

A Guide to the Court of Admiralty Records of the Virginia Auditor of Public Accounts, 1775-1788

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Biographical Information

The Court of Admiralty was created by an act of the General Assembly passed at the October 1776 session. The court received all cases then pending before the colonial maritime commissioners and had jurisdiction in all new maritime cases, except in matters involving capital offenses. The court was composed of three judges elected by the General Assembly and sat at the state capitol as the occasion required.

While the first ships commissioned for a Continental Navy began construction and refitting in 1775, individual colonies had issued letters of marque, or legal permission to attack and capture enemy vessels, months beforehand. On March 23, 1776, the Continental Congress began and formally allowed individual colonies to issue letters of marque to privateers across the colonies.

The terminology of litigation at Vice-Admiralty courts across the colonies vary. In Virginia, use of the terms libellant, respondent, proctor, proclamation and decree are common and require definition. A person seeking relief by presenting his case to the court in written form is a libellant, the complaint is the libel. After the libellant's claim was read in court, a judge issued to the court's Marshal a citation which might call for the vessel or cargo to be arrested, or call for her master (the respondent, the defendant at whom the libel was aimed) to appear before the court. After the judge's proclamation was stated to the court with the respondent present, the respondent had the opportunity to submit a claim in reply to the libel. Requests for respondents to appear in court were published in the Virginia Gazette, allowing for one year's time to pass before the case could be settled without the respondent being present. Both parties could be represented in court by a proctor, a legal representative. After the court considered the libel, the answer and oral testimony of the witnesses, the judge pronounced a decree, or judgement, of the case. If the decree involved monetary appraisal or compensation, the Marshal of the court gave public notice of a sale, recorded the appraisal of value, and presented those findings to the court. Either the court register or the clerk kept notes of these proceeding.

The law of salvage at the time varied from nation to nation. Early in the American Revolution the captain and crew responsible for salvaging, or in these cases capturing, the said vessel were entitled to one-third of value of the appraised prize by merit of the risk required to bring the vessel to port. The Royal Navy's practice was to award full value for any type of enemy ship captured. In October, 1776, the outcry from privateers convinced the Continental Congress to alter the percentage. In November, 1776, privateers received all proceeds from a captured prize, while Continental or state navy crews received one-third of the prize from a transport or supply vessel and half the total prize for a vessel of war. The prize money awarded to the navy crews were divided into twentieths after the government had taken its share. One-twentieth to the commander in chief (regardless of whether he as present at the time); two-twentieths to the captain of the vessel; three-twentieths to be divided among the masters (lieutenants and marines); two and a half-twentieths divided among the master's mates (chief gunner, carpenters, surgeons); three-twentieths divided among the petty officers; and eight and a half-twentieths went to the rest of the crew. It is worth noting that the colonies and Continental Congress during the American Revolution experienced monetary inflation, and references to British pounds should not be confused with the British pound-sterling, which was not subject to the same inflation trends.

The Court of Admiralty was abolished by an act of the General Assembly passed on December 25, 1788, effective March 4, 1789, in pursuance of the new Constitution of the United States, which gave admiralty and maritime jurisdiction to the federal courts. Those few cases of admiralty jurisdiction not taken into the federal court system were given to the newly created state district courts.

Scope and Content

This collection is comprised of thirty-four items, of which there are four types of documents. An account relating to Graves V. Scott, undated; one Court Transcript relating to the capture of the HMS Kingfish[er], 1779, August; thirty-one Decrees, 1777, 1780-1781, 1783-1784, 1786-1788; and one document listing the supplies and operation of the HMS Kingfish[er], 1775.

The account consists of a single document recording the amount of prize sales, court costs, net proceeds, and amount to be paid to the Treasurer related to the decree of the Court of Admiralty in Williamsburg, Virginia in the case of Graves v. Scott.

The single court transcript relates to a case heard by the Court of the Admiralty in Williamsburg, Virginia,

which occurred on August 17, August 18 and August 30, 1779. The case was initially heard on August 17th, 1779, presided over by Judges Benjamin Waller, Richard Cary, and William Roscow Wilson Curle Esq. James Montegue and the militia under his command, in compliance with the resolutions of the Continental Congress in 1776 which enabled private ships or vessels of war with Commissions of Letter of Marque and Reprisals to capture British vessels and cargo in the colonies, presented the HMS Kingfish[er] to the Court of Admiralty in Virginia. The cost of the capture and trial would first be taken out of the money derived from the sale of the prize, then according to the Laws of Salvage the captors are entitled to half of the value of the cargo. It was under these conditions that James Montegue and his militia found and seized the Pilot Boat Kingfish[er] with its tackle, apparel, furniture and cargo near the shores of the River Rappahannock on a date not added to the transcript. After the libellant, James Montegue, submitted his case the respondent, John Jones, was given until the following day to consider the libel. On August 18, 1779, the respondent John Jones motioned to adjourn the court until August 30 for him to respond. On August 30, 1779, the respondent argued that he knew nothing of the Pilot Boat Kingfish[er] being captured by James Montegue at the time stated by the libellant. John Jones stated that sometime during December, 1777, the Kingfish[er] was taken from the respondent who did not know its whereabouts until it was seen in possession of W. Carter Braxton at Portsmouth by W. Bigil Smith, a former owner of the ship, after which the respondent told Braxton by letter that the ship was his property. John Jones was then told by a Captain Lard, who was still in Braxton's employ, that he has seen the ship in the possession of Mr. Braxton before he began to use her to sail passengers and horses between Portsmouth and Hampton. John Jones then informed W. Braxton of his claim, and the boat was sent to Baltimore for the purpose of, John Jones believed, preventing him from regaining the Pilot Boat Kingfish[er]. The court then informed the respondent that when James Montegue found the ship near the River Rappahannock, it was aground with no persons on board her. Montegue then disposed possession of the ship to W. Carter Braxton, before obtaining legal right to her by publically posting libel with the Court of the Admiralty. The respondent John Jones then insisted that neither Montegue nor Braxton ever had a right, title, or property related to the Pilot Boat Kingfish[er]. He then stated that if they ever did, they forfeited those rights by illegal and deceptive steps taken to acquire her contrary to "the known and established laws in such cases."

The thirty-one decrees contained all follow a similar format and are the final judgements given by the Court of the Admiralty in Williamsburg Virginia, either for the libellant or for the claims of the respondent, including prize money and court cost to be paid. They are in chronological order. The libellants, respondents, prizes and value of the prizes are always listed. The presiding judges and respondents, unless otherwise noted, are not listed in the documents. In all cases present in this collection, William Russel served as the Court Clerk and Benjamin Powell served as the Marshal of the Admiralty Court in Williamsburg, Virginia. The libellant is a commissioned privateer, a member of the state or Continental navy, or a proctor who has submitted, or condemned, a captured vessel to the Vice-Admiralty Court; the respondent is either the person who formally owned the captured ship, or a proctor. Places where "other" libellants are indicated refer to the captain's crew. These documents contain neither the court proclamations nor the court citations which contributed to the decision found in the court's decree. In this collection, all cases were found in favor of the libellant. Each decree addresses individual salvage cases, in some instances a single libellant will have multiple cases decided on the same day. Cases heard on the same day are group together in paragraphs. There is a shift in the court's rulings in some cases after 1786 where the libellant or respondent would receive money from the court, but the court would then charge the libellant or respondent a cost for the use of the court and Commonwealth. Includes the following decrees:

Richard Cary, William Holt, and Ben Moore Esquire (Judges) heard a case of James Barron and other libellants against the Sloop Catherine, the Marshal paid unto the Treasurer 66 pounds, 6 shillings, and one half penny. (1777 July 7)

Libellant Elliot Sturman against the Sloop Polly, respondent John Jackson, found in favor of the libellant and the judge ordered that the Marshal pay to the Treasurer 3326 pounds, four shillings. (1780 December 16)

James Barron and other libellants against the Schooner Flying Fish, after the finding of this schooner had been published in the Virginia Gazette, and one year passing with no persons claiming ownership, the court Marshal paid to the Treasurer 3536 pounds, 16 shillings, 10 pence; James Barron and other libellants against the Schooner Success, no respondent one year after the schooner's capture, the court Marshal paid to the Treasurer 4752 pounds, 2 shillings, 9 pence; James Barron and other libellants against the Schooner Dispatch, no respondent one year after the schooner's capture, the court Marshal paid to the Treasurer 794 pounds, 15 shilling; James Barron and other libellants against the Schooner Jane, no respondent one year after the schooner's capture, the court Marshal paid to the Treasurer 6367 pounds, 9 shillings, 3 pence; James Barron and other libellants against the Sloop Experiment, no respondent one year after the sloop's capture, the court Marshal paid to the Treasurer 9226 pounds, 7 shillings, 7 pence; William Morris and other libellants against the Sloop Lewis, no respondent one year after the sloop's capture, the court Marshal paid to the Treasurer 3727 pounds, 8 shillings, 4 pence; John Reynolds and other libellants against "Jacob a Negro man," found aboard the Schooner First Tryal, no respondent one year after the man and schooner's capture, the court Marshal paid to the Treasurer 1178 pounds, 8 shillings, 4 pence. (1781 November 30)

James Barron and other libellants against the Sloop Chance, no respondent one year after the schooner's

capture, the court Marshal paid to the Treasurer 585 pounds.; Daniel Noles Hall and other libellants against the Schooner Boat "her name unknown," no respondent one year after the schooner's capture, the court Marshal paid to the Treasurer 6602 pounds, 17 shillings. (1781 December 30)

Libellant Charles Lee Esq. against the Sloop Nancy, respondent Isaac Vinnerman, the court Marshal paid to the Treasurer 42 pounds, 16 shillings, 3 pence. (1782 March 23)

Libellants James and Richard Barron against the Brig Menrot and cargo, respondent Samuel Beall, the court Marshal paid to the Treasurer 394 pounds, 3 shillings, 9 pence. (1782 February 12)

Libellant William Graves against the Ship George, respondent Robert Teole appealed the ruling, the court Marshal paid to the Treasurer 676 pounds, 10 shillings, 11 pence; John Hague libellant against the Sloop Nancy and cargo, respondent Henry Thallow appealed the ruling, the court Marshal paid to the Treasurer 55 pounds, 5 shillings. (1786 June 26)

Libellant Augustine Tabb against the Sloop Philadelphia Packet and cargo, respondent Robert Richards appealed the ruling, the court Marshal paid to the Treasurer 340 pounds from the court out of the 797 pounds the Sloop was previously sold for; Respondent Robert Richards would have his appeal heard if he pays the court 1000 pounds to the clerk's office within twenty days. (1786 June 27)

Richard Cary and John Tyler (Judges) heard the case of George Nicholson against the Brig Little Nancy with its rigging, tackle and furniture, respondent not named, ordered that the libellant be paid out of the previous sale of the Brig Little Nancy from the harbor at Rocket's Landing, located in Richmond, Virginia, on July 11th, 1786, 109 pounds, 5 shillings, 9 pence, 1 farthing; Libellant William Gatewood against the Brig Molly, respondent Robert Fairclough appealing the ruling, the court Marshal paid to the Treasurer 557 pounds. 8 shillings, 8 pence; Respondent Robert Fairclough would have his appeal heard if he pays the court 2500 pounds to the clerk's office within twenty days. (1786 July 31)

Libellant William Graves against the Schooner Hawk, respondent John Butler, 51 pounds, 4 shilling, 4 pence, one half penny to be paid to libellant out of the 155 pounds, 1 shilling, 6 and a half pence from the sale of the ship and cargo. The libellant was then ordered to pay the Treasurer of the court 51 pounds, 4 shillings, 4 pence, one half penny for use of the Commonwealth; Libellant William Graves against the Schooner Two-Brothers, no respondent, the court ordered that 9 pounds, 18 shillings, 6 pence be taken out of the sale of the Two-Brothers to be paid to the libellant, the libellant is also ordered to pay to the Treasurer the same sum for the use of the Commonwealth; Libellant James M. M. Rea against the Brig General Orde, respondent John M Clenachau, the court ordered 75 pounds, 16 shillings, 6 pence, 3 farthing to be paid to the libellant and the same sum of money to be paid back to the Treasurer for the use of the Commonwealth. (1787 January 16)

Libellant William Gatewood against the Schooner Nancy, respondent Stewart Hallet, the court ordered that of the 309 pounds, 3 shillings, 2 pence of the sale of the Sloop Nancy, 67 pounds, 2 shillings, 7 pence be deducted from the total and paid to the libellant. The respondent was then ordered to pay the court 121 pounds, 3 pence, 3 farthings for use of the Commonwealth, also that the Treasurer to pay the libellant the like sum. (1787 March 15)

Libellant James M. M. Rea against the Brigantine Absolonia and cargo, respondent Seth Wheaton, the court ordered that of the 511 pounds, 13 pence, the sum of 124 pounds, 4 pence be deducted and paid to the libellant. Additionally, the court ordered the Marshal to pay the Treasurer 30 pounds to be used as payment for the repairs of the court room. (1787 April 26)

Libellant Christopher Roan against the Schooner Sally, respondent Noel Quisnel. After the sale of the Schooner Sally's cargo, amounting to 67 pounds, 17 shillings, of which 27 pounds, 5 shillings, 4 and one-half pence be paid to the respondent. The Marshal was then ordered to pay the Treasurer 20 pounds, 5 shilling, ten pence, one farthing, and the court ordered the libellant be paid the same. (1787 June 21) Included in the same document is the clerk's note that the Marshal shall pay the Treasurer for the use of the commonwealth 174 pounds, 11 shillings, being the amount of the duties of the cargo of rum and sugar found on board the Schooner Sally. (1787 June 22)

Libellant William Graves against the Schooner Dispatch, respondents Joseph Holmes, the court valuing the schooner and cargo at 200 pounds, ordered 34 pounds, 14 shillings, four and on-half pence be deducted out of the gross sale and paid to the respondent. The respondent was then ordered to pay the Treasurer 82 pounds, 13 shillings, 3 pence, 3 farthings being the balance due on said account, and also that he pay to the libellant the like sum of 82 pounds, 13 shillings, 3 pence, 3 farthings. (1787 August 23)

Libellant Christopher Roan against the Sloop Dispatch, respondent John Lawson, the court valuing the sloop and cargo at 78 pounds, 8 shillings, with 23 pounds, 15 shillings, 7 pence, one-half penny to be deducted out of the gross sales and paid to the respondent. The Marshal was then ordered to pay to the Treasurer for the use of the Commonwealth and to settle the net balance 27 pounds, 6 shillings, two pence, 1 farthing, and that the like sum to be paid to the libellant. (1788 January 12)

This decree states that the Marshal shall pay to the court of funds made by seizures and condemnations, the sum of 17 pounds, 16 shillings, 2 pence and on-half penny for repairs made to the court and jury rooms.

(1788 April 23)

Libellant Christopher Roan against the Schooner Molly, respondent James Lee, the court valuing the schooner at 49 pounds, 2 shillings, ordered that the sum of 33 pounds, 16 shillings, 8 and one-half pence be paid from the Marshal to the respondent. The court then ordered that he pay the Treasurer 7 pounds, 12 shillings, 7 and three-quarters pence for the use of the court and to pay to the libellant the same sum of 7 pounds, 12 shillings, 7 and three-quarters pence. (1788 May 26)

Libellant Michael James against the Schooner Federal Convention, the court valuing the schooner at 58 pounds, 13 shillings, ordered that 21 pounds, 9 shilling, 8 pence be deducted out of the gross sale and paid to the libellant. The court then ordered that the libellant pay to the court the amount of 10 pounds, 17 shillings, 8 pence for the use of the Commonwealth; Libellant William Graves against the Sloop Two-Betsey's, respondent Nathan Ranter, the court valuing the sloop 50 pounds, 19 shillings, 7 and one-half pence ordered that 28 pounds, 13 shillings, 1 and one-half pence be paid to the respondent, while 11 pounds, 2 shillings, 3 pence be paid to the Treasurer for the use of the commonwealth and the like sum of 11 pounds, 2 shillings, 3 pence be paid to the libellant. (1788 October 17)

The List of Supplies is a single document that lists the supplies carried by the HMS Kingfisher to New York on August 27, 1775. Included are the stops the HMS Kingfisher made, to whom they sold goods, profits made, and includes signatures by the ship's captain, master, boatswain and carpenter.

Arrangement

Documents are arranged chronologically within each type of record.

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Account, undated.

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Box 1

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Box 1

Folder 3

List of supplies, 1775 August 27.

Box 1

Folder 4