

No 241. 1778. July 28. CHALMERS *against* NAPIER.

An action for liberation of an indented apprentice to serve at sea is not a maritime cause so as to be cognoscible exclusively by the Judge Admiral; the Court of Session has a cumulative jurisdiction.

Fol. Dic. v. 3. p. 353. Fac. Col.

* * * This case is No 11. p. 594. *voce* APPRENTICE.

No 242.

By an act of Parliament, vessels belonging to certain colonies of America, were declared to be lawful prizes, and the High Court of Admiralty in England was vested with the power of taking cognizance of all such seizures. A vessel being brought into a Scots port, it was found, that the High Court of Admiralty in Scotland was the proper Court for judging whether this vessel was a lawful prize. But this decision was reversed upon appeal.

1778. December 18. JOHN MONRO *against* JOHN JACKSON and Others.

By the statute 16th Geo. III. commonly called the Restraining Act, it was enacted, that all vessels belonging to the inhabitants of certain colonies in America, (and, among others, South Carolina,) trading to or from these colonies, with their cargoes, should become forfeited to his Majesty. Subsequent to the act, letters-patent were issued under the great seal, directed to the Board of Admiralty, authorising and enjoining them "to require our High Court of Admiralty in England, and the Lieutenant and Judge of the said Court, and his surrogate or surrogates, as also the several courts of Admiralty within our dominions; and they are hereby authorised and required to take cognizance of, and judicially to proceed upon all, and all manner of seizures, re-captures, prizes, and reprisals, of all ships and goods already seized and taken, or which shall hereafter be seized and taken, and to hear and determine the same, according to the course of admiralty, and to adjudge and condemn all such ships." The Lords of Admiralty afterwards issued a commission to the Judge of the High Court of Admiralty in England, in the terms of the letters-patent.

In April 1777, the ship *George*, bound from South Carolina to Bourdeaux, was brought into the Frith of Clyde, having been seized by the crew in the course of her intended passage to France. In May following, his Majesty's procurator-general, in his office of Admiralty, took the usual steps for bringing the ship and cargo to trial in the High Court of Admiralty in England; and, after various proceedings, the Judge decreed the ship to be restored to a merchant company, by whom she was claimed; and condemned the cargo as prize and droits to his Majesty. A commission was, of consequence, issued from the English Court, to apprise and sell the cargo; but, before the complete execution of this commission, the Judge of the High Court of Admiralty in Scotland, upon application from the procurator-fiscal, granted warrant to arrest the said ship and cargo, and prohibited all persons from disposing of them until further orders of Court. Soon after, an action was brought into that Court, by the procurator-fiscal, against the master of the ship, on the re-