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[It being uncertain whether four regiments of foot contracted for are to be sent to Ireland and the season for sailing to the Plantations being far advanced, the Bristol and Bideford vessels which were to have acted as transports before sailing for Virginia and the West Indies are released from their contract, and allowed to sail under convoy of the *Martin Prize* if the *Prince of Orange* doth not meanwhile arrive at Bristol.]

[p. 68.]

[478.] [The Council confirm the appointment by the Lieutenant Governor and Council of Virginia, whose representation was this day presented by the Committee, of Christopher Robinson as Secretary of the Colony in place of Colonel Cole.]

[p. 37. C.S.P. VIII. 2658.]

[479.] [The Commissioners of the Admiralty to] be heard at this Board on Thursday next concerning a Caveat Entred by them, against the Passing of a Patent for the Navall or Navigation in Jamaica.

[p. 44.]

[After this hearing the whole matter is referred to the Committee for examination and report.]

[p. 49. C.S.P. VIII. 2692.]

[The Committee having considered the Caveat in question] and it having been proposed on the part of the Commissioners of the Admiralty that a clause may be inserted in the same for reserving the Right of the Admiralty, which clause Their Lordships are of opinion may be added, and that the said Patent or Commission do Pass accordingly: [The Council approve and give orders accordingly].

[p. 73.]

[480.] Vpon reading this day at the Board the humble Petition of Jahleel Brenton Gent. Setting forth, That he having bin by His Majesty appointed Collector, Surveyor and Searcher of the Customes in New England, had, with great Expence, used all Lawfull meanes to seize and proceed against all ships and goods brought in Contrary to Law, and that some persons taking advantage of no ship of Warr of his Majestys being on that Coast to seize and bring in offenders against

1692.
(1693.)
12 Jan.

1 Dec.
Virginia.

8 Dec.
Jamaica.

15 Dec.

(1693.)
26 Jan.

22 Dec.
New
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Law have not only brought in Goods and Merchandizes from severall places in Europe in alliance with his Majesty without paying Customes in England as by Law, but have brought directly from France severall Comoditys of that Kingdome. And whereas a Pinck, The Two Brothers, unfree bottom, George Lawson Comander was privately in an unlawfull Port of the Colony of the Massacusetts Loading goods, and as the Petitioner has reason to believe, had unladen there, without account on her Arrivall as Law Directs whereupon the Petitioner seized and brought her to Tryall at a County Court at Boston in that Colony the 25th of August 1691 where a Jury of Experienced Merchants and Comanders of ships found the said ship and Goods forfeited to his Majesty from which Verdict and Judgement in the said Court Lawson prevailed for an appeale to the next Court of Assistants at Boston on the 1st of September following where the Petitioners reasons Entred against the Appeale shewing it's repugnancy to Law and practice of the Colony, were overuled and the former Judgment given for his Majesty reversed by a Jury, ignorant in such affairs. And whereas another Pinck, the Three Brothers, Thomas Wilkinson Commander an unfree bottom Came Directly from Cales Loaden with Fruite, Wine, Oyle, Brimpston Salt and Woollen Cloath and was on the Coast of the Massachusetts, by two Privateer Sloops, Comanded by Thomas Griffin and George Dew taken and Carried into New Hampshire, where Griffin and Dew pretended to sit as Judges of Admiralty and to Condemn and sell the said Pinck and Goods to Wilkinson and others, and with force of Armes defended the same against the Petitioner who, with great Expencc and hazard of his Life and the lives of those acting with him, made at Length Seizure of the said Pinck and part of her Loading, brought the same to Tryall at a Court of assistants in Boston where the same was Cleared, though in Justice, ought to have been Condemned. From both which Verdicts and Judgments the Petitioner Appealed to His Majesty in Councill, gave 1100*l*. Security to prosecute

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the same Effectually, And praying his Majesty to allow of the said Appeale. His Majesty in Councill was pleased to admit of the said Appeale and to Order as it is hereby Ordered That Sir William Phips their Majesties Capt. Generall and Governor in Cheife of the Province of the Massachusetts Bay in New England as also their Majestys Lieutenant and Commander in Chief of the Militia within the whole Territory and Dominion of New England to take sufficient Security (not exceeding Ealeven Thousand pounds for the Petitioners prosecuting of his said Appeale, before his Majesty in Councill, and to answer such Determination as His Majesty shall think fit to award thereon ; And it is further Ordered by His Majesty in Councill That the said Sir William Phips doe give directions that all Persons be permitted without Interruption to give Evidence, or discouragement to any to give their Testimony in behalfe of the Appellant, And that all Authentick Copies of all proceedings in the said Cases and of all Depositions taken thereon be Transmitted to the Right Honorable the Lords of the Committee of Trade and Plantations under the Publique Seale of the said Province. [p. 59.]

[A presentment from the Customs is referred to the Committee.—C.S.P. IX. 2342.] [Vol. IV. p. 402.]

(1696.)
23 April.

[The Committee of the whole Council, on reading a petition from Mr. Brenton, order that the cases be heard on 1 March.] [Vol. IV. p. 585.]

(1697.)
23 Feb.

Upon reading a Report from the Lords of the Committee of His Majesty's most Honourable Privy Councill, [the case of the *Three Brothers* is appointed to be heard on Thursday.] [Vol. V. p. 19.]

(1697.)
27 May.

[In accordance with a report of the Committee of the whole Council [Vol. V. p. 1] Mr. Brenton is admitted to appeal to the Board, on giving security, against a judgment of the Court of Assistants at Boston of 1 March 1692 reversing a judgment of the County Court of 17 Feb. 1692, by which the brigantine *Mary*, with her lading of tobacco, was adjudged forfeited to

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27 May.

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her Majesty for not giving bonds for her cargo of tobacco : and from another judgment of the County Court at Boston on 26 July 1692 against his seizure of a parcel of iron imported from Spain, from which he appealed for a review but was thwarted by the forcible removal of the iron from the store house by the claimer, an officer and 20 men (*see* 716). General orders are also given for admitting appeals by the Customs Officers to the Council in cases of like nature, and for preventing the discharge of seized goods without due process at law. A memorandum is appended noting that on 10 Aug. 1697 Mr. Brenton and Stephen Mason of London merchant, entered into bond of 1500*l.* to prosecute the said appeals.]

[Vol. V. p. 22.]

3 June. [The hearing of the case of the *Three Brothers* is postponed till 24 June.] [Vol. V. p. 26.]

17 June. [Further postponed till 1 July.] [Vol. V. p. 30.]

1 July. [Further postponed till 8 July.] [Vol. V. p. 34.]

8 July. [Mr. Brenton's appeal is heard, but continued till the 15th in order that the defendant may make due proof that the copies of depositions offered by him] are true Copies of the Depositions taken in New England relating thereunto ; And that the authentick Copies of the said Depositions alleaged to have been transmitted to this Board under the Seal of the Province of the Massachusetts Bay in New England, are lost with the ship wherein they were transmitted from thence, In default of which Proof Their Excellencys will proceed finaly to hear and determine the said appeale, as to Their Excellencys shall seem most just. [Vol. V. p. 38.]

15 July. [The Commissioners of the Customs having represented that it will be for his Majesty's service that the appeal be determined as soon as may be, the further hearing is fixed for the 22nd, when evidence will be admitted, even if not attested under the seal of any colony.] [Vol. V. p. 40.]

22 July. [On the report of the Committee of the Council of 15 July, Mr. Brenton's appeal in the case of the *Two Brothers* is

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upheld, neither Mr. Anthony Merry nor any of the others concerned in the ship having answered the summons, and the vessel is accordingly declared to be forfeited.] [Vol. V. p. 55.] (1697.)

[On hearing Mr. Brenton's appeal, the Council annul the decision of the Boston Court of Assistants in favour of the *Three Brothers*, owned by Ambrose Upton and commanded by Thomas Wilkinson, and declare the vessel with all its loading, tackle etc. forfeited for breach of the Acts of Trade.] 29 July.

[Vol. V. p. 55.] (1700.)

[The Committee for Appeals dismiss the appeal of Mr. Brenton] touching the Brigantine *Mary* and her lading of Tobacco and Hides Seized by the appellant in the year 1691. 3 May.

[Vol. VI. p. 21.] (1700.)

[The Council approve the Committee's report, affirming and ratifying the] Judgement given in the Court of Assistants at Boston in the Province of the Massachusetts Bay in New England the first day of March 1691, Reversing a former Judgement given in the County Court in that Province the 17th day of February 1691. 9 May.

[Vol. VI. p. 21.]

[481.] [The Council approve, and give orders in accordance with, the proposal of the Committee] that Instructions be sent to Colonel Codrington Governor in Chief of the Leeward Islands to sett a part a Glebe towards the maintenance of the Ministers in each Parish out of the Lands yet undisposed of, and where there is none such, out of the Lands that shall Escheat from time to time to the Crown, and that he propose to the Assembly that the Stated and Additionall Stipends of Ministers there may be ordered to be paid in mony. 22 Dec. Leeward Islands.

[p. 60. C.S.P. VIII. 2714.]

[482.] [The Council refer to the Admiralty for consideration and report] the humble Petition of Martha Dolby wife of William Dolby late Boatswain of the Assurance in the West Indies, Praying His Majestys Pardon for her said husband who is detain'd in Virginia under Sentence of Death as accessary to the Murder of One Mr. William Marshall an Inhabitant of Virginia. 29 Dec. Virginia.

[p. 62.]