival in Shetland" and "those who died after the vessel was stranded." 32 pages

2969/9.

1774 Jul 24. Answers and replies for James Inglis Jr to the petition and answers of James Hogg et al. Alleges that he had advised Hogg from the beginning that the vessel Bachelor, then on a voyage to Memel (modern Klaipeda in Lithuania), could not be early ready for the voyage to N.C. Says that the date the vessel sailed was in fact a good season to set out for N.C. Denies that public spirit motivated Hogg to arrange for emigration of upward of 200 Scots, and suggests that Hogg's brother had purchased 12,000 acres of land and wanted settlers for it. Says Hogg has been discussing "these questions himself in newspapers and periodical publications." Alleges that  $\frac{2}{3}$  of the emigrants stayed aboard the vessel at Stromness and were provisioned by the master of the Bachelor. Says that the emigrants advanced a claim against Hogg and Captain Ramage in the vice-admiralty court of Shetland, and quotes from Hogg's defense there in which Hogg refers back to a 1772 emigration from Sutherland that lay two weeks at Stromness without being provisioned from the ship's stores. Says ships with emigrants lay in only 9 or 10 weeks provisions, and says that several of the passengers aboard the Bachelor saw at Stromness from Capt. Ritchie and Capt. Smith's ships that that was the case. States that deaths of passengers came from smallpox and not neglect. Says he instructed Capt. Ramage on 1 Jan 1774 to return the emigrants to their home, but that they refused "to a man" to disembark at Thurso. Says he has tried to assist the emigrants at Leith, "but cannot help mentioning that they are in general so indolent

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AC.9/2969 Continued

- 2969/9 continued  
 they do not care to work if they can get a subsistence by other means." Contends that Hogg, by taking ship for America from Greenock, has abandoned prosecution of the action. Incl  
 1774 Aug 5. Interloquitor requiring James Hogg to produce the names of the emigrants he says were put ashore, from the time the Bachelor left Thurso until it arrived at Leith, etc. Also including  
 1774 Sep 30. Interlocutory finding that 23 passengers left the Bachelor prior to her return to Leith, and making an adjusted award to James Hogg. 12 pages
- 2969/10. 1774. Petition of James Inglis Jr., Merchant in Edinburgh, appealing from the interloquitor of June 24, 1774. Says that the initial treaty correspondence between Hogg and Inglis was in Spring 1773. Blames the unforeseeable "peculiar weather of last autumn which was remarkably stormy and tempestuous throughout," for ills of the intended voyage. Says that 23 passengers were discharged from the vessel at Stromness and at Shetland, and that 8 died. (See below 2969/12 for list) 12 pages
- 2969/11. 1774 Jun 27. Instrument of Intimation and Protest, stating that "eight half passengers (i.e., children below the age of 8) ... died in Shetland and eighteen full and ten half passengers ... left the ship at Shetland." Claims that an intimation was made on 25 May 1774 by Inglis to Hogg that Hogg and the emigrants must be aboard the Bachelor shortly in order to resume the voyage, or the contract would be considered terminated by their failure. 6 pages and endorsement
- 2969/12. 1774. Total Freight Per Ship Bachelor (Alexander Ramage, master) Per Voyage to Wilmington, North Carolina--a list of dead and discharged passengers, and a numerical accounting of James Hogg's family and servants. 2 pages and endorsement
- 2969/13. 1774 Aug 8. Petition of James Inglis setting forth that the Bachelor has been out of drydock for six weeks, that an intimation has been made to Hogg to board with the emigrants, and praying a decree that will oblige Hogg to state whether or not he intends to transport the emigrants to Wilmington, N.C., aboard the Bachelor as per contract. Including  
 1774 Aug 8. Interloquitor requiring Hogg to answer. 4 pages
- 2969/14. 1774. Petition for James Hogg, asking the Admiralty Court to increase the award for damages made on 30 Sep 1774. 5p & endors<sup>t</sup>
- 2969/15. 1774. Condescendance for James Hogg and Assignees, adjusting damages sought in connection with disembarked and dead emigrants to £94/10. 2 sides
- 2969/16. 1774 Aug 22. Answers for James Inglis Jr. to the Condescendance for James Hogg and Assignees, specifically accounting by name for some of the emigrants. 4 pages
- 2969/17. 1774 Aug 12. Answers for the Assignees of James Hogg to the Petition of James Inglis. Says that Hogg and his family, with some of the emigrants, sailed from Greenock for Virginia before Inglis had presented his petition. 5 pages and endorsement
- 2969/18. 1774 Aug 15. Replies for James Inglis Jr. to the Answers for the Assignees of James Hogg. 7 pages and endorsement

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AC.9/2969 Concluded.

- 2969/19. 1774. Accompt of Expences of Outfit & Provision for Ship Bachelor in voyage to Wilmington. Specific chandlers' accounts, in addition to dock work, and disbursements at Thurso, Stromness, and Shetland. 3 pages & endorsement. (In fragile condition)
- 2969/20. 1774. Accompts of Expences in fitting out and victualling the Ship Bachelor solely on account of the emigrants. 2 pages and endorsement
- 2969/21. 1774. Dyets of Court, Hogg against Inglis, docketing the processes from May 13, 1774, to the decret on 30 Sep 1774. 1 side and endorsement.
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AC.15. ADMIRALTY COURT. Miscellaneous Decrees.

AC.15/307. 1775 Jan 13. COPY DECREE. John Balfour et al agt. Messrs. Hepburn, Neilson & Co. et al. Pursuers are Balfour and John Fife, merchants in Edinburgh, and Thomas Breadwood, teacher of bookkeeping in Edinburgh; the defenders are Hepburn, Neilson & Co. of North Carolina, Montford, Hepburn & Co. of N.C. The action is brought to recover the value of bills of exchange drawn by Baillie Blenshall, saddler in Edinburgh, in 1773, transmitted to America, and accepted by Montford Hepburn & Co., but still not honored. 4 pages.

Notice that in CS.16/1\_160 (Minutes of the Court of Session) there is a minute of a 9 Dec 1774 Decree of Preference in favor of John Alston over Baird & Weir merchants in Glasgow, John Balfour & John Fife merchants in Edinburgh, and Thomas Braidwood teacher of bookkeeping in Edinburgh, creditors of James Hepburn and Joseph Montford merchants in Cape Fear and Halifax, both in North Carolina.

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AC.16/1. ADMIRALTY COURT. Criminal Records, 1705-1734.

p.316-400. 1720 Nov 1. HM Advocate and Procurator Fiscal agt. Roger Hews et al. Records of the piracy trial of seventeen pirates who terrorized West Indian shipping from the beginning of 1718 until 1720. Operating originally from Hispaniola, they haunted the waters of Cuba, Curacao, Guinea, Baines Island, Brazil, and "the latitude of Barbadoes." Seventeen or eighteen merchant vessels were taken by the pirates in little more than a year and included ships from Philadelphia, New York, Massachusetts, Providence Island, Antigua, Barbadoes, Scotland, and England, as well as a few French, Dutch, and Portugese vessels. The record is highly detailed. 85 pages.

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AC.16/2. ADMIRALTY COURT. Criminal Records, 1735-1741, 1749-1751.

p.277-405. 1751 Mar 4. HM Advocate and Procurator Fiscal (ex rel. John Graham of Dougaldston et al) agt. James McNair. The criminal prosecution that proceeded upon allegations of criminal destruction of the ship Jean arising from an insurance claim filed by her owner after she was lost off Bermuda during a voyage from Virginia to Barbadoes. When the master of the vessel was not convicted in the criminal side of the Court of Admiralty, the insurers filed suit in the civil side against the owner and the master of the Jean, and the owner and the master, Robert and James McNair filed a counter suit against the insurers. See also AC.7/47 and AC.9/1866. 129 pages.

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