

EXECUTIVE JOURNALS
OF THE
Council *of* Colonial Virginia
Vol. II

(August 3, 1699—April 27, 1705.)



PUBLISHED BY

The Virginia State Library

H. R. McILWAINE
EDITOR

RICHMOND:
DAVIS BOTTOM, SUPERINTENDENT OF PUBLIC PRINTING
1927

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PREFACE

Volume II of the "Executive Journals of the Council of Colonial Virginia" contains the journals for the period from August 3, 1699, through April 27, 1705. It also contains the proclamations issued by the governor within that time. Since it was usual for the Council to give their advice to the governor on the subject matter of these proclamations, they may properly be considered as joint actions of the governor and the Council. Occasionally, however, when the Council was not in session and the matter was not of sufficient importance to justify the calling together of the Council specially for its discussion, the governor would issue a proclamation on his own responsibility. This was the case with the first proclamation given in this volume. Its date is July 12, 1699, before the date of the first Council session whose proceedings are given. The last date of the meetings of the Council whose proceedings appear in Vol. I of this series is June 22, 1699. There is no record of a meeting between these two dates. The governor evidently issued the proclamation without consulting the Council as a body, though he may have consulted individual members. When the proclamation is read, however, it is clearly seen to be of such a nature—merely giving notice of the meetings of the committee appointed to revise the laws and to supervise the building of the capitol, so that suggestions as to the laws might be made to it and proposals from "undertakers" (what we would now call contractors)—as not to require consideration of the Council as a whole.

The proclamation is included for the sake of completeness in the series, and it is given the position in the book called for by its date, though that places it at the very beginning.

Copies of the proclamations when sent to England—they were sent along with copies of the proceedings of the Council quarterly, if the order of the Lords of Trade and Plantations of January 14, 1679/80, was to be literally obeyed, or, at least, frequently—were not always, though sometimes, bound up in the same books with the journals. In this volume, however, the present location in the British Public Record Office is indicated, as is the location of the journals. For example, the first proclamation in the book (p. 1) is shown to be in Volume 1311 of Class 5 of the Colonial Office. Then (p. 2) it is indicated that the following journals are from Vol. 1410 of Class 5 of the Colonial Office, the source of the text to the middle of page 27. The signature "B. Harrison" at the middle of page 27 indicates that all the journals printed up to that point were sent over at one time, attested by Mr. Benjamin Harrison, clerk of the Council. Then follow the proclamations referred to in the journals up to that point, taken from Vol. 1311 of Class 5, when (p. 30) the journals, from Vol. 1410, are resumed to top of page 35, where the signature "B. Harrison" shows that the journals back to his preceding signature were sent over at one time. Then comes a proclamation the location of which was inadvertently omitted. It is from Vol. 1311 as are the following two.

An examination of the five proclamations given on pp. 27-30 shows that they were all mentioned in the journals; the first (for proroguing the General Assembly) in the journal for October 17, in the following language: "Ordered, that Mr. Attorney Generall doe prepare a Proclamation to Prorogue the Generall Assembly till the 15th day of March next," and the other four in the journal for the 27th (see middle of p. 21), where it is recorded that the attorney general brought into the Council meeting these proclamations. It is also recorded, in the journal for the 24th, that he was ordered to prepare two of them (p. 14). The fact that the other two are not mentioned as having been ordered merely indicates, it is probable, that the clerk failed to copy his whole record for transmission to England. On this point see preface to preceding volume.

In this volume the proclamations are printed following the journals sent over at any one time by the clerk of the Council and mentioned in those particular journals. For instance, the proclamation printed on pp. 35-37 (a proclamation enforcing the execution of penal laws) is called for in the journal for the 20th of December (p. 33), though, a little singular to say, the date of the proclamation as signed is given as the 19th, instead of the 20th, which may be ascribed to the carelessness of the clerk; the proclamation given on pp. 37 and 38 (giving notice of the precise day of hearing causes in the General Court) dated also the 19th of December, is similarly called for in the proceedings of the 20th; and the proclamation given on pp. 38 and 39 (for apprehending certain pirates), dated December 20, is called for in the proceedings of the 19th (p. 31). The two proclamations dated the 19th and not mentioned in the journal till the 20th may, of course, have been ordered on the 19th by the Council, prepared by the attorney general and signed by the governor, and the two orders omitted by the clerk of the Council from the copy of the journal for the 19th sent to England; whereas the one ordered on the 19th and not further mentioned in the journals, but signed on the 20th, may have been omitted from the copy of the record of the 20th. This merely seems further to emphasize the eclecticism of the clerk.

In addition to the journals and the proclamations, the volume also contains such parts of the proceedings of the General Court as for one reason or another found their way to England. As a usual thing, copies of these court proceedings were not sent over. Included are the very interesting proceedings of the General Court in the case of a reversal of the judgment of the General Court by the Privy Council in England and the tortuous indictment of Mr. John Monroe for slandering Governor Nicholson (pp. 448-453).

The three clerks of the Council sending, successively, these copies of the journals to England were Benjamin Harrison, Dionisius Wright, and William Robertson. The first and the third of these were men of parts, the first, indeed, Benjamin Harrison, jr. [of Berkeley], member of the committee for the revisal of the laws, for a time acting attorney general, and later speaker of the House of Burgesses and treasurer of the Colony, a man of unusual ability, but Mr. Dionisius Wright seems not to have been very well fitted for the position. Consequently the copies of journals transmitted by him have in them a large number of errors—many of which, though not absolutely all, are corrected, in a

measure, by means of letters or words inserted in brackets. His journals occupy in this book pp. 87-215.

It should be said, however, in behalf of Dionisius Wright that he was clerk at a time (June 5, 1700-November 11, 1701) when, owing to the impending war between England and France, an unusual amount of work had to be done by the clerk of the Council, that he was an old man and not well, and that there were in the Colony few competent assistants. Benjamin Harrison, jr., when he resigned from the office, drew attention to the fact that the duties of the position had become very heavy and that the pay was barely sufficient to enable the clerk to employ such assistants—"under writers" he called them—as were necessary to make copies of papers for transmission to England (p. 87). It may be noted, too, that William Randolph, clerk of the House of Burgesses, a very competent man, joined Dionisius Wright in a petition to the Council on the 23rd of October, 1701, that the time of the sailing of the ship which was to carry copies of papers to England be postponed in order that the copies might be correctly made. The situation is so well set forth in this petition, which at the same time very well illustrates Dionisius Wright's faults as a clerk—or at any rate the errors to be found in the copies of the journals sent to England—that it is given here in full, as follows:

"Dionisius Wright Clk: of the Council here and of y^e Gen^l Assembly [that is, the Council acting as one of the houses of the General Assembly] and M^r W^m Randolph Clk: of y^e house of Burgesses Representing to this Board y^t y^e Gen^l Assembly of this his Maj^{ty}'s Colony and Dominion hath had such a Long Continuance this last Session y^t y^e sev^l Journalls and Proceedings therein Could not by them be Fitted and prepared to send and Transmitt to his most sacred Maj^{ty}'s [Majesty] by his maj^{ty}'s Ship y^e Lincoln [should be Shoreham] and Considering y^e difculty of procureing men quallified to Transcribe y^e same it being a work Requiring great Circumspection to be done in a Rite [right] method and they being put to a Vast Trouble Charge and Expence to procure y^e same to be done they are much affraid upon these Considerations that they shall not be able (tho: they work Night & day) wth all their Industry to Effect y^e same in time to be Transmitted by his Maj^{ty}'s Ship y^e Shoreham in so short time as Now app^{td} for her to sail

"And thereupon humbly praying y^t the same may be taken into Mature Consideration and y^t his maj^{ty}'s afores^d Ship the Shoreham may be stay'd till y^e 14th 9^b. Next humbly Conceiving y^t [it] is Absolute [ly] Necessary y^t all y^e afores^d Matters should be transmitted by her she being Gone No Ships will be left to take Charge of y^e same."

The petition was granted. The next day he asked to be discharged from office (p. 208), but was not actually relieved till the 11th of November (p. 214).

The journals are full of interesting and important information. The laws were being revised by a committee appointed by the General Assembly, and to this committee matters were constantly being referred by the Council. Discussions as to the transportation to England of the pirates captured by an English man-of-war and, later, of questions connected with other pirates consumed much time. It was a time when piracy was not only a nuisance but a menace. The affairs

of Indians, individuals and tribes, friendly (those with whom the Colony had treaties) and "strange" (those roaming into the Colony from afar) and the prevention of encroachment upon their lands were always to the fore. The question of a supply in aid of New York in the building of a fort, as commanded by the home government, was an almost interminable one. Making rules for the conveying of vessels, fixing times of sailing of fleets under convoy, disputing with the commanders of English men-of-war sent to guard the coasts consumed much time. Finally, the altercation between Governor Nicholson and several members of the Council runs through many pages of the journals.

All these matters as well as others are treated at some length in the prefaces of the "Journals of the House of Burgesses of Virginia, 1696-1697, 1698, 1699, 1700-1702" and the "Journals of the House of Burgesses of Virginia, 1702/3-1705, 1705-1706, 1710-1712." All of them were in varying degrees the subject matter of General Assembly action as well as of Council action, and in all the prefaces to the "Journals of the House of Burgesses" the attempt was made to give in a connected way an account of the matters of importance acted on. The student is referred to those prefaces if he wishes to consult short histories of the several periods.

The prefaces to the "Journals of the House of Burgesses" were written without the advantage of the information given in these Council journals. They are, consequently, more inadequate than they would be if they were written now. The Council journals both present a mass of facts peculiar to themselves and shed a flood of light on questions left obscure by the Burgesses' journals and other available sources of information. It is not intended, however, to rewrite in the prefaces to the present series of "Executive Journals of the Council of Colonial Virginia" these short histories. They are in the editor's judgment of insufficient value to justify the expenditure of time that their recasting would entail. It must be confessed, too, that even now not all the sources of information are available on this side the Atlantic Ocean necessary for the writing of an adequate history of the various matters referred to either in the journals of the House of Burgesses or those of the Council. There are still in the British Public Record Office letters from the Board of Trade and the secretary of state to Virginia officials, especially the governors, and letters and reports from Virginia officials to the English authorities copies of which are not in the Virginia State Library. The editor has come to the view that it is a misdirection of energy to attempt to write an account of an event or a series of events when some of the sources of information are lacking. It is his hope to complete the publication of this set of "Executive Journals of the Council of Colonial Virginia" in a much shorter time than would be possible if extended prefaces were written. After that the publication of the papers referred to above should be undertaken by the Board of the Virginia State Library. Transcripts of many of them are in the Library of Congress.

Francis Nicholson was governor throughout the period covered by the proceedings printed in this volume, though in fact the Privy Council had issued an order on the 12th of April, 1705—the date of the last session of the Virginia Council whose proceedings are given

in this book is April 27—for his replacement by Edward Nott, who arrived in Virginia on the 15th of August. It is not probable that the Board of Trade were much displeased with Nicholson's conduct of affairs, since he was given responsible positions elsewhere. His administration ought not to be looked on as a failure. He was, however, erratic and violent and personally unpopular with many of the leading men of the Colony. As an example of his idiosyncrasy may be cited the order given by him on the 12th of May, 1704, to the clerk of the Council to enter on the journal for the day the two long letters, written one on January 18, 1699/1700, and the other on February 23, 1702/3, by Mr. Benjamin Harrison, jr., to Mrs. Dorothea Torway of London (pp. 370-373). The bearing of the letters on any Council business is not apparent.

All the journals and other papers in this volume have been secured from England. The firm furnishing the transcripts, B. F. Stevens and Brown, was requested at the outset to copy all Council proceedings, proclamations, and proceedings of the General Court that could be found, it being anticipated that specimens of the last class of papers would be few, since copies of these proceedings, as has been pointed out, were sent to England only in extraordinary cases. Too late for insertion in Vol. I there came to hand a very interesting order of the General Court dated April 29, 1687. It was found in a volume in the British Public Record Office (Colonial Office, Class I, Vol. 64, No. 68¹) containing Virginia correspondence. The endorsement has it that it came from Lord Effingham. It is not mentioned, however, in any letter from Lord Effingham, so far as can be determined from reading the published "Calendar of State Papers—America and West Indies" or the "Sainsbury Abstracts"—very good abstracts, in manuscript, in the Virginia State Library of Virginia papers in the British Public Record Office. It is, however, referred to in Secretary Nicholas Spencer's letter of May 17, 1688, to the earl of Sunderland, secretary of state, enumerating the grievances lately discussed by the House of Burgesses. The fee fixed by the order was one of these grievances. A full entry of Spencer's letter is in the "Calendar of State Papers—America and West Indies" (see vol. for 1685-1688). The paper is there called an order of the governor and Council, which is a mistake; it is an order of the General Court. It is as follows:

At a General Court held at James City
29 April 1687

Pres^t His Excellency

Nath^l Bacon Esq^r
M^r Secret^y Spencer
Coll W^m Cole

Coll Rich^d Lee
Coll John Lear
Coll Chr Wormeley

Coll Isaac Allerton

M^r W^m Sherwood by his humble motion to this bench sett forth, that he as a Practicer at the Bar for many Continued years, had been entertained in Divers Law Suites concerning the bounds and Limits of Lands and that he observed y^t for the want of an Entry being appointed to be made of Surveys in a booke perticulerly appropriated for that Service y^t: some Surveys had wholly miscarried and mistakes committed in others in the Inserting y^m in the body of the Patten &

Therefore humbly begged Leave to move the Court y^t if in their grave Judgments they thought fitt that a Rule might bee sett by the Court y^t a booke should bee perticularly appointed for y^t purpose to bee kept in the Secretarys Office and that all Surveys bee duely therein Entered and alphabetted to w^{ch} all persons may have resort to have copy's of. Which the Court upon Consideration thereon had have approved as a necessary worke to bee observed and performed And have therefore thought fitt to order that all Surveys brought into the Secr^t office bee duely Entered into a booke perticularly appointed for that Service and that the fee for the same doeing bee thirty pounds of tobacce for the entry of each Survey.

Vera cop Test

W. Edwards *Cl Gen Cur*

The search for items made by the firm has been very thorough and painstaking. Nothing has been taken for granted. For instance, in the "Calendar of State Papers—America and West Indies" for 1704 (see pp. 154 and 155) there is given a list of patents granted at the April 1704 General Court. The searchers have, however, examined the original paper (C. O. 5, 1314, No. 21¹¹¹) and found on the back two names omitted from the printed page. They are those of Ann Hayes, to whom 685 acres were granted in Essex County, and Thomas Preeson, to whom 200 acres were granted in Accomac County.

The printing in the present volume has been modernized as compared with that of its predecessor to the extent of having words spelled with double letters where the manuscript has one letter with a mark indicating an omission. In the preceding volume these marks were omitted and the words unexpanded, a spelling resulting for which the original clerks or copyists were not to blame. To illustrate, in the present volume "command" usually appears instead of the erroneous "comand" of the former volume.

The text of this volume has not been searched for typographical errors, as was the case with the former volume. The result obtained in the former volume was hardly commensurate with the time expended—the marking of a few errors which the intelligent reader would likely have recognized as such if left to himself. There are many errors in the text, a few of them, possibly, typographical, but the great majority clerical, most of which, it is hoped, where there seemed to be any possibility of difficulty, have been remedied by matter inserted in brackets. The attentive reader will have little trouble. He will soon become accustomed to the archaic language and the absence of correct punctuation—that is, correct according to present day ideas.

A table of archaisms and unusual expressions was given in the preface to Vol. 1, to which anyone who consults the present volume may also refer if he does not happen to have a good dictionary by him, since most of the peculiarities of language of that volume persist in this. To that list may be added the following notes for the present volume:

P. 65, l. 26: "raken" means raked, swept fore and aft with shot.

P. 68, l. 30: cocketts=cockets, that is, papers signed by customs officials showing that duty had been paid.

- P. 86, l. 37: Lagan was wreckage lying at the bottom of the sea.
- P. 90, l. 30: "spiked up" here means merely secured or fastened.
- P. 131, l. 2: deodand was a thing forfeited (to be given to God) because it had caused the death of some one.
- P. 155, six lines from bottom: "Ashbon" should be Ashton—the clerk's error.
- P. 189, l. 24: "Instructing" is probably written for "intrusting."
- P. 235, l. 33: "Shipwith" should be "Skipwith."
- P. 355, l. 19: an exemplification was a certified copy.
- P. 359, l. 7: a munguy (sometimes spelled "monguy") was a chief among the Chickahominy Indians.
- P. 429, l. 5: "rough" means first draft.
- P. 433, l. 13: "Russel" should be "Bassett."

Executive Journals *of the Council* *of Colonial Virginia*

[From the Public Record Office, London, Colonial Office,
Class 5, Vol. 1311, D54, N^o. 10Lⁱⁱ or p. 709.]

Virginia S^{ct}
[Seal Impressed
on wafer.]

By his Excellency
A Proclamation

Whereas the Committee appointed to Revise the whole body of the Laws of this his Matys Colony and Dominion and to inspect and oversee the building of the Capitol, at their meeting at James City this present moneth of July have by their address signify'd to me that they have appointed a time and place of Sitting to agree with any Undertakers, Artists, or Workmen that shall offer themselves to be employed in the work of building the Capitoll and have therein also prayed that I would notify the same to all his Majts loving Subjects, And for as much as it will conduce very much to the service and honour of his most sacred Majesty and the ease and benefit of all his Ma^{ty's} good and loving Subjects inhabiting this his ancient and great Colony and Dominion of Virginia that the said Capitol be erected and built with all possible expedition in such manner as is by Law already provided and directed: I Francis Nicholson Esq^r his Ma^{ty's} Lieu^t and Governour General of Virginia Do hereby give notice & make known to all his Matys Subjects that the Committee appointed for the Revisal of the Laws and to inspect and oversee the building of the Capitoll will sitt at James City the 6th 7th 8th & ninth days of September next and will then and there be ready to receive the proposal of any person concerning what of the s^d building he is willing to undertake either in the quality of an Undertaker, Overseer or Workman, and to make such contract or agreement with any person or persons that shall then and there apply themselves to them as shall be reasonable Convenient and necessary, And I do likewise give further notice to all his Matys good and loving Subjects that the said Committee appointed to revise the Laws of this his Matys Colony and Dominion will sitt at James City the first Wednesday in every moneth till the moneth of December next, at which time or times they will be ready to receive any proposition that may be made or sent to them by any person or persons tending to the Glory of God, the honour of his Maj^{ty}, and the publick weal of this his ancient and great Colony and Dominion of Virginia in order to the compleating and perfecting of so necessary and good a work. And I do command all Sheriffs, that they cause this Proclamation to be published in all Churches Chappels Court house and other publick

places in their respective Countys and they will answer the contrary at their perills, Given under my hand and the Seal of the Colony this 12th day of July 1699 in the 11th year of his Ma^{ty's} reign
Fr: Nicholson

A Proclamation giving notice of the time and place of the sitting of the Committee appointed to revise the Laws & to inspect and Oversee the building the Capitoll

God Save the King

[From Public Record Office, C. O., Class 5, Vol. 1410-Cont.]

At a Councill held at James Citty
August the third, 1699

Present

His Excellency
Edward Hill
Edmund Jenings
John Lightfoot

Mathew Page
Benjamin Harrison Esq^r

Pursuant to an Order of the Generall Assembly for appointing such persons as His Excellency should thinke fitt, to adjust and Settle the Claim's and Titles to Land's in Pamunkey Neck and on the south side of the Blackwater Swamp, His Excellency in Councill was pleased to nomminate, Philip Ludwell, Michael Sherman, James Bray, Bartholomew Fowler, David Bray, Hugh Norrell, Thomas Cowles, William Drummond, and William Broadrib, Gentlemen, or any four or more of them, whereof the said Philip Ludwell, Michael Sherman, James Bray or Bartholomew Fowler to be One, to sitt at the Court house of Surrey County for the adjusting and settleing all controversies concerning the Land's on the South Side of the Blackwater Swamp.

His Excellency was also pleased to appoint, William Leigh, Joseph Foster, Lancelot Bathurst, Francis Burwell, Edmundson, Thomas Smith, John Stanup, John Lewis, and James Baughan, Gentlemen or any four or more of them, whereof the said William Leigh, Joseph Foster, Lancelot Bathurst, or Francis Burwell to be One, to sit at the Court house of King and Queen County for the adjusting and setling all controversies concerning the Land's in Pamunkey Neck.

And accordingly, Ordered that M^r Attorney Generall doe p^rpare commissions for the said Land's impowering them to proceed in relation to the Said Land's, on the South Side of the Black water Swamp, and in Pamunkey Neck pursuant to the Rules and Directions for Setling the same agreed upon by the Generall Assembly.

Whereas in pursuance of an Order of the Generall Assembly His Excellency in Councill hath bin pleased to appoint certain persons to sit at the Co^{rt} house of Surrey County for the adjusting and Setling all Claimes to Land's on the south Side of the Blackwater Swamp, which

said persons are to meet at the said Court house of Surrey County upon Wednesday the twentieth day of September next, and to proceed therein according to a Commission by His Excellency to them given for that purpose, And whereas it is necessary that some provision be made for the reception and accomodation of those persons who are appointed for that Service, that they may be the better enabled to discharge their Duty therein; therefore Ordered that Benjamin Harrison Esq^r doe cause sufficient Provision to be made for the Reception and Accomodation of the Said persons appointed as aforesaid, during the time they shall attend that Service; and for the more Equall defraying y^e Charge thereof, an Account shall be Kept of the Expence of such provision as aforesaid, which Account shall be laid before His Excellency and the Councill, upon the Return of the Survey's of the Land laid out by Order of the Said persons pursuant to the said Order of Assembly; to the intent that every person receiving Benefitt by any Grant of those Land's shall bear an Equall provision in the said Charge according to the Quantity of the said Land, which Shall be soe to him granted.

Whereas His Excellency hath bin pleased to Communicate to His Maj^{ty} Hon^{ble} Councill of State now p^rsent severall letters, which he hath received from Lieu^t Coll William Wilson Commander in Chief of the Militia in Elizabeth Citty County and Cap^t John Aldred Commander of His Maj^{ty}s Ship the Essex prize, wherein they doe acquaint His Excellency, that on the twenty sixth day of July last past An English built square sterned Ship, with about thirty Gun's and one hundred and fifty men came into Lynn Haven Bay within this His Maj^{ty}s Colony and Dominion of Virginia, and did then and there feloniously and piratically seize upon and plunder a Ship, called the Maryland Merchant, and at the same time and place did trayterously fire severall times with shot at His Maj^{ty}s said Ship the Essex prize, she then haveing His Maj^{ty}s Colours flying, as is usuall on board his ships of war; and Whereas it is probable that the said Pyrates will land in some of His Maj^{ty}s Colonies to the Northward, and endeavour to make their Escape, that they may not be apprehended and brought to condign punishm^t for their said offences, Therefore His Maj^{ty}s Hon^{ble} Councill doe rep^rsent to His Excellency that it is for His Maj^{ty}s Service, to send an Express to the Govern^{or} of all His Maj^{ty}s Colonyes to the Northwards, with a particular account of the Said Ship and Pyrates and of their Felonies and Treasons aforementioned, and to desire them to give such Directions as they shall thinke proper for the app^rhending the said Pyrates if they or any of them, shall hereafter come into any of His Maj^{ty}s Colonyes under their Governm^t and if any of the said Pyrates Shall be app^rhended, that intimation thereof may be given to His Excellency, in Order to His prosecution of them for their offences aforementioned.

August 4th 1699

Whereas M^r Robert Beverly hath petitioned to His Excellency, that he may be heard before any Lease of Point Comfort Island be made to Lieu^t Coll William Wilson, according to a former Order made for that purpose, therefore

Ordered, that the said Wilson have notice given of the said Petition, and if he desire it, that he may have a Coppy thereof.

Ordered, that the Clerk of King and Queen County Court doe give his attendance at the severall meetings of the Commissioners appointed by His Excellency's Commission for adjusting and Setling all controversies concerning the Lands in Pamunkey Neck, pursuant to an Order of the Generall Assembly held at James Citty the twenty seaventh day of Aprill last; and that the said Clerk doe keep an exact Register of all the Proceeding's of the said Commissioners, for which he shall take the Like Fees of the Severall persons concerned in Interest in those Land's, as by Law is given to the Clerkes of the County Courts in other proceedings of the like nature.

Ordered, that the Clerk of Surrey County Co^{rt} do give his Attendance, at the severall meetings of the Commissioners appointed by His Excellency's Commission for adjusting and Setling all controversies concerning the Lands on the South Side of the Black water Swamp, pursuant to an order of the Generall Assembly held at James Citty the twenty seaventh day of Aprill last; and that the said Clerk doe keep an exact Register of all the proceedings of the said Commissioners, for which he shall take the Like Fees of the severall persons concerned in Interest in those lands, as by law is given to the Clerks of the County Co^{rt}s in other proceedings of the like nature

His Excellency was pleased to acquaint the Council that he had severall things to propose to them, relateing to His Maj^{ty}s Revenues, but forasmuch as M^r Auditor is now absent therefore he would deferr the same till some other time when M^r Auditor should be p^rsent.

Whereas, Cap^t John Aldred Commander of His Maj^{ty}s Ship the Essex Prize hath Certified His Excellency of the Condition and Force of the said Ship, that she hath one Deck (with a small fall) fore and aft, sixteen Guns, Complim^t sixty men, and having no Steerage she is but ordinarily provided to make a close fight, if the men are once forced off the Deck's, which account from the said Captain Aldred His Excellency hath been pleased to lay before His Maj^{ty}s Hon^{ble} Council of State now p^rsent, by whom the same being considered, they are of Opinion that the said Ship Essex-prize (both for the weakness of the Ship and the small number of men belonging to her) is not sufficient to defend His Maj^{ty}s Colony and Dominion against attempts of Pyrates and Sea Rovers, and that it is impossible to procure a greater number of men, to be put on board any Ship of War in Case of necessity, without a very great expnce to the Country; and the people liveing so very remote and dispersed one from another a Pyrate or other Enemy may land, and execute his intended mischeifs before any number of men can be gotten together and put on board a Ship to oppose him; and whereas there hath lately bin a pyrate in Lynhaven Bay, who seized upon and plundered a Ship called the Maryland Merchant, and it is probable there are more Pyrates upon the Coasts, which lyng without the Capes and takeing M^r chant Ships tradeing hither, will prove very p^rjudiciall to His Maj^{ty}s Interest, by the loss of His Customes of so much Tobacco, as shall be taken and destroyed by the said pyrates and will also be a great hindrance and discouragm^t to His Maj^{ty}s subjects trading to this His Colony and Dominion.

Therefore y^e Council are of opinion that it will very much conduce to His Maj^{ty}s Service, that His Excellency do represent to His Maj^{ty} and humbly pray Him that he will be pleased, to appoint a Ship of Sufficient Force, to defend this His Colony and Dominion against Pyrates and that there may be allowed to her a small Tender, which in Case of necessity may serve as a fire Ship.

At a Council held at James City
the ninth day of August, 1699

Present

His Excellency

William Byrd
Edward Hill

Edmund Jenings Esq^{rs}

Whereas there hath lately come into Lynhaven Bay a Ship of about thirty Gun's and one hundred and fifty men, who did Feloniously and pyratically seize upon and plunder a Ship, called the Maryland Merchant, and did also p^rsume to stand in Defiance of, and to fire Shot at His Maj^{ty}s Ship the Essex prize: And whereas it is probable that the said Pyrates will either endeavour to land upon some part of the Coast with intent to disperse themselves amongst His Maj^{ty}s Good and Loyall Subjects, that thereby they may be enabled to escape the punishm^{ts} justly due to their Crimes, or if they resolve to continue at Sea and prosecute their detestable Course of piracy, it may be justly feared they will attempt by Robberies and Pyracies upon the Coast, to furnish themselves with such necessaries, as they stand in need of; for the detecting and p^rventing whereof as much as may be,

His Excellency by and with the advice of His Maj^{ty}s Hon^{ble} Council is pleased to Direct and doth hereby require the Commanders in Chief of the Militia of the Counties of Elizabeth City, Norfolk, Princess Ann, Accomack, and Northampton and every of them, that they do provide and appoint sufficient persons in every of the said Counties respectively to look out upon the Sea Coast untill the twenty ninth day of September next, in manner following, that is to say, upon Point Comfort one man, to goe backwards and forwards, between Cape-Henry and Lyn-haven River one man, between Cape Henry and Carratuck Inlett one man, upon Smith's Island or Mock Island and so along the Sea-board Shoar of Northampton County one man, and upon the Sea-board Shoar of Accomack County one man; which persons appointed to looke out as aforesaid, if they See any Ship or Vessel upon the Sea, are diligently to take notice of and observe their Courses and Actions and particularly if any Boat or boats be sent on Shoar; and if there appears any Suspicion of their being Pyrates, that they doe immediately give notice thereof to the next Commission [Commissioned] Officer of the Militia, and he is forthwith to intimate the same to the Commander in Cheif of the Militia in that County where he

resides; who is hereby directed to take such care and give such Orders as shall be necessary for the defence of his County, and for the pursuing and apprehending such suspicious Person's, in manner as is p^rscribed by One Act made the last Session of Assembly for Restraining and Punishing of Pyrates and Privateers, and also to give immediate notice to the Commanders in Cheif of the Militia in the other Counties bordering upon the Sea, that they may also be p^rpared to defend themselves and to pursue and apprehend the said suspicious Person's as aforesaid; and every such Commander in Cheif upon Intimation given him as aforesaid, is forthwith to dispatch an express to His Excellency, with a particular account thereof, and also of what Orders and Directions he hath given therein; and if possible to give Cap^t Aldred Commander of His Maj^{ty}s Ship the Essex-prize, an account of any Ship or Vessell that shall be at Anchor or Cruising by the Capes, or upon the Coast, if suspected to be a Pirate, and what nature or bigness the said Ship or Vessell is of.

Ordered, that it be recommended to the Committee appointed to revise the whole Body of the Laws, to Consider of the most proper Method to procure and Exact Rent Roll of all the Land's held of His Maj^{ty} within this His Colony and Dominion and how much is held by every particular Person; and also to find out what Land's are Escheatable to His Maj^{ty}

Present

Mathew Page
Benjamin Harrison Esq^rs

Ordered, that it be recommended to the Committee appointed to Revise the Law's, to consider of the most effectually means to Encourage the Trade of this Colony, particularly with Relation to Bulk Tobacco.

Ordered, that it be recommended to the Committee appointed to Revise the Laws, to p^rpare a Bill, for the ascertaining what Fees shall be taken by the Officers, of the Co^{rt} of Admiralty, the Attorney Generall, and the Clerk of the Councill.

Whereas the Hon^{ble} Edward Hill Esq^r Judge of the Co^{rt} of Admiralty, and the other Officers of the Said Co^{rt}, were by Order of Councill directed to give their attendance for the sale of certain Stores, which were saved from His Maj^{ty}s late Advice boat the Swift; and the Roe Ketch, and now in the possession of Edmund Jenings Esq^r and Lieu^t Coll William Wilson, for which they have now prayed that an allowance may be made them for their trouble and charges therein, whereupon

Ordered, that the following allowance be made to them for the same, that is to say, to the said Edward Hill, Esq^r for ten daies attendance five pounds sterl: to Miles Cary Register of the said Co^{rt} for six daies attendance, thirty six shillings sterl, to Michael Sherman Marshall for eight daies attendance forty eight shill: sterl: in all amounting to the Summ of nine pounds four shillings sterl, which said Summ is to be paid out of the money arising by the Sale of the said Stores, one half by the said Jenings, and the other half by the said Wilson

Whereas it hath bin rep^rsented to His Excellency by Richard

Kitson, who intermarried with Mary the Relict of Richard Lucas, deceased, that upon the eighteenth day of September 1697 a Shallop belonging to the said Mary (she being then in her widow-hood) was prest into the King's Service in which Service she continued seaventeen daies, and sustained great dammage being left sunke with her Sailes in her, and the Petitioner [Petitioner] exposed to great trouble and charge in getting her home the whole Charge of which Services and Damages sustained as aforesaid, amounts to the Sum of six pounds nine Shillings six pence Sterl: whereupon he prays that His Excellency will please to give such Directions for his Releif therein as shall be thought necessary, therefore

Ordered, that the said summ of six pound's nine Shill: six pence Sterl: be paid to the said Richard Kitson by Edmund Jenings Esq^r out of the produce of the Stores and Rigging belonging to the Roe Ketch in his possession, and if the said Stores and Rigging cannot be sold, soe much thereof as will be sufficient to pay the said Summ, shall be valued by indifferent men upon their Oaths, and the same shall be delivered to the said Kitson in Satisfaction of his said debt.

Whereas it hath bin rep^resented to His Excellency by Edward Hill Esq^r Judge of His Maj^{ty}s Co^{rt} of Admiralty in behalf of himself and the severall Officers of the said Co^{rt} that they have bin at more than ordinary trouble, Expence, of time, cost and Charges by goeing into Middlesex County to try the Ship Providence of Dublin whereof John Hamelton was Master upon the Seizure and Information made against the said Ship by Gawin Corbin Esq^r Collector of Rappahanock River and hath thereby served [saved] great Cost expense and trouble, which necessarily must have ensued by bringing the severall witnesses from thence to James City the usual place for holding the said Co^{rt} of Admiralty and therefore the Petitioner humbly prayes that the said Services may be considered and paym^t ordered accordingly out of the money paid for the said Ship, she haveing bin found lost and forfeited upon the Statute of the fifteenth of King Charles the Second Intituled an Act for the encouragm^t of Trade &c: And whereupon he exhibited an Account of Charges accrewed on the prosecution of the Ship Providence &c as followeth, to wit, to the Judge Seaven per Cent: on the appraisem^t (being two hundred and tenn pounds fourteen shill: tenn pence) is fourteen pound's sixteen shill, to extraordinary trouble and charges five pound's four shill; to the Register three per Cent: is six pound's six shillings six pence, to extraordinary trouble and charge three pound's thirteen shill: six pence to the Advocate three per cent: six pounds six shill six pence, to extraordinary trouble and charge three pound's thirteen shill six pence: to the Marshall three per cent: six pound's six shillings six pence, to extraordinary trouble and charge three pounds thirteen shill six pence, to M^r Attorney Generall five pounds, to extraordinary trouble and charge two pound's; all which said account of charges amounts to the summ of fifty seven pound's sterl: therefore,

Ordered that the said Sum of fifty seven pounds sterl be paid by M^r Auditor Byrd, out of the money arising by the Sale of the said Ship, unto the said Judge of the Court of Admiralty, and the

other Officers aforesaid, in manner and according to the severall partes and proportions due to them and every one of them, respectively as the same is expressed and sett down in the account of charges aforementioned:

Whereas their Excellencies the Lords Justices of England by their Instructions to His Excellency the Govenor of this His Maj^{ty}s Colony and Dominion of Virginia have bin pleased to direct that, in Order to the better improvem^t of His Maj^{ty}s Quit-Rents, they be sold every year openly by inch of Candle to the highest Bidder in the Respective County Courts, and that due notice be given of the time and place of any such Intended Sale, in such manner as may make it most publick known to all People a Competent time beforehand, therefore, His Excellency in Councill is pleased to direct that M^r Auditor Byrd doe give such Orders and Instructions to the Sheriffs of the severall Counties within this His Maj^{ty}s Colony and Dominion as shall be requisite and necessary, for the settling of the Quit-rents of their respective Counties, according to the said Instructions of their Excellencies the Lords Justices, and for the greater Incuragm^t to person's to buy the said Quit-Rents, His Excellency is further pleased to direct, that all Sheriffs at the next Co^{rt} held in their respective Counties, after the last day of January annually shall p^rsent Exact account of all the Quit-rents in their several Counties, and in such account shall be particularly exp^rssed and set down, what part of the said Quit-rent's, hath bin received in money, and what part in Tobacco, and of whom such Tobacco hath bin received and in what places it lyes, to the Intent, that no abuse may be put on any Buyer, by the Sheriffs paying him bad or inconvenient Tobacco, when he hath that, which is better or more convenient on his Maj^{ty}s Account.

At A Councill held at James City
September, 22, 1699

Present

His Excellency

William Byrd
Edward Hill
Edmund Jenings

Mathew Page
Benjamin Harrison Esq^r

Whereas, Benjamin Tully Master of the Sloop Adventure, by his Petition to His Excellency hath rep^rsented that he arrived in Yorke River at York Town on the fifteenth day of this Instant September with the said Sloop from Carratuck laden with Corn, which Corn the Navall Officer of that Districk will not permitt him to land by reason, the said Sloop as the said Officer say's is not registred according to Law, and the said Corn being perishable Commodity and may be damnified by keeping on board, till he can procure another Register, therefore he humbly pray's, that he may be permitted to putt the said Corn on Shoar, to secure the same untill he can procure another Register for the said Sloop; And whereas M^r Attorney Generall, to

whom the same was referred, hath reported his opinion, that the said petition may be granted the Petitioner leaving his Vessel for Security till he has procured the Register, there being no Fraud (as he conceives) intended, therefore, the said Navall officer of Yorke River is hereby directed and required to permit the said Benjamin Tully to put his Corn on Shoar according to the prayer of his petition; he leaving his Vessell for Security, till he shall have procured a legall Register.

Whereas, it hath bin rep^rsented to His Excellency by Cap^t John Aldred Commander of His Maj^{ty}s Ship Essex prize, that the said Ship is in a very weak and defencelss Condition and also that she is in want of necessaries of Iron worke Carriages Matches & c: and that there is not above fifteen daies Provision on board the said Ship and that he had no particular directions where to be supplied with the same upon his Maj^{ty}s Credit in this Country; And whereas His Exce|lency (thinking it for His Maj^{ty}s Service) did by his Orders of the twelfth Instant, command the said Aldred that (wind and weather permitting) he should bring the said Ship up to James City, and accordingly this Council was held that consideration might be had of what was proper to be done in relation to the said Ship, but she not being yet come up, His Excellency and the Councill thought fitt to defer any further proceeding's therein till the General Court which will begin in about three weekes, it being hardly possible to have another Councill before that time, but forasmuch as by the said Aldred's rep^rsentations aforementioned it appears to be very dangerous for the said Ship to lye below in the mouth of the River, Therefore His Excellency by and with the advice of His Maj^{ty}s Hon^{ble} Councill is pleased to require and command the said Cap^t John Aldred that he do forthwith sail with the said Ship up James River to the mouth of Princess lately called Archer's-hope Creeke there come to an anchor and lye till further order, in the meantime taking diligent care, that himself and his men performe their duty and remain on board the said Ship; and if he receives noe further Orders to the contrary, the said Aldred is hereby required and commanded to attend His Excellency and the Councill at James City upon the fifteenth day of the next month being the first day of the General Court.

At a Councill held at James City
the Seaventeenth day of October 1699

Present

His Excellency

William Byrd
Edward Hill

Edmund Jenings
John Lightfoot Esq^r

Whereas, the Hon^{ble} Edward Hill Esq^r Commander in Cheif of the Militia in Charles City County hath laid before His Excellency and the Councill a letter which he hath received from Lieu^t William Epes dated the fourteenth of this Instant October giving an account of great numbers of Strange Indians being upon the frontiers; together with the Orders he hath given the said Epes to raise men and goe after

the said Indians, which is accordingly done, but forasmuch as nothing further of the said Indian's hath bin heard so that it is probable they are gone, Therefore, Ordered that if the said Epes find's the Indians are gone from those parts he doe come in with his men, but take care that good guard and watch be kept on the frontiers to p^rvent any further Mischief.

Ordered, that an Express be sent to the Hon^{ble} Benjamin Harrison Esq^r Commander in Cheif of the Militia in Surrey County, that as soon as he return's home from following the Indians, he do forthwith come to James City to give an account of the State of Affair's in those parts with directions to him to issue out such further Orders as to him shall seem necessary for defending the Frontiers of his County.

Ordered, that Lieu^t Coll George Mason Commander in Cheif of the Militia in Stafford County do forthwith provide two understanding intelligent person's and send them up to the Island where the Piscataway Indian's lately lived on the head of Potowmeck River, to see whether those Indians are now in that place, what condition they are in, how many of them there are, and make the best Inquiry they can, whether any of them have lately been from that place, and whether they have seen any Strange Indians this Summer, if they have enquire what nation they belonged to, how many there were and whether they went, of all which they are to take a particular account in writing, and return it to the said Lieu^t Coll Mason, who is imediately to transmit the same to be laid before His Excellency.

Ordered, that the Sheriffe of James Citty do summon Hugh Challice Jun^r to appear before the Councill tomorrow to answer the Complaint of M^r Attorney General for pressing his horse.

Ordered, that M^r Attorney General doe p^rpare a Proclamation to prorogue the General Assembly till the fifteenth day of March next.

Ordered, that Cap^t John Aldred Commander of His Maj^{ty}'s Ship the Essex prize, do attend His Excellency and the Councill tomorrow, with an account in writing, what condition His Maj^{ty}'s said Ship is in, whether she is sufficiently fitted to goe out and Cruize in the Bay, between the Capes according to His Excellencies former Orders to him given; and if the said Ship is not now in a Condition to Cruize, that he give an account what he is in want of at p^rsent for that Service and when he can be supplied therewith.

October the Eighteenth, 1699

Present

His Excellency

Richard Lee
William Byrd
Edward Hill

Edmund Jenings
John Lightfoot
Mathew Page Esq^r*

Whereas M^r Israel Voss hath complained to His Excellency and the Councill that three barrells of Powder belonging to him were in the year 1697 seised by M^r William Trevethan and are still detained

by him without any legall Prosecution thereon, And whereas M^r Attorney Generall to whom the same was referred, hath reported his Opinion, that there is no cause of Prosecution upon the same, and that it ought to be restored to the person justly claimeing the same, therefore, Ordered that the said three barrells of powder be forthwith restored unto the said Israel Voss by the said Trevethan or such other person as hath the same in possession.

Whereas, M^r John Dibbs hath Complained to His Excellency and the Council that sixteen barrells of Gunn Powder and one barrell of Steel belonging to him, were in the year 1697 seized by M^r William Trevethan and are still detained by him, without any legall Prosecution thereon, and whereas M^r Attorney Generall to whom the same was referred hath reported his Opinion, that there is noe cause of Prosecution upon the same, and that it ought to be restored to the just Claimer thereof; therefore, Ordered, that the said sixteen barrells of Gunn Powder and one barrell of Steel be forthwith restored unto the said John Dibbs by the said Trevethan or such other person as hath the same in possession.

Whereas, the Ship Integrity of Biddeford, Aaron Whitson Master, was lately condemned in the Court of Admiralty as forfeited for a breach of the Acts of Trade, whereby one third part of the said Ship is become due to His Excellency Francis Nicholson Esq^r His Maj^{ty}s Lieu^t and Govenor^r Generall of this His Colony and Dominion of Virginia; which said Ship is already valued by good and sufficient men upon their Oaths, and the Owners thereof admitted to purchase her according to the said appraisem^t His Excellency in Council is pleased to direct that one half of his part of the said Forfeiture be given to the use of the College of William and Mary in Virginia, and that the other half be remitted to the Owners of the said Ship.

Whereas John Gourdon Clerk hath been prosecuted by M^r Attorney Generall for uttering and publishing a scandalous Libell against His Maj^{ty} and His Governm^t here, and thereupon the said John Gourdon hath by his Petition to His Excellency confessed himself guilty of the said offence, and humbly prayed that he may be pardoned for the same, solemnly promising never more to be guilty of the like mis-behaviours.

Therefore His Excellency with the advice of His Maj^{ty}s Hon^{ble} Council is pleased to direct that the said Gourdon be not further prosecuted for the said Libell, unless it shall hereafter appear that he hath forfeited the favour that His Excellency hath been pleased to shew him.

Whereas, M^r Attorney Generall hath complained to His Excellency and the Council that Hugh Challice haveing bin lately sent, with an Express on the publick Service, did impress one of his Rideing horses, whereby he was incapacitated to attend His Maj^{ty}s Service as his office required; therefore that the like may be p^rvented for the future, Ordered, that no Person whatsoever by Vertue of any Warrant to press horses, doe p^rsume to Impress the horse of any Officer imediately depending and attending on the Governm^t

Whereas Majo^r Thomas Godwin and Cap^t Edmund Godwin have

bin prosecuted by M^r Attorney Generall for divers scandalous word's by them uttered and declaired against His Excellency and the Governm^t whereupon they by their Petition to His Excellency have made an acknowledgm^t of their said offences, and humbly begged pardon for the same, solemnly promising, that they will never more be guilty of the like misbehaviours, Therefore His Excellency by the Advice of His Maj^{ty}s Hon^{ble} Councill is pleased to order that the said Thomas and Edmund Godwin be not further prosecuted for the said scandalous word's unless it appears that they shall hereafter forfeit the favour His Excellency hath been pleased to shew them, but that for the present they be dismissed paying Fees.

October, the nineteenth, 1699

His Excellency

Richard Lee
William Byrd
Edward Hill

Edmund Jenings
John Lightfoot
Mathew Page Esq^{rs}

Whereas Andrew Rosse hath been prosecuted by M^r Attorney Generall for divers scandalous word's by him uttered and declared against His Excellency and the Governm^t, whereupon by his Petition to His Excellency he hath confessed his said offences and humbly beged pardon for the same; therefore His Excellency with the Advice of His Maj^{ty}s Hon^{ble} Councill is pleased to Order, that the said Rosse be not further prosecuted for the said scandalous word's, unless by his Evill Life and Conversation it shall hereafter appear that he hath justly forfeited the favour His Excellency hath bin pleased to shew him, but that for the p^{re}sent he be dismist paying Fees.

M^r Richard Church late Sheriff of the County of Norfolk haveing been prosecuted by M^r Attorney Generall for a Contempt in making an arrest at a General Muster of the Militia of the said County contrary to Law, he, by his Petition to His Excellency, humbly prayed that he might not be prosecuted any further for the same, being highly sensible of his offence therefore His Excellency in Councill is pleased to direct that the said Church be no further prosecuted for his said Contempt.

For the better and more advantagious disposing of His Maj^{ty}s Quit-rents within this His Colony and Dominion for this p^{re}sent year 1699 His Excellency by and with the advice of His Maj^{ty}s Hon^{ble} Councill is pleased to direct that where any Person or Persons will contract and engage for the paym^t of the Quit-rents of any County or Counties in money according to the Rates ascertained in the patents abateing tenn per cent for the Sheriffs Salary of Collecting the same, In such Case M^r Auditor, Byrd shall have liberty and accordingly he is hereby impowered to make Sale thereof to such Person or Persons so contracting and engaging, without any further or other trouble or charge of Exposinge the same to publick sale.

Post meridiem

M^r Auditor Byrd acquaints His Excellency and the Councill,

that according to Order he hath contracted with several persons to pay the Quit-rents in money according to the Rate ascertained in the Patents, for all the Quit-rents due to His Maj^{ty} except only those of Princess Ann County, and prayes further directions concerning them, whereupon,

Ordered, that if no Person will contract for the paym^t of the same according to the said Order, M^r Auditor do Issue his warrant to the Sheriff of the said County of Princess Ann, to expose the same to publick Sale, at the said County Court according to His Maj^{ty} Royall Instructions in that behalf given to His Excellency.

Whereas Cap^t John Aldred Commander of His Maj^{ty}s Ship Essex prize, hath according to Order laid before His Excellency and the Councill an account of the said Ship, wherein amongst other things it is said that the Method he hath hitherto taken to Victuall the said Ship, hath given offence, therefore he desires some other way may be found to supply him with Credit and Victuall the Ship; Whereupon the said Aldred being p^rsent His Excellency required him to give an account what method of Victualing that was, which had given offence, how much of his time was spent therein and how often himself and his men were absent from His Maj^{ty}s Service on that p^rtence, that thereby it may appear whether his cruizing and other his Maj^{ty}s necessary Service was not neglected and hindered by Reason thereof.

Cap^t Edward Whitaker, Cap^t Maxwell, and Cap^t Robert Ranson, made oath before His Excellency in Councill to the truth of a Survey they had made of the Sugars on board the Ship Mary of London John Harwood Master, who had received great Dammage in his Voyage bound from Jamaica to London.

October, 20, 1699

Lieu^t Coll William Wilson Naval officer of the Lower District of James River made Oath before His Excellency in Councill that one Protest by John Harwood Master and the other officers belonging to the Ship Mary of London against the extremity of the weather, for the dammage on board, the said Ship sustained in her Voyage from Jamaica bound for London, Dated the fifteenth day of August 1699, was really and truly made before him upon that day there being no publick Notary in those parts, before whom they could make the said Protest.

October, 21, 1699

Present

His Excellency

Richard Lee
William Byrd
Edward Hill
Edmund Jenings

Charles Scarburgh
Matthew Page
Benjamin Harrison Esq^r

Upon the Petition of John Bertrand of Lancaster County Clerke, His Excellency with the advice of His Maj^{ty}s Hon^{ble} Councill is pleased

to remitt to the said Bertrand a fine of five pounds sterl which was laid on him the fourteenth day of September last by Order of the Court of the said County of Lancaster.

Edward Hill Esq^r late Collector of the Upper District of James River, made Oath before His Excellency in Council to His account of the Revenue of one penny per lib. in the said District ending the twenty fourth of June 1699.

Edmund Jenings Esq^r late Collector of York River made oath before His Excellency in Council to his account of the Revenue of one penny per lib. in that District ending the twenty second of June 1699.

Charles Scarburgh Esq^r late Collector on the Eastern Shoar made oath before His Excellency in Council to His account of the revenue of one penny per lib: in that District, ending the thirteenth of Aprill. 1699.

Gawin Corbin Esq^r Collector of Rappahanock River made oath before His Excellency in Council to his Account of the Revenue of One penny per lib in that District ending the thirteenth of Aprill 1699.

At James Citty, Mounday October, 24. 1699

Present

His Excellency

Richard Lee

Edward Hill

Edmund Jenings

Charles Scarburgh

John Lightfoot

Matthew Page

Benjamin Harrison Esq^{rs}

Ordered, that M^r Attorney Generall doe p^rpare a Proclamation to enforce the observance of the laws against entertaining of Indians, and declaring all licences void which have been formerly granted for entertaining Indians to hunt, and requiring all Persons whatsoever to take notice thereof as they will answer the Contrary at their utmost Perill.

Ordered, that M^r Attorney Generall do p^rpare a Proclamation that all Generall Courts and Assemblies, which shall sitt after the tenth day of May next shall be held at the Citty of Williamsburgh of which all Persons are to take notice accordingly.

Ordered, that the Commander inCheif of the Militia in the severall Counties do give notice to all Persons under their Command Respectively that as soon as possible they do provide themselves with Armes on pain of being fined as the Law in that Case doe provide.

M^r Secretary Wormley by his Letter to His Excellency makes his Excuse for his not attending at this Generall Court and Council by reason of his Indisposition and Weakness;

His Excellency in Council is pleased to appoint Coll Robert Carter Navall officer of Rappahanock River,

Whereas there hath been a Suit at law depending in Princess Ann County Co^{rt} between Nathaniel Macclanahan Plaintiff and William Bray Defendant for a Rescou [Rescue] made by the said Bray of certain goods and Chattels seized by the Sheriff of the said County upon Crow

Island to satisfie a debt due from W^m Fulwood to the said Macclanahan, to which the said Bray answered that he was Deputy to the Marshall of North Carolina and that Crow Island is a part of that Governm^t and therefore the said Sheriff of Princess Ann County coming contrary to law to seize the said Fulwood's good's and Chattels in the said Island he did Rescoue the same as lawfully he might, all which matter haveing been rep^sented to His Excellency by the Governm^t of North Carolina, he was pleased to direct that the proceedings therein might be deferred till further directions should be given therein, it not being possible to give any Judgm^t therein till the Bound's between these two Governm^{ts} shall be laid out and settled, And whereas the said Macclanahan by His Petition to His Excellency hath prayed that some further Orders may be given for the securing his debt due from the said William Fulwood which is likely to be lost, therefore,

His Excellency by and with the Advice of His Maj^{ty}s Hon^{ble} Council is pleased to direct that the said Macclanahan shall make proove of his debt before the said County Co^{rt} where the Matter must rest, till the bound's of the Governm^{ts} shall be settled; and he is also pleased to lett the said Macclanahan know, that he will write to the Governm^t of North Carolina to take sufficient Security for the paym^t of the said Debt, if it shall hereafter appear that Crow Island lyes within the bounds this Governm^t.

October. 25: 1699

Present

His Excellency

Richard Lee
William Byrd
Edward Hill
Edmund Jenings

Charles Scarburgh
John Lightfoot
Matthew Page
Benjamin Harrison Esq^{rs}

Whereas Cap^t John Aldred Commander of His Maj^{ty}s Ship Essex prize hath laid before His Excellency and the Council an account of the Condition of the said Ship, wherein amongst other things it is said, that the Method he hath hitherto taken to Victuall the said Ship hath given offence, therefore he desires some other way may be found to supply him with Credit and to Victuall the said Ship; and the said Aldred being now in Town, His Excellency (having first taken the Advice of the Council therein) was pleased to send for him and to lett him know, that the Method's of Victualling His Maj^{ty}s said Ship, which himself and the Council had disproved [disallowed], were these following, to wit, His keeping Stores in several partes of the Country and neglecting the King's Service: the Ship's lying to [too] long in James River and not going out to Cruize according to Order. Employing the men and boats half the year from the Ship on p^tence of Victualling: the Captain himself His officers and seamen very often lodging on Shoar and neglecting their duty on board: the seamen being sent about the Country at great distances from the Ship, which occasions great complaints by

the Inhabitants of thefts committed by the seamen: And these Method's His Excellency was pleased to say, he expects to be altered for the future, he also required the said Aldred to take care that no Prejudice happen to His Maj^{ty}s Service for want of a Gunner on board the said Ship, which he ought not to have been without, then His Excellency desired to Know of the said Aldred, if he had any thing further to offer, he answered he had not, whereupon His Excellency was pleased to tell him that he would take care his Ship should be supplied with every thing necessary to fitt her for Service and that if he thought it would be for His Maj^{ty}s Service, he would also give directions for Victualling the said Ship, but he had taken the advice of the Council therein, and should not meddle with it being Quite out of his Province.

Whereas it hath been represented to His Excellency in Council by Cap^t John Aldred Commander of His Maj^{ty}s Ship the Essex-prize, that the said Ship is weak in the Bowes, which occasions a great Leakiness, when Cruising and in bad weather to the Dammage of His Maj^{ty}s Stores thereabouts, to p^rvent which it is necessary the said Ship should be strengthened and repaired therein, the boat belonging to the Ship wants repairing, and six Gunn Carryages to repair and make new, about an hundred weight of match, some Planck, Pitch, Tar and other small necessaries, for the Ships use, for which Occasion's he pray's that he may be supplied with Credit, whereupon,

His Excellency in Council is pleased to direct the said Aldred that as soon as possible he can (wind and weather permitting) he sail with the said Ship into Elizabeth River, and there apply himself for a Supply of the abovementioned necessaries of [for] the use of His Maj^{ty}s said Ship unto M^r James Wilson and Cap^t Samuel Bush of the County of Norfolk or to either of them, who are hereby Impowered and required to give the said Aldred such Credit and other assistance as shall be sufficient for the enabling him to provide the abovementioned necessaries, and if need so require, they or any one of them are to issue their or either of their warrants for the Impressing Carpenter's or other Workmen to performe such worke as shall be wanting for repairing the said Ship, boat, and makeing Gunn Carryages as above-said and that all Persons may be justly paid for the worke they shall doe, or any planck, timber, pitch, tar or other things they shall furnish the said Aldred with, the said Wilson and Bush or either of them, shall take an exact account thereof, signed by the said Aldred's own hand, which account shall with the first conveniency be transmitted to His Excellency, who will cause the money to be paid for the same.

Whereas Cap^t John Aldred Commander of His Maj^{ty}s Essex prize hath hitherto been very negligent in not giving his Excellency an account of his proceedings from time to time according to Orders for that purpose to him given, therefore His Excellency in Council is pleased to direct, that as soon as possible the said Aldred do transmitt to him an account of all his Proceedings since Christmas last and that for the future he do not fail from time to time as often as conveniently may be to give His Excellency a true account of his fitting and Victualling the said Ship and of all his other Proceedings whatsoever.

Whereas it hath been represented to His Excellency by Edmund

Jenings Esq^r of the County of York, Thomas Bray and Job Howes of y^e County of New-Kent Gentlemen, and Henry Nelson of the County of King and Queen Planter in behalf of themselves and severall others the Devises of Thomas Nelson deceased, that by Vertue of an Order of Councill bearing date at James City in October 1686 and recorded in the Secretaries Office the twenty ninth of October 1687 (which order was granted to the said Job Howes and Thomas Nelson deceased) there was surveyed for them eleven thousand eight hundred fifty and five acres of land in Pamunkey Neck between the two herring Creek's; that by order of the Councill and Generall Court the Petitioners were to have the first grant of those land's when any Patents should be granted for the same; that in petitioning, attendance and other Charges, the Petition^{rs} have expended near the Summ of one hundred pounds sterl: in order to their obtaining a Patent for the same that by severall Orders of Councill all Persons have been forbidden seating on those lands, whereby the Petion^{rs} in obedience to the Governm^t have been restrained from making any settlem^{ts} there, whilst other Persons claimeing under the Indians in Contempt of Authority have seated on the Petion^{rs} Land granted them as aforesaid, that by the Ordinance of the General Assembly the leases made by the Indians were adjudged and declared void, and the Claim & right of the Petion^{rs} to those land's, p^rferred before those claiming under the Indians; that accordingly the Petition^{rs} addressed themselves to the Court for settling the Claimes to land's in Pamunkey neck, appointed in pursuance of the said Ordinance of Assembly, and prayed their Order for surveying in Order to the petition^{rs} obtaining a Patent for the same, but the said Co^{rt} did then refuse to grant any such Order, on Pretence that the Chikahominy Indians had a Right to those land's and had leased them to other Persons who (they said) in Equity ought to be p^rferred to the Petion^{rs}, therefore the Petion^{rs} humbly pray His Excellency's favourable consideration of the p^rmisses, and that he will please to give such directions and relief therein as he shall thinke necessary; and whereas M^r Attorney Generall to whom the same was referred hath reported his Opinion that the Ordinance of Assembly haveing declaired and adjudged the Leases made by Indian's for land's in Pamunkey-Neck *ipso facto* void and p^rferred the right of y^e Petion^{rs} to such lands before those claiming under the Indians, that the Court for settling the titles to the said land's ought not, nor cannot by their Commission depart from the Ordianace of the said Assembly but ought to give the Petion^{rs} the p^rference to the said land before any Person or Persons claiming by Vertue of those leases; therefore,

His Excellency with the advice of His Maj^{ty}s Hon^{ble} Council of State is pleased to direct that the said Court appointed to settle the Claimes to land's in Pamunkey neck in all their Proceedings relateing to those land's have regard to the said ordinance of Assembly and the said report of M^r Attorney Generall thereupon, taking diligent care that the Rules and Orders therein p^rscribed be exactly pursued, and that they do right to the Petition^{rs} accordingly.

His Excellency was pleased to communicate to the Council a draught of such Instructions as he thought proper to be given to the

Collector's and Naval Officers of the severall Districts within this Governm^t

The proceedings of the Councill upon the fourth day of August last relating to the necessity of haveing a Ship of force to defend this Colony from Pyrates being this day read, the Hon^{ble} Richard Lee Esq^r being now p^rsent desired that one other reason for the sending such a Ship might be incerted and rep^rsented, to wit, that no Ship is capable of doing His Maj^{ty} any considerable service, if she is not bigg enough to Ride and Cruise in the Bay of Chisapeake all the winter, ingly, ordered, that the same be entered amongst the Proceedings of the Councill.

Ordered, that the Collector and Navall Officer be jointly communicated to execute the Office of Publick Notary as to what relates to maritime affairs within their respective Districts, and that M^r Attorney Generall doe p^rpare a Communication accordingly.

It being found very inconvenient to hold Councill in the time of the General Co^{rt} therefore His Excellency and the Councill are pleased to Establish it as a standing rule hereafter that two daies before the begining, and two daies after the End of every General Co^{rt} be sett apart to dispatch the business lyeing before the Councill and accordingly Ordered, that Publick Notice be given thereof, that all Persons concerned may know how to attend the dispatch of their affairs.

For the more regular keeping the publick accounts, and for the greater Ease and Conveniency of all Persons haveing any Claimes against His Maj^{ty}s revenues, His Excellency in Councill is pleased to direct that for the future all accounts of such Claimes shall be audited and settled on the second and third daies of every Generall Court and that publick notice be given of this Order, that all Persons concerned may attend accordingly.

October, 26, 1699

Present

His Excellency

Richard Lee
William Byrd
Edmund Jenings

Charles Scarburgh
John Lightfoot Esq^r

Whereas it hath bin represented to His Excellency and the Councill by the Commissioners appointed to examine the Claimes to Land's in Pamunkey Neck that the Pamunkey Indians haveing leased to sundry persons, severall tracts of land lyeing within the bounds of their Town, on which those Persons have seated, therefore the said Indians are desirous those lands may be confirmed to y^e said Persons to whom they have leased the same.

His Excellency and the Councill are pleased to direct, that the said Commissioners do proceed in the Examinations and Setling of the Claimes to the said Land's in Pamunkey Neck according to the Rules and Orders expressed in an Ordinance of the General Assembly

made for that Purpose and in noe other manner or Method whatsoever, but if any Person shall come before them of whose particular Case there is no mention or for which no provision is made in the said Ordinance they are not to give any Order's therein, but lett it be referred till the next session of Assembly to whom they are to represent the same, for such further direction's and settlem^t as shall then be thought Necessary.

Whereas severall Persons have Pretentions of Right to Land's in Pamunkey Neck and on the south side of the Black water Swamp, who have not yet exhibited their Claimes for the same, therefore,

Ordered, that all such Persons doe lay down their Claimes to those land's before the respective Commissioners appointed to examine the same, who are to proceed therein according to the Rules Orders and Directions prescribed by the Ordinance of the Assembly in that Case made and provided.

Whereas the Commissioners appointed to examine the Claimes to land's in Pamunkey Neck have by their Address to His Excellency and the Councill prayed that some Method may be settled for defraying the Charge and Expence accruing by the attendance of the said Commissioners the Sheriff and his Officers and all other Charges incident thereunto, therefore

His Excellency and His Maj^{ty}s Hon^{ble} Councill are pleased to direct that the same method be observed for defraying the said charge and expence, as is already p^rscribed in the like Case for examining the Claimes to land's on the south side of the Blackwater Swamp.

Upon reading a Petition of M^r Harrison and M^r Mason—two of His Maj^{ty}'s Justices of the Peace for Surrey County praying that the bound's between their County and the County of Charles City, on the south side of Black-water Swamp may be laid out and settled.

Ordered that it be recommended to the Committee appointed to revise the whole body of the Laws, that they consider of and settle the bound's of all the Counties and Parishes within this Governm^t

Upon the Petition of Lieu^t Coll Samuel Bridger Ordered, that M^r Attorney Generall, do prosecute Richard Reynold's and the other Persons complained against in the said Petition for a Ryott.

Whereas some difficulties have arisen in the Settlem^t of the Militia of New Kent County, therefore for the better and more speedy accomodation thereof, His Excellency is pleased to Order that upon Tuesday the fourteenth day of the next month being November, a generall Muster shall be had of all the Militia in that County, at the place where the Co^{rt} house for y^e s^d County is built; where His Excellency himself will be personally p^rsent, of which all those appointed to be Officers and Soldiers in the Militia of the said County are to take notice and not fail at the time and place aforesaid to appear in armes as the Law in that Case made doth direct.

Whereas of late many Notorious Robberies have been Committed by the Pyrates as well within this Colony as in other His Maj^{ty}'s Plantations on the Continent of America, whereby it appears that the dangers from those People do continually grow greater and greater, therefore His Maja^{ty}'s Hon^{ble} Councill do pray His Excellency that he

will please to represent unto His Most Sacred Maj^{ty} the great Mischeifs and p^rjudices, that are likely to ensue thereupon to the Colonies under His Obedience in America.

October, the seven & twentieth, 1699

Samuel Bray being this General Co^{rt} convicted for the Murther of Sarah Bray late his Wife, His Excellency in Council sign'd a Warrant to the Sheriff of James City County, for the execution of the said Samuell on Wednesday next.

Peter Indian being this Generall Co^{rt} convicted for the Murther of John Crostnick, His Excellency in Council sign'd a warrant to the Sheriff of James City County for the execution of the said Peter on Monday next.

Whereas M^r Auditor Byrd hath rep^resented to His Excellency in Council, that the Ship Providence late of Dublin (whereof John Hambleton was late Master and) now lying in Rappahanock River, is condemned in the Co^{rt} of Admiralty for a breach of the Acts of Trade and Navigation; and desiring that some directions may be given for the Sale of the said Ship, therefore,

Ordered, that M^r Auditor do authorise and impower the Hon^{ble} Ralph Wormley Esq^r Robert Carter Esq^r and Gawin Corbin Gent, or any two of them at such time and place as they shall thinke convenient, to make Sale of the said Ship either by way of auction or otherwise as to them shall seem most expedient for his Maj^{ty}s Service and Interest.

Ordered, that after the sixth day of the next Aprill Generall Co^{rt} no Person whatsoever do p^rsume to take upon him to Pylot any Ship or Vessell in any part of this His Maj^{ty}s Colony and Dominion of Virginia, but such only as shall be thereunto lawfully Impowered by Warrant from His Excellency, which warrant is to be obtained in manner following and not otherwise to wit the person desiring to be a Pilot shall procure a Certificate under the hand's of five able Masters of Ships accustomed to Sale to those parts, of the experience skill and Judgm^t of such Person to be a Pylate in such River or other Place or places as shall be desired; and also he shall procure a Certificate of Recommendation for him to be a Pylate from the Court of that County, where he hath his known and usuall Residence, upon the producing of which Certificates, the Person on whose behalf they shall be made, shall obtain a warrant to be a Pylat for such Place or Places as in the said Certificates, shall be expressed.

Ordered, that all Clerks of the County Co^{rt}s within this His Maj^{ty}s Colony and Dominion of Virginia, do make due return to the Secretaries office of all fines and forfeitures, which shall become due unto His Maj^{ty} within their respective Counties according to the Laws in that Case provided do direct; and that they doe not fail performing their Duty herein as they will answer the contrary at their utmost Perill.

Ordered, that all Commanders in Cheif of the Militia, which have not already made returne of the Muster Roll of the Militia under

their Command do forthwith returne the same to the Council Office at James City.

Ordered, that the severall Persons lately discharged from the offices of Collectors or Naval-Officers in the Respective districts within this Colony, upon the sixth day of the next Generall Co^{rt} do deliver unto His Excellency in Council all Bookes, bond's, Certificates, and other writings and paper's whatsoever in their Possessions relating to the said Offices.

Whereas it hath been rep^sented to His Excellency by Lieu^t William Wilson that One Stoakes hath Inhabited in this Country and paid all Taxes and levies here for two yeares last past, and hath bin employed by severall Persons as a Ship Carpenter, notwithstanding which the said Stoakes is p^ssed [pressed] on board His Maj^{ty} Ship Essex prize to serve there as a Common Sailor, therefore he prays that the said Stoakes may be discharged from on board the said Ship, he being willing to provide another Sailor in his room, therefore, Ordered, that the said Stoakes be discharged from on board the said Ship Essex-prize, the said Wilson providing another good Sailor to serve on board the said Ship in his Stead.

M^r Attorney Generall p^sented a Proclamation to p^rvent the Killing of Whales in such partes of Chisapeake bay as are within this Governm^t, which was read and approved.

And One other Proclamation against entertaining of Indian's, and for enforcing an Act of Asembly made the tenth day of October 1665 for that purpose, which was read and approved.

And one other Proclamation declaring that after the tenth day of May next all Generall Courts and Assemblies shall be held at the City of Williamsburgh, was read and approved.

And One other Proclamation for app^rhending these following Pyrates, to wit, Edward Buckmaster, Guillam, James How, Nicholas Churchill, Daniel Dooly, John Eldridge, James Holstead, and Robert Hickman, promising a reward of twenty pound's Sterl. for each of them that shall be app^rhended, was read and approved, And His Excellency in Council was pleased to declare, that if His Maj^{ty} should not think fitt to allow of the said reward, he would pay it himself.

Also M^r Attorney p^sented a draught of a Warrant to the Escheators, which was read and approved.

M^r Auditor Byrd having prayed His Excellency's and the Council's directions concerning his granting Certificates for small Quantities of land pursuant to a late Order of Council made in that behalf, it is thereupon Established as a Rule that M^r Auditor shall not take any thing for any parcell of land under five Acres.

Ordered, that M^r Auditor Byrd doe send to England for all the Acts of Parliam^t that have bin made since the first year of His Maj^{ty} Reign and so continue to send for all the Acts of Parliam^t from time to time for the use of the Council

The proceedings of the Council were read over from the fifteenth day of April till the twenty second of June last Inclusive.

Whereas it hath been rep^sented to His Excellency by the Petition

of Richard Lee Esq^r that he having served the Crown near twenty years as One of His Maj^{ty}s Council in this His Colony and Dominion of Virginia, though he all the time had his Residence at a great distance from the seat of the Governm^t and two Great Rivers between his dwelling and James City and being now by reason of his Age and many Infirmities rendred unable to attend at Generall Co^{rs}s Assemblies and Council's pursuant to the duty of His place, humbly desires His Excellency and Council to become suitors to His Maj^{ty} that He will be graciously pleased to dismiss the Petitioner and that his further attendance may be dispensed with till such time as His Maj^{ty}s pleasure shall be known, therefore

His Excellency with the advice of the Council is pleased to dismiss the said Lee from a further attendance as a Councillour according to the prayer of his said Petition

His Excellency in Council appointed Richard Lee Esq^r navall Officer of all Potowmeck River Except Stafford County.

At James City, November, the second 1699

Present

His Excellency

Edward Hill
Matthew Page

Benjamin Harrison Esq^{rs}

Ordered, that M^r Thomas Blunt Interpreter to the Indians on the south side of James River do cause such of the Nottoway Nansemund and Meheren Indians as he shall be directed by Benjamin Harrison Esq^r to appear before His Excellency and the Council at James City, on Friday the tenth day of this Instant November, and also that the said Interpreter himself do give his attendance at the same time and place.

Ordered, that M^r Robert Peasley Interpreter to the Indians in the northern partes of this Colony do cause to appear before His Excellency and the Council at James City on Friday the tenth day of this Instant November, the following Indians, to wit, the Pamunkey Indian called M^r Marshall of the Pamunkey's, Chickahominyes, Rappahanocks, and Nantiaticoes two great men of each Nation, at the least, or as many more as they thinke fitt, And also that the said Interpreter do make Inquiry, after two Nottaway Indians that went lately into those northern partes and are not yet returned, and if he can find them, that he also cause them to appear before His Excellency and the Council at the time and place above-mentioned, where the said Interpreter is also to appear himself, and if he be incapacitated by sickness; that he procure some other honest capable Person in his stead to perform that Service.

At James Citty November, the tenth, 1699

Present

His Excellency

Edward Hill
Edmund Jenings
John Lightfoot

Matthew Page
Benjamin Harrison Esq^r^s

Whereas His Excellency hath been certainly Informed of a violent and dangerous sickness raging at the Citty of Philadelphia in the Province of Pennsylvania whereby very great Numbers of the Inhabitants of that Province have been destroyed, and whereas there is frequent Communication and Commerce held from those parts into this Dominion, by which meanes the said sickness may be brought hither, to the great p^rjudice and detrim^t of His Maj^{ty}s Subjects here, therefore,

His Excellency with the advice of His Maj^{ty}s Hon^{ble} Council of State is pleased to order that upon the arrival of any Ship or Vessell from the said Province of Pennsylvania into this Dominion, the Collector and Navall officer of the District, where such Ship or Vessell shall arrive, shall make strict Inquiry what Condition or State of Health the people belonging to such Ship or Vessel are in, and if they find any of them to be sickly, that they do not permit them to come on Shoar to trade upon any p^rtence whatsoever, but if they are in health, then they may permitt them to come on Shoar to trade after the next frost and cold weather, which shall happen to clear the air and not sooner.

November 11. 1699

His Excellency haveing lately received a Letter from Cap^t John Aldred Commander of His Maj^{ty}s Ship Essex prize; He, with the advice of His Maj^{ty}s Hon^{ble} Council caused an answer thereto to be drawn in these words, to witt, Sir, Your's of the sixth Instant from Elizabeth River is received and with the advice of His Maj^{ty}s Hon^{ble} Council (to whom I have comunicated it) I write this Answer.

You desire that a Pilate may attend His Maj^{ty}s Ship under yo^r Command because you have no One acquainted with Smith's Island River or any other place near or within the Capes except the Channell, comeing in and James River.

You cannot but know, that you have bin in these partes long enough to be acquainted with the Coast (considering how very a little space it contains) especially if you cruised the Bay last Summer according to my Orders to you given for that purpose, and if after all yo^r Master is not capable of the Charge of so small a Ship, he is not fitt to be Master, of any of His Maj^{ty}s Ship [s]; however I cannot but take notice to you, that I thinke it strange you should p^rtend to careen yo^r Ship in Smith's Island River the last Summer without order, and yet now say you want a Pilot for those partes; You have already had my orders about a Pilot and must not expect any other; You may Impress a

Pilot if you will take care to pay him, and on that Condition you will never want One.

When you were up here, you had four daies time given you to consider what the Ship wanted to make her fitt for Service, and now I understand you stood in need of severall things, which then you did not mention, this I note as a very great Negligence and Omission in you.

As to the latter part of yo^r letter, so much of it relates to Lieu^t Coll Wilson and His Lady, I refer you to him for an answer thereto: And as to the Other parte of it, I command you in His Maj^{ty}s name, that henceforward yo^r letters to me have relation to business and yo^r Duty only, and that they be not stuffed with such Billingsgate railing, as is unfitt for me to receive, and very unbecoming you to offer, and if you p^rsume to offend against my Commands herein for the future, you must expect to answer for the same with the utmost Severity.

You have received Several orders from me, which are not yet complied with, therefore I do require you forthwith upon the receipt hereof to let me have a particular and distinct answer to all former Orders relating to His Maj^{ty}s Ship under your Command and yo^r Duty therein, as you have received from me, and are not yet answered.

What remains for me to add is, that laying aside all excuses and delays, you do with all possible speed sail with His Maj^{ty}s Ship Essex-prize under yo^r command unto Chisapeake bay and there Cruise according to my former Orders to you in that behalf given; And herein I require and Command you in His Maj^{ty}s name not to fail, as you answer the contrary at yo^r perill. Given under my hand & c.

Which letter being signed by His Excellency and sealed up, was delivered in Councill to Peter Heyman Esq^r to be by him as Soon as possible conveyed unto the said Aldred.

Ordered, that when any Acts of the Parliament of England, shall be made hereafter relating to the Plantations, M^r Auditor do provide forty printed Ones of every sort, for the use of the Courts and officers In this Governm^t

There are several things to be done which require the Auditors p^rsence, the same are referred till the next Councill, which is appointed to be held at M^r Auditor Byrd's house at Westover on Thursday the sixteenth Instant.

His Excellency in Councill was pleased to Commissionate Robert Carter Esq^r Navall officer and Receiver of the Virginia Duties in Rappahanock River, and accordingly he tooke the Oath's, and subscribed the test and association appointed by Act of Parliam^t, and tooke the oaths of the due performance of the said offices, and gave bond with security for the same.

Ordered, that Lieu^t Coll Wilson and Heyman do enquire into the proceedings of Cap^t Aldred, with His Maj^{ty}s Ship Essex prize under his Command, and give His Excellency an account thereof, and more especially of the times of his going out and coming in to and from Cruiseing.

At the house of William Byrd Esq^r at Westover
November, 16, 1699

Present

His Excellency

William Byrd
Edward Hill

John Lightfoot
Benjamin Harrison Esq^{rs}

His Excellency having lately received severall publick letters from England relating to this Government, he was pleased to communicate the same to the Councill, the particulars thereof being as following to wit, Instructions from His Maj^{ty} relating to Souldiers in pay in this Govern^t, one letter from the Right Hon^{ble} M^r Secretary Vernon concerning the Scotch Settlem^t at Darien; one letter from their Excellencies the Lords Justices of England against illegall Traders and for encouraging the Court of Admiralty; One letter from the Hon^{ble} the Commissioners of the Customes relating to the prohibition of Bulk Tobacco by a late Act of Parliam^t One letter from the Commissioners approving M^r Nathaniell Harrison Navall officer of the Upper District of James River, and appointing Cap^t Edward Hill Collector of that District.

Whereas their Excellencies the Lords Justices of England by their Instructions to His Excellency the Governour of this His Maj^{ty}s Colony and Dominion of Virginia bearing date at Whitehall the five and twentieth day of July in the eleventh year of His Maj^{ty}s Reign have been pleased to signify that Notwithstanding the Instructions which have been constantly given to the Governours of all His Maj^{ty}s Plantations in America, for preventing the carrying on of illegal Trade in their respective Governm^{ts}, and Notwithstanding the more particular body of Instructions, that have been lately given for that same purpose, in pursuance of severall laws relating to the Trade and Navigation of the Kingdom of England. Yet severall Complaints haveing been made of encouragm^t given to illegall Trade in some of His Maj^{ty}s said Plantations, Connivance at it in others, in some places of obstruction and opposition made to the Officers of His Maj^{ty}s Customes, and in other places (most particularly in proprietyes and Charter Governm^{ts}) of great opposition to the Establishm^t of those Co^{rs} of Admiralty, which His Maj^{ty} has thought fit to be there erected, and to the Officers of the said Courts in the performance of their offices, their Excellencies takinge the said matters into Consideration, and being sensible of the mischeivous tendency thereof not only with respect to His Maj^{ty}s Revenue, but also to the Interest of the Kingdom of England, and even of the Plantations themselves, have thought fit to require all the respective Governours or Commanders in Cheif of His Maj^{ty}s Plantations in America, to be very observant of the aforementioned Instructions, which have been given to them and more particularly they are pleased to require His Excellency the Governour of Virginia to be very carefull in causing the Acts of Trade and Navigation to be duly

put in execution within His Governm^t, and that in Order thereto he fail not to give constant protection, and all due encouragm^t not only to the Officers of His Maj^{ty}s Customes, but to those also of the Admiralties, which His Maj^{ty} has thought fit to be here erected, in the discharge and execution of their respective duties; for the more punctuall and due observance of the said Instructions, His Excellency in Councill is pleased to direct, that the purport thereof be signified to all the Officers of His Maj^{ty}s Customes and of the Co^{rt} of Admiralty within this Colony and Dominion of Virginia, and that as soon as conveniently may be, they and every One of them respectively do rep^sent to His Excellency whether they have suffered any opposition or Obstruction in the discharge and Execution of their Duties and by what meanes, and also that they propose such methods as they thinke will further conduce to His Maj^{ty}s Service therein.

Pursuant to a Letter from the Hon^{ble} Commissioners of His Maj^{ty}s Customes, Edward Hill Jun^r Esq^r having first tooke the Oath's and signed the Test and Association appointed by Act of Parliam^t tooke the Oath of Collector of the Upper District of James River and gave bond and Security for his faithfull discharging the said office and also was sworn Notary Publick of the same District as to Marine affaires.

Whereas of late many great fraud's and abuses have been practiced by Masters and other Persons concerned in shipping to the great prejudice and lessening of His Maj^{ty}s Revenue of two shillings per hogshead paid on all Tobacco exported out of this Colony, for the prevention whereof for the future, His Excellency and the Councill are pleased to Direct that M^r Attorney Generall do p^rpare an Oath to be taken by all Masters and such other Persons (whom it shall properly concern) belonging to the Ships tradeing in this Country for Tobacco, whereby the said Masters and all other Person's, who have taken an account of any part of the loading of any Ship or Vessell shall be obliged to declare the true loading of such Ship or Vessell to the best of their knowledg and particularly how many pounds of Bulke Tobacco is on board any such Ship or Vessell to be exported in bulke, and also to oblige them to give an exact account of all such Tobaccos and other good's as shall by them be taken on board after making of such Oath; and also to give an exact and perfect account of the names of all passengers intending to goe out in Such Ship or Vessell together with good's, wares, Commerchandizes, Silver, Gold, Jewells, or other things whatsoever belonging to any such passenger, which then are or thereafter shall be putt on board any such Ship or Vessell; And that they shall not carry any Passenger out of the Country without a pass first obtained in such Manner as the Law directs.

Ordered, that Philip Lightfoot Esq^r late Collector of His Maj^{ty}s Customes in the Upper District of James River do deliver unto Edward Hill Jun^r Esq^r the p^rsent Collector of that District, such Instructions, Bonds, Certificates, and all other writings, papers, and other thing's whatsoever belonging to that Office, which have at any time come to the possession of the said Lightfoot, whilst he was Collector as aforesaid, and for the particulars so delivered he is to take a Receipt of the said Hill for his discharge therein.

Ordered that M^r Attorney Generall do p^rpare a Proclamation requiring all Persons whatsoever to attend the prosecution of their Causes in the Generall Co^{rt} at the day precisely, that all delay's in the Proceedings of the said Court as much as is possible may be p^rvented.

Whereas divers good and wholsom laws have bin made in this Dominion for the p^rvention of Severall Evill practices, which laws have been enforced by suitable penalties, but yet thro' the neglect or connivance of many Officers and other Person's the same have not been putt in Execution as of Right they ought to have been, to the great detrim^t and p^rjudice of His Maj^{ty}s good and loveing Subjects here, therefore His Excellency with the advice of His Maj^{ty}s Hon^{ble} Council is pleased to direct that M^r Attorney Generall do make an abstract of the titles of all the most materiall penall Laws now in force in this Governm^t and p^rpare a Proclamation to enjoyn a more due observation of the same for the future and for the Strict and Severe Prosecution and punishm^t of such as shall p^rsume to offend; And more especially requiring all His Maj^{ty}s officers in this Governm^t to use their utmost endeavours, that One Act of Parliament, made in the first year of the Reign of His p^rsent Maj^{ty}v and the late Queen Mary of Blessed memory intituled an Act for exempting their Maj^{ty}s Protestant Subjects, Dissenting from the Church of England, from the penalties of certain laws be duly observed.

Cop: Test:

B: Harrison

[From C. O. Class 5, Vol. 1311, D. 54 or No. 10 ⁱⁱⁱ or fo. 710.]

Virginia Sc^t
Seal

By his Excellency
A Proclamation

Whereas the General Assembly begun at James City the 27th of April last is prorogued to the 9th day of November next and on advice in Council find it most for his Ma^{ty}s and this Colony's service that the Assembly be prorogued untill further time Therefore I Francis Nicholson Esq^r his Ma^{ty}s Lieu^t and Govenor Gen^l of Virginia by vertue of the power and authority to me given by his Matys Letters Patents under the great Seal of England bearing date at Westminster the 20th day of July in y^e 10th year of his Reign Do by this Proclamation in his Ma^{ty}s name publish and declare that I have prorogued the s^d Assembly And it is hereby prorogued to the 15th day of March next at which time I do hereby require every respective member that they fail not in giving their attendance accordingly. Given under my hand and the Seal of the Colony this 17th day of October *Anno Dom* 1699

Fr. Nicholson

A proclamation proroguing the Gen^l
Assembly to the 15th of March next
God save the King

[From C. O. 5, Vol 1311, D.54 10⁽¹¹¹⁾ cont^d or p. 714.]

Virginia S_r

By his Excellency

A Proclamation

Whereas his Matys hon^{ble} Council and the House of Burgesses at the last Sessions of Assembly have by their Address represented to me the great mischiefs and inconveniences that accrue to the Inhabitants of this his Matys Colony & Dominion of Virginia by killing of whales within the Capes thereof Therefore I Francis Nicholson Esq^r his Matys Lieu^t and Governour General of Virginia Do strictly charge and command all his Matys Loving Subjects that from henceforth they do not presume to strike or kill any whale or whales within the Bay of Chesapeake in the Limits of this his Matys Colony and Dominion of Virginia as they will answer the contrary at their perills. Given under my hand and his Matys Seal of the Colony at James Town this 26th day of October 1699 in the Eleventh year of his Matys Reign

Fr: Nicholson

A Proclamation prohibiting killing of whales

E. Jenings, Dep^{ty} Sec^{ry}

God save the King

[From C. O. 5, Vol 1311, D 54. or No. 10⁽¹¹¹⁾ or p. 713.]

Virginia S_r

By his Excellency

A Proclamation

Whereas by one Act of Assembly made at James City the 10th day of October 1665 Entitled an Act concerning Indians, It is enacted that none shall entertain harbour or employ any Indian unless they shall obtain a Lycense from the Governour for so doing: Therefore I Francis Nicholson Esq^r his Matys Lieu^t and Governour General of Virginia by advice of his Matys hon^{ble} Council of State Do hereby strictly charge and Command all his Ma^{ty's} good and loving subjects that they do not presume to entertain harbour or Employ any strange Indian or Indians without License first from me had for so doing upon pain of being prosecuted according to the utmost rigour and severity of the said Law. And I do command all his Ma^{ty's} Officers Civil & Military to use their utmost endeavour to take care to put the said Law in effectual Execution as they will answer the contrary at their perills. And I do also Command all Sheriffs that they cause this Proclamation to be published in all Churches Chappells Courthouses and all other publick places as they will answer the contrary at their perills. Given under my hand and his Matys seal of the Colony this 26th day of October 1699 in the Eleventh year of his Matys Reign.

Fr: Nicholson

A Proclamation prohibiting the Entertain-
ment of Indians.

God save the King^{em}

[From C. O. 5, Vol. 1311, D. 54. or No. 10¹¹¹ or fo 712.]

Virginia Sc^t

By his Excellency

A Proclamation

Whereas by one act of Assembly made at James City the 27th day of April Last in the Eleventh year of his Ma^{ty}s reign entitled an Act directing the building of the Capitoll and City of Williamsburgh It is Enacted that a Capitoll shall be built in the City of Williamsburgh at Middleplantation for the holding and keeping of General Assemblys and General Courts therein. And whereas it is found necessary for his Ma^{ty}s Service that the General Assemblys and General Courts should be held at the said City of Williamsburgh as soon as conveniently may be And to the end that all people intending to provide for the reception and Entertainment of all such persons as shall attend the s^d General Courts and Assemblys may have timely notice: I Francis Nicholson Esq^r his Matys Lieu^t and Governour Gen^l of Virginia by advice of his Ma^{ty}s hon^{ble} Council Do hereby give notice to all his Ma^{ty}s loving Subjects that the General Assemblys & General Courts that shall be next held after the tenth day of May in the year 1700 shall (God willing) be kept and held at the said City of Williamsburgh. Of which all his Matys Officers Civil and Military and all other his Ma^{ty}s Loving Subjects are hereby required to take especial notice. And I do command all Sheriffs that they cause this Proclamation to be published in all Churches Chappells Courthouses and all other public places in their respective Counties as they will answer the contrary at their perills. Given under my hand and his Maj^{ty}s Seal of the Colony this 26th day of October 1699 in the eleventh year of his Ma^{ty}s reign

Fr: Nicholson..

A Proclamation giving notice of the time
of holding Gen^l Assemblys & Gen^l
Courts at y^e City of Williamsburgh
E Jenings Dep^{ty} Sec^{ry}

God save the King

[From C. O. 5, Vol. 1311, D 54. or No. 10¹¹¹ or fo. 711.]

Virginia S^r
Seal

By his Excellency
A Proclamation

Whereas Edward Buckmaster a notorious pyrate one of Kids Crew a short well sett fellow Lank brown hair and aged about forty years hath lately made his escape out of Goal in the City of New York and is fled from Justice, And whereas Guilliam another notorious pyrate of Kidds Crew suspected to be circumcised has made his Escape from Rhoad Island, And whereas James How Nicholas Churchill Daniel Dooley and John Eldridge have lately made their Escapes from his Matys province of West Jersey being committed

upon Suspition of Piracy, As also James Holstead and Robert Hickman have made their Escapes from his Ma^{ty's} s^d Province of West Jersey and are all much suspected of a design of coming to this his Matys Colony and Dominion of Virginia and of attempting to take such Ships or Vessells as they can meet with, I Francis Nicholson Esq^r his Ma^{ty's} Lieuten^t and Governor Gen^l of Virginia by advice of his Matys hon^{ble} Council of State Do straitly Charge & command all Masters of Ships and Vessells and all other his Ma^{ty's} good and loving Subjects that they do not presume to harbour Entertain conceal or correspond with any of the aboves^d person or persons or any other pyrate or pyrates upon pain of being prosecuted according to the utmost rigour and Severity of the Law in those cases made and provided, And I do also Charge & Command all his Ma^{ty's} officers Civil and Military and all other his Matys good and loving Subjects to use their utmost endeavour to apprehend seize and take all or any of the abovenamed person or persons or any other person or persons suspected as Pyrates and them or any of them having so seized to carry before some one of his Matys Justices of the peace in the County where such person or persons are taken who are hereby required & Comanded to committ such person or persons well guarded to the Common Goal of the County and to give me or some one of his Ma^{ty's} Hon^{ble} Council immediate notice thereof. And I do hereby promise as a Reward to such person or persons that shall apprehend and take all or any of the abovenamed person or persons the sum of twenty pounds sterl for every person so apprehended and taken. And I do command all Sheriffs to cause this Proclamation to be published in all Churches Chappells Courthouses and other publick places in their respective Counties as they will answer the contrary at their perills. Given under my hand and His Maj^{ties} Seal of the Colony this 26th day of October 1699 in the eleventh year of his Ma^{ty's} reign.

F. Nicholson

A Proclamation for the apprehending of
pyrates.

God save the King

[From C. O. 5, 1410 continued.]

At a Councill held at James Citty
December, 19, 1699.

Present

His Excellency

William Byrd
Edward Hill

Edmund Jenings
John Lightfoot Esq^{rs}

His Excellency having lately received a Letter from the Right Hon^{ble} the Lords Commissioners for Trade and Plantations Dated at Whitehall the 28th of June last, he laid the same before the Councill,

some part of which letter haveing relation to such Ship or Ships of War as are or shall be appointed for His Maj^{ty}s Service in these parts, therefore, Ordered, that a Copy of so much of the said Letter as relates to that Subject be sent to Cap^t John Aldred Commander of His Maj^{ty}s Ship the Essex-prize for his Due observation and obedience thereto.

Whereas His Excellency hath lately received a Letter from Cap^t John Aldred Commander of His Maj^{ty}s Ship the Essex-prize desireing that if any former Orders relateing to him were not complied with, he might have intimation thereof.

Ordered, that the proceedings of the Council upon the nineteenth and twenty fifth dayes of October last be sent to the said Aldred for his further compliance therewith.

Whereas the Right Hon^{ble} the Lords Commissioners for Trade and Plantations by their Letter dated at Whitehall the 26th day of June last have recommended to his Excellencies Care that strict Inquiry be made of a certain Ship and men mentioned in a paper therein Inclosed and that such of them as can be found be punished with the utmost severity of Law; And whereas former Proclamations and orders have been already issued for the app^rhending severall of them, therefore His Excellency in Council is pleased to direct that M^r Attorney Gen^l do p^rpare a Proclamation for the app^rhending such of the said Men as are not mentioned in any former Proclamations and orders, promiseing a Reward of twenty pounds sterl for every one of them that shall be taken, and requireing all officers and other persons to be very diligent and carefull in their observance of all former Proclamations and Orders, and of the late Act of Assembly concerning Pyrates.

Whereas in a letter from the Right Hon^{ble} the Lord's Commissioners for Trade and Plantations is [to] His Excellency Dated at Whitehall the 28th of June last, there is contained one paragraph in these words,

"There is a clause in your Instructions relateing to the repealing "of an Act past in the Generall Assembly there in 1680 about Attorneys, "which haveing been given in the same manner, to former Governo^{rs}, "we desire you to inform us particularly how that matter at p^rsent "stands,

Ordered, that M^r Attorney General do draw a true state of that Case, and lay the same before His Excellency as soon as conveniently may be.

Whereas Kenelm Chiseldine of the Province of Maryland Esq^r by his Letter to His Excellency hath complained against John Waugh of the County of Stafford Clerke that he went into that Province and marryed one of the said Chiseldines Daughters to a stranger without Licence or Publication of Bann's as the Law directs, and contrary to the Inclination's of her Parents, and pray's that the said Waugh may be brought to condign punishm^t for the same, he being a Notorious Offender in that kind, therefore,

Ordered, that M^r Comissary Blair and M^r Attorney Generall do consider what can be done against the said Waugh for the offence,

and also that they Inquire whether he hath been guilty of the Like within this Governm^t, and lay the same before His Excellency as soon as conveniently may be.

Whereas Gawin Corbin Esq^r by his Letter to His Excellency of the 26th of the last month hath acquainted His Excellency that some of the Rappahanock Indian's have for severall yeares past lived upon part of his land and prays directions whether they shall be obliged to remove by vertue of a late Proclamation against entertaining of Indians, therefore,

Ordered, that Intimation be given of His Excellencies pleasure therein unto the said Corbin, that he may permitt the Indians to continue at their usuall habitations, that not being contrary to the said Proclamation

Whereas in Obedience to His Excellencies Command Lieu^t Coll William Bassett hath returned a List of the Names of officers and soldiers for a Troop of Horse in New Kent County to be commanded by him, and hath also rep^resented that 'tis probable severall other persons in that County would provide themselves with horses and armes according to Law, if he might be at Liberty to List them into the said Troop, therefore,

His Excellency by and with the advice of His Maj^{ties} Hon^{ble} Council is pleased to direct that the said Bassett may List as many persons of the said County as will provide themselves with horses and armes According to Law; and that M^r Attorney Generall doe p^rpare Commissions for the said Bassett to have the Command of that Troop (immediately under His Excellency with the Title of Lieu^t Coll) and for the other officers under him according to the manner exprest in the said List.

His Excellency haveing lately received a letter from Cap^t Peter Cood Commander of His Maj^{ties} advice boat Messenger now in Maryland, who is also to be under the Command of the Govern^r of Virginia as Occasion for His Maj^{ties} Service shall require, which letter being communicated to the Council they are of opinion that the said Advice-boat not being big enough to Cruise in Chisapeake Bay cannot be of any use to this Governm^t in the winter time, and therefore it is not necessary to give any Orders concerning her till the Spring.

December the twentyeth, 1699.

Present

His Excellency

William Byrd

Edward Hill

Edmund Jenings

John Lightfoot

Matthew Page

Benjamin Harrison Esq^{rs}

Whereas it hath been rep^resented by John Harwood Master of the Ship Mary of London that he is great Distress for want of a Carpenter to fit his Ship to go to Sea, therefore,

His Excellency by and with the advice of His Maj^{ties} Hon^{ble} Coun-

cill is pleased to direct that Cap^t John Aldred Commander of His Maj^{ty}'s Ship Essex-prize do permitt the said Harwood to have the service and assistance of one Stoakes an Inhabitant of this Country, who was lately impressed to serve his Maj^{ty} as a common Sailor on board the said Ship, he being a Ship-Carpenter; he is to remain with the said Harwood one Moneth from the receipt of him and then to be returned to the said Aldred for his Maj^{ty}'s Service as aforesaid.

His Excellency in Councill signed warrants to the Sheriffs of the severall Counties for Collecting his Maj^{ty}'s Quit-rents; and also he signed severall probates of Wills and Commissions of Administration.

M^r Attorney Generall p^resented a draught of a Proclamation to enforce the Observation of penall Laws; and another for all persons to attend their business in the Generall Court at the day, which were read and approved.

Whereas Edward Rhodes Master of the Ship Levit hath rep^resented to His Excellency that by some unhappy accident he hath lost or mislaid the Register of his said Ship, for which reason the Collector or Navall officer of York River (where his Ship now Lyes) refuse to permit him to enter; And whereas Edmund Jenings's Esq^r late Collector and Navall Officer of that District hath declared in Councill that the last Voyage he saw the originall Register of the said Ship, and that he hath it entered in his Bookes; And it being known that the said Rhodes in the same Ship hath been used to come to these parts for severall years past, and hath been alwayes reputed a very fair Trader, therefore,

His Excellency with the advice of His Maj^{ty}'s Honourable Councill is pleased to direct that upon a Certificate made by the said Jenings of the truth of what he hath now declaired in Councill, and upon the said Rhodes making Oath that the same Persons are Owners of the said Ship at p^resent, which were the last Voyage, when he produced a Register, the said Collector and Navall Officer may receive the Entry of His said Ship, and permit her to unload and Trade accordingly.

Whereas it hath been rep^resented that there are some lands in Henrico County vested in His Maj^{ty} by the Attainder of Nathaniel Bacon Junior Esq^r who was attainted for High Treason against his late Maj^{ty} King Charles the Second, and the directions of His Excellency and the Councill have been prayed therein, that some Care may be taken of the said Land now lying neglected and Subject to divers wasts which are dayly committed upon the same by the Inhabitants of those partes, therefore,

His Excellency by and with the Advice of His Maj^{ty}'s Hon^{ble} Councill is pleased to direct that Coppinges of all proceedings which have been formerly made concerning the said Land, be delivered to M^r Auditor and M^r Attorney Generall who are to view and consider the same; and report the true State of y^e Case relateing thereto together with their Opinions concerning the same, and in the meantime till further Orders shall be given therein Lieu^t Coll William Randolph Coroner of the said County of Henrico is to take the said Land into his possession and as much as in him lyes p^reserve the same from any further wast being made thereupon.

His Excellency in Councill signed the following warrants upon his Maj^{ty} Revenues of the two shill per hd and Port Duties, to wit, To his Excellency for six months salary ending the twenty fourth of December, 1699, Inclusive, one thousand pounds sterl.

To His Excellency for six months house Rent ending the same time Seaventy pounds sterl.

To William Blathwait Esq^r Auditor and Surveyor Generall & c for six months salary ending the same time, fifty pound's sterl.

To the Sollicitor of the Virginia Affairs for six months Salary ending the same time fifty pounds sterl.

To Benjamin Harrison Clerke of the Councill for six month's salary ending the same time twenty five pound's sterl.

To Bartholomew Fowler Attorney Generall for six months salary ending the same time twenty pounds sterl.

To Edward Ross Gunner at James Citty for six months salary ending the same time five pounds sterl.

To Benjamin Harrison Clerke of the Councill for the Ministers the Last Generall Court and messages and other extraordinary Charges of the Governm^t twenty nine pound's nine pence sterl.

The Journalls of the Councill from the third day of August to the sixteenth of November last Inclusive were read in Councill.

M^r Attorney Gen^l according to Order p^rsented the Draught of an Oath he had p^rpared to be taken by the Master Mate, Boatswain, or other officer or Marriner concerned in takeing an Acco^t of the loading of any Ship or Vessell trading to this Colony in these words,

You A: B: shall swear that you will deliver to me C: D: a true perfect and just Acco^t of the Loading of the *Name of y^e Ship or Vessell* whereof you are *Master Mate Boatsmain or other Officer or Mariner* to y^e best of yo^r knowledge and more particularly of the Number of Hogsheads of Tob^o and of the just Quantities of Bulk Tob^o taken on board the said Ship or Vessell in Order to be exported in Bulk and you shall also Swear that you will give a true and exact acco^t to the best of yo^r knowledge of all such Tobaccos and other good's and merchandizes as shall be taken on baord y^e said Ship or Vessell after yo^r making of this Oath before yo^r departure out of this His Maj^{ty} Colony and Dominion and you shall also swear that you will give an exact acco^t of the Number and Names of the Passengers to the best of yo^r Knowledge intended to be carryed out in the said Ship or Vessell and of all goods wares merchandizes Silver Gold Jewells or other things whatsoever belonging to all and every such passenger or passengers which now or hereafter shall be put on baord the said Ship or Vessell [and you shall swear that you will not transport any Passenger out of this Country without a pass first obtained as is directed by the 127 Act of Assembly made in the year 1661] and all this you shall swear without any Equivocation Mentall Reservation or other Evasion

So help you God.

which being read and approved, Ordered, that the same be transmitted to the Collectors and Navall officers of the severall Districts to be by them administered to the persons aforementioned respectively.

Whereas it hath been rep^sented to His Excellency by the Navall officer of the Eastern Shoar that it hath been usually practised heretofore for severall persons to come from this side of Chisapeake Bay and load Sloops with Tobacco and bring the same away producing a Certificate that bond hath been given to the officers for paying the duties here; which practice he conceiving to give great opportunity of fraud, he humbly prays His Excellency's directions therein,

Ordered that M^r Attorney Gen^l do consider the same and report his Opinion therein to the next Councill what is most proper to be done on that behalf for His Maj^{ty}s Service.

Cop: Test:

B: Harrison C^l Cou

Virginia Sc^o

By his Excellency

A Proclamation

Whereas many and diverse good and wholesome penal Laws have been made in this his Maj^{ty}s Colony and Dominion of Virg^a as well for the prevention & punishment of Vice as of several evil practices too often committed by wicked dissolute and evill disposed persons who through the Rimissness and Neglect of many of his Matys Officers and other persons concerned in putting the s^d Laws in Execution have escaped deserved punishm^t by means of which impunity not only those persons but others have been encouraged by their Examples to the committing of the like offences, And for as much as it is absolutely necessary for the peace and well being of this his Matys Colony & Dominion of Virg^a that the said Laws be put in effectual Execution And more particularly one Act of Assembly made in the year 1696 Entituled [an Act for punishing of Fornication & several other sins & offences] One other Act made in the year 1699 Entituled [An Act for the more effectual Suppressing of Blasphemy, swearing, cursing, Drunkenness & Sabbath breaking] One other Act made in the year 1668 Entituled [an Act for restraint of tippling houses] One other Act made in the year 1676/7 Entituled [an Act regulating Ordinaries and the prices of Liquors] One other act made in the year 1662 Entituled [an Act concerning Women servants got with Child by their Masters] One other Act made in the year 1663 Entituled [an Act for the exacter discovery of concealed Tythables] One other act made in the year 1667 Entituled [an Act imposing fines on Sheriffs concealing Tythables] One other Act made in the year 1680 Entituled [an Act of free and General pardon Indemnity & Oblivion] One other Act made the same Session of Assembly Entituled [an Act for raising a publick Revenue for the better Support of the Government of this his Ma^{ty}s Colony of Virginia] One other Act made the same Sessions Entituled [an Act for preventing Negro's Insurrections] As also another Act made in the year 1682 Entituled [an Additional Act for the better preventing Insurrections by Negros] One other Act made in the year 1666 Entituled [an Act imposing a Fine for entertaining Runnaways] One other Act made in the year 1661 Entituled

[not to Shoot or Range upon other mens Lands] One other Act made the same Sessions of Assembly Entituled Land to be plainly marked and bounded] One other Act made the same Sessions Entituled [Surveyors for Highways] One other Act made the same Sessions Entituled [bounds of Land to be every four year renewed by the view of the Neighbourhood] One other Act made in the year 1673 Entituled [an Act for the better putting in Execution the Act for Processions] One other Act made in the year 1696 Entituled [an Act for Prevention of Clandestine Marriages] One other Act made in the year 1661 Entituled [Divulgers of False News] One other Act made the same Sessions Entituled [against trading with servants] One other Act made the same Sessions Entituled [no Seconds or Slips] One other Act made the same Sessions Entituled [two Acres of Corn for each Tythable] One other Act made the same Sessions Entituled [Concerning passes] One other Act made in the year 1695 Entituled [an Act for reviving the 7th Act of Assembly made at James City the 16th day of April 1691 And for ascertaining the size of Tobacco hogsheads] One other Act made in the year 1661 Entituled [County Courts appointed] One other Act made in the year 1696 Entituled [an Act for regulating County Court Clerks Fees] One other Act made at James City in the year 1699 Entituled [an Act for the restraining & punishing Pyrates and Privateers] One other Act made in the year 16— Entituled [an Act imposing fines on refractory persons] One other Act made in the year 1684 Entituled [an Act for the better Supply of the Country with armes and ammunition] And one other Act made in the year 1677 Entituled [an Act imposing fines upon delinquency of Grand Juries] Therefore I Francis Nicholson Esq^r his Ma^{ty}s Lieu^t and Governor Gen^l of Virginia by and with the advice and consent of his Ma^{ty}s Hon^{ble} Council of State Do hereby strictly charge require and command all and every his Ma^{ty}s Comanders in Chief of the Militia, Justices of the peace Sheriffs Constables and other Officers and all Church Wardens and Grand Jury men & all other persons whatsoever within this his Majestys Colony and Dominion of Virginia whom it doth or may concern that they & every of them respectively as they will answer for their neglect therein at their perill Do from time to time & at all times hereafter use their utmost endeavour and dilligence that the s^d Laws and every of them and every Clause article & paragraph therein contained & all and every penal Law or Laws Act or Acts whatsoever now in force within this his Matys Colony and Dominion of Virginia and every Clause article and paragraph thereof be put in strict execution and prosecuted with the utmost severity against all & every such person or persons as shall presume to offend therein. And I do also require and command all his Matys good & loving subjects within this his Colony and Dominion as far as in them lyes to be further aiding and assisting to the Commanders in Chief, Justices, Sheriffs Constables Church Wardens Grand Jurymen & other persons aforementioned in the detecting prosecuting and bringing to condign punishment all and every such person & persons as shall be guilty of the breach of any the Laws & Acts aforesaid or any part thereof on pain of being prosecuted with the utmost Severity & rigour of the Law as Concealers

Abettors aiders and Accessories of, in, and unto the said Offences, & every of them And I do likewise charge and command all his Matys Commanders in Chief, Justices of the peace, Sheriffs, Constables, and other Officers, and all Church Wardens and Grand Jurymen to use their utmost endeavours in their respective offices that one act of Parliament made in the first year of the Reign of his present Majesty and of the late Queen Mary of blessed Memory Entituled [an Act for exempting their Matys protestant subjects dissenting from the Church of England from the penalties of certain Laws] should be duly observed and all Dissenters and others offending against the same be punished according to Law. And I command all Sheriffs to cause this Proclamation to be published in all Churches Chappells Court houses & all other publick places in their respective Countys as they will answer the contrary at their perill. Given under my hand and his Matys Seal of the Colony at James Town this 19th day of December 1699 in the Eleventh year of his Ma^{ty}'s reign

Fr. Nicholson

A Proclamation enforcing the Execution
of penal Laws

God save the King

[C. O. 5, Vol. 1311, D. 54. 10 (11i) cont^d p. 718.]

Virginia Sr

By his Excellency

A Proclamation

Whereas many persons Suiters to the General Court neglect to give their attendance at the General Courts at the several days of hearing appointed by Law, and also Whereas several others omitt to prepare themselves for their Necessary defence against such days of hearing in hopes of having their Causes referred to a further day which is found to be very prejudicial to diverse of his Matys good and Loving Subjects by putting them and their witnesses to the Charge and trouble of an Expensive attendance for prevention of which for the future, and to the end his Matys good and Loving Subjects may not be Surprized and that all Lawiers & Attornies may have timely notice to prepare their business against the precise day of hearing I Francis Nicholson Esq^r his Matys Lieu^t and Governor Gen^l of Virginia by advice of his Matys hon^{bl}'s Council of State do hereby Give notice and make known to all his Matys good & Loyal Subjects and all Lawiers and others that may be hereafter concerned at the General Court That all Causes actions & appeals depending to the next General Court or to any future General Courts shall be duely called at the precise day of hearing of which all persons as they tender the Weight and value of their respective business are required to take notice And I do Command and require all Sheriffs to cause this Proclamation to be published in all Churches Chappells Court houses and all other publick places in their respective Countys as they will answer the contrary at their perills. Given under my hand and his Matys

Seal of this Colony at James Town this 19th day of December 1699
in the Eleventh year of his Matys reign.

Fr: Nicholson

A Proclamation giving notice of the precise
day of hearing Causes at the Gen^l
Court

God save the King

[C. O. 5, Vol. 1311, D. 54. 10 (111) pp. 720-722.]

Virginia Ss

By his Excellency

A Proclamation

Whereas several Notorious Pyrates that forcibly and pyratically carried away the Ship Adventure of London & her Cargo of the value of thirteen thousand pounds Sterling or thereabouts may be suspected to lurk about upon the Coasts of this his Matys Colony and Dominion of Virginia and may endeavour to conceal themselves by privily coming on Shore in this his Matys Colony and Dominion in hopes of being harboured by wicked and ill disposed Persons and so to avoid the just punishment due by Law unto such horrible and hainous Offenders Therefore I Franics Nicholson Esq^r his Matys Lieu^t and Governor Gen^l of Virginia by and with the advice and consent of his Matys hon^{ble} Council of State Do hereby straitly charge command and require all his Matys Officers in Chief of the Militia and all Justices of the Peace Sheriffs Constables and all and every his Matys good and Loving Subjects whatsoever to use their utmost endeavour to seize take and apprehend all or any of the persons hereafter named & described who were some of those that pyratically carried away the aforesd Ship Adventure of London, To witt, John Loyd of ordinary stature rawboned very pale Complexion dark hair remarkably deformed by an attraction of the Lower Eyelid about thirty years of age. Thomas Hughs tall Lusty Rawboned, Long Visage swarthy about twenty eight years of age Thomas Simpson short and small black much squint eyed about ten years of age, James Vanner short very well sett fresh coloured pock fretten about twenty years of age. Tee Wctherly, short, very small black blind of one Eye about eighteen years of age. Thomas Jameson Cooper a Scott Tall Meagre sickly complexion large black eyes about thirty years of age W^m Griffith short, well sett, broad faced darkish hair about thirty years of age. Thomas Davis short small sharp chinned reddish hair about two & twenty years of age. Francis Reade short and small reddish hair about Eighteen years of age. W^m Saunders of ordinary Stature well sett fresh coloured black hair about fifteen years of age. And the s^d Person or Persons or any of them having apprehended and taken to carry before some one of his Majestys Justices of the Peace in the County where such Person or Persons are taken who are hereby required and Commanded to commit such Person or Persons well guarded to the Common Goal of the County and to give me or some one of his Matys hon^{ble} Council immediate notice thereof in order to their being brought to Just and

condign Punish^t. And for the better encouragement of all and every person & Persons to be diligent in their search after all and every the afores^d Persons I do promise as a Reward that I will cause to be paid to such Persons as shall take & apprehend all or any of the aforesaid Pyrates the sum of Twenty pounds sterl: for every Person that shall be apprehended and taken and delivered up to me or some one of his Matys Justices of the Peace as afores^d. And I do also by and with the advice & consent of his Matys hon^{ble} Council of State Charge & Command all and every his Matys good & Loving Subjects strictly to observe & give due obedience to one Act of Assembly made at James City the 27th day of April 1699 Entituled An act for the restraining and punishing of Pyrates and Privateers, And I do also command all Officers in Chief of the Militia Justices of the Peace Sheriffs Constables and all and every Person and Persons whom it doth or may concern to cause the s^d Law to be put in effectual execution and to be aiding and assisting in putting the same in due execution according to the purport thereof as they will answer the neglect thereof at their perills And I do likewise command all his Matys Officers Civil & Military and all others whom it doth or may concern to give due Observance and Obedience to a former Proclamation dated the 26th day of October 1699 against Pyrates & Privateers & two orders of Council relating thereto Viz^t One dated the 18th of April and the other the 8th of June Last past as they will answer the contrary at their perills, and I command and require all Masters of Ships and Vessells that they do not presume to take on board their s^d Ships or Vessells any of the aforesaid Person or Persons or any other Person or Persons suspected of Piracy as they will answer the doing thereof at their perills And I command all Sheriffs to cause this Proclamation to be published in all Churches Chappells Courthouses and other publick places in their respective Countys. Given under my hand and his Matys Seal of the Colony this 20th day of December 1699 in the Eleventh year of his Matys reign

Fr: Nicholson

A Proclamation for the apprehending of
Pirates & Privateers

God save the King.

[C. O. 5, 1410 continued.]

At a Council held at James City
Feb^{ry} the 22. 1699

Present

His Excellency

Edward Hill
Edmund Jenings

Matthew Page
Benjamin Harrison Esq^r

William Byrd Esq^r being very lame of the Gout, by Letter to His Excellency Excuses his absence on that Occasion

Whereas Edward Ross Gunner at James City hath this day laid before his Excellency and the Councill an acco^t of y^e powder which he hath delivered according to order for y^e use of y^e severall Countyes whereby it appears that much y^e greatest part of y^e Powder is yet remaining in his Custody whereupon he hath prayed directions how he shall dispose thereof because y^e vault where it lyes being very damp will prove very prejudiciall to it if some speedy care be not taken therefore

Ordered that the said Ross do take y^e first oppertunity of Sending to such of y^e Commanders in Cheif of y^e Militia as have not already received y^e proportion of Powder allotted for their respective Countyes and desire them to send for y^e same as soon as may be; but if they or any of them shall neglect sending accordingly, the said Ross is Directed to make Sale of such powder as shall remain in his hands after y^e next generall Court to y^e best advantage he can returning an account from time to time of his Proceedings therein to his Excellency.

Ordered that M^r Attorney Generall do p^rpare a Proclamation to prorogue the generall Assembly till y^e Eighth day of may next.

Whereas it hath been represented by Michael Roderique that he being an Inhabitant of S^t Domingo belonging to y^e French was commanded by y^e Governm^t among other Christian Negroes to go on board Mons^r Ponti's Squadron then bound for Cartagena. And in his returne from that expedition was taken by a Dutch man of War who Carryed him to England and there set him on Shore to shift for himself but coming up to London to enquire for a Passage to Jamaica he met with one Cap^t Hastings who promised to Carry him thither and so Ordered him on board his Ship but Instead of Carrying him to Jamaica brought him into Virginia and sold him to Mad^m Parke with whom he at p^rsent lives and the Petitioner being informed that his Excellency hath emitted a Proclamation comanding all french prisoners of War to be set at Liberty therefore he humbly prayes the Benefit thereof being a Christian and a free Subject of france as M^r Servants of Kickquotann can testifye who hath bought Slaves of y^e Petitioner at Petit Guaves, and whereas y^e sd Servants upon Oath before one of His Maj^{ty}s Justices hath declared y^e Substance of y^e said Roderique's Petition to be True therefore

His Excellency by and with the advice of his Maj^{ty}s hon^{ble} Council is pleased to direct that M^r Attorney Gen^l do by such Process as shall be agreeable to law cause y^e said Parke or such other person as shall keep ye said Roderique in possession to appear at y^e next Gen^l Court to shew forth y^e Right or Pretence whereby they hold the said Roderique in Slavery or Servitude And also that M^r Attorney do Issue such process as shall be necessary to prevent y^e said Roderique's being Carried out of y^e Countrey.

Whereas it hath been represented by Francisco Lecastro that he being an Inhabitant of Cartagena belonging to y^e Spanish King was taken prisoner by a French man of War and was retaken by a Dutch man or War and carryed to England and there set on Shore to shift for himself but wandering to London to enquire for a passage to Jamaica he met with one Cap^t Hastings who promised to Carry him thither

and so ordered him to go on board his Ship till y^e next morning and then come on Shore again to agree for his passage but contrary thereto he detained y^e Petitioner and brought him to Virg^a and sold him for a Slave Now y^e Petitioner being informed that his Excellency hath emitted a Proclamation comand [ing] all french Prisoners of War to be set at Liberty he humbly prayes y^e benefit thereof being a Chirstian and a free Subject, therefore,

His Excellency by and with y^e Advice of his Maj^{ty}s Hon^{ble} Council is pleased to direct that M^r Attorney Gen^l do inquire into y^e true state of y^e Petitioners Case and to pursue such Methods as y^e law allows for his releif therein

Whereas in Obedience to an Order of y^e second of November last, the Great men of y^e Nottoway Meheren, Nansemund, Pamunkey, Chickahomini, Rappahanock, and Nantiatico Indians appeared before His Excellency and the Council and being examined concerning a Peace they intended to make with some foreign Indians without y^e knowledge or consent of His Maj^{ty}s Government of this Dominion they Confessed that they had Designed a Treaty of Peace with y^e Tawittawayes and other foreign Indians and according [ly] every respective nation of them had prepared a Peake belt (being the token that usually passes between them when they desire a treaty of Peace) and put them into y^e hands of y^e Nantiaticoes to be sent to y^e said foreign Indians but since his Excellency and y^e Council were not pleased to allow of such a Treaty they would not proceed any further therein and also they promised that y^e Peake belts should be brought to James City and delivered to his Excellency which being accordingly done and this day laid before y^e Council it is thought necessary that they be restored to y^e severall Nations to whom they belong respectively therefore, His Excellency by and with y^e advice of his Maj^{ty}s Hon^{ble} Council is pleased to direct that y^e Interpreters to y^e severall Nations of Indians aforementioned to whom y^e said belts belong do cause them to send two great men of every Nation to James City the next time they pay their tribute to receive their belts back again

Whereas it hath been represented by Thomas Holt Sheriff of y^e County of Surrey that Jamey an Indian Slave belonging to y^e Estate of Thomas Bage late of y^e said County deceased hath been committed to and now remains in y^e common Goal of y^e said County on suspicion of his being guilty of y^e murder of y^e said Thomas Bage his Master and prayes that his Excellency will please to Issue a special Commission for y^e tryall of y^e said Indian Slave according to y^e Act of Assembly in that Case made and provided, therefore,

Ordered that M^r Attorney Gen^l do prepare a Commission for y^e tryall of y^e said Indian Slave according to y^e said act of Assembly at y^e Courthouse of y^e said County of Surry on Tuesday y^e fifth day of March next.

Ordered that Gawin Corbin Esq^r late Collector of Rappahanock River do deliver unto Richard Chichester Esq^r the present Collector of that River all books bonds Cocketts Certificates writings papers and all other things whatsoever which have come to his hand by virtue of y^e said office

Ordered that Ralph Wormley Esq^r late Navall Officer of Rappahanock River do Deliver to Robert Carter Esq^r y^e present Navall Officer of that River all bonds entryes Cocketts Certificates and other writings whatsoever relating to y^e Ships now in y^e Countrey or any of them And all other bookes writings Parchments and Papers which have come to y^e said Wormley's hands as Collector, Navall Officer, or Receiver of y^e Virginia Dutyes in y^e said River are to be by him delivered to his Excellency pursuant to a former order in that behalf given

His Excellency was pleased to communicate to y^e Councill a Letter he had lately written to y^e Collectors and Navall Officers of y^e severall Districts in this Colony.

And also he was pleased to acquaint them that pursuant to a Letter he had received from y^e Hon^{ble} Commissioners of his Maj^{ty}s Customes upon y^e twenty seventh day of y^e last month he did administer unto Richard Chichester Esq^r Collector of Rappahanock River the Oaths appointed by act of Parliament to be taken instead of y^e Oaths of Supremacy and Allegiance the Test and Association appointed by act of Parliament and also y^e oath of Collector and Notary Publick in that District His Excellency was pleased to Communicate to y^e Councill His Letter to y^e Right Hon^{ble} Lords of y^e Councill of Trade and Plantations in answer of theirs to him concerning Attorneys and their Directions about a house for y^e Governour and desires their advice what was proper to be done towards sending them a transcript of y^e whole body of the Laws of y^e Colony whereupon Edmund Jenings Esq^r acquainted his Excellency that Sir Edmund Andros (a little before he left this Government) had transmitted a Correct Copy of all y^e Laws in force here which was thought a sufficient answer to so much of their Lordships Letter as related to that subject Especially since the Revisall of the Laws is now in hand.

Whereas upon y^e Eighteenth of October last upon y^e Compalint of M^r John Dibbs an order was made for restoring to y^e said Dibbs sixteen barrells of Gun-powder and onc Barrell of Steel which have been taken and kept from him by M^r William Trevethan And whereas it hath been represented by y^e said Dibbs that Cap^t Sam^l Bush in whose Possession the said Powder and Steel hath been detained pretends to keep back one barrell of y^e Powder for warehouse roome therefore,

Ordered that y^e said Bush or such other Person as hath y^e same in Possession do forthwith deliver unto y^e said Dibbs y^e whole quantity of sixteen barrels of Gun-powder and one barrell of Steel without detaining any part thereof for warehouse room or any other such Pretence whatsoever.

Whereas it hath been represented by Cap^t Nathaniell Harrison Navall Officer of y^e upper District of James River that yesterday being y^e twenty first day of this Instant Feb^ry he made seizure of one East Indian man named John Cyrus and one Portugueze man named Michael who were in y^e Possession of Maj^r Charles Goodrich of Charles City County and where [were] Imported in y^e Ship Plymouth of London Thomas Withington Master and no entry made of Dutyes paid for y^e

same according to Law whereupon y^e Petitioner humbly prays his Excellencyes further orders in y^e premises, therefore,

Ordered that M^r Attorney General do prosecute upon y^e s^d Seizure According to Law.

Whereas by letter Dated the Eleventh Instant Cap^t John Aldred Comander of his Maj^{ty}s Ship y^e Essex prize hath represented to his Excellency that he stands in need of severall things for his Maj^{ty}s Service on board y^e said Ship and more particularly of two Cables a Coyl of Inch rope and one top block Iron bound strap and that such of his Maj^{ty}s Cables and Rigging as were put on shore at Kickquotann by Cap^t Nathaniel Bostick Comander of his Maj^{ty}s Advice boat the Swift into y^e Custody of M^r Willis Wilson will be very Serviceable for y^e use of his Maj^{ty}s said Ship y^e Essex Prize, therefore His Excellency by and with y^e Advice of his Maj^{ty}s Hon^{ble} Council is pleased to Direct that such of y^e said Cables and Rigging (put on Shore as aforesaid) as will supply y^e said Aldreds present occasions aforementioned be delivered unto him by Lieut^t Coll William Wilson the said Willis Wilson or such other Person as hath y^e same in Possession And also His Excellency was pleased to Declare that so long as y^e said Aldred continued to Cruise according to orders for his Maj^{ty}s Service as of late he had done he should not want a Supply of any necessaryes that could be procured for him in this Countrey.

His Excellency was further pleased to direct that y^e said Aldred should discharge one Nathaniell Pope whom he had pressed out of y^e Ship John of Bristoll he being y^e Apprentice of M^r Richard Gregory a Merchant of this Countrey and to restore the man he pressed from on board y^e Ship Comanded by Cap^t Burford and for his better supplying himself with men hereafter he is to be carefull that he do not presse a man from any Ship inward bound that being very prejudiciall to them in their loading but when y^e Ships Sail outwards he is to take one man from every Ship having above twelve till he hath made up his Compliment of which he is not to fail for that after y^e Ships now in y^e Countrey are sailed he will have no other oppertuny [opportunity] to get men till y^e next year and therefore he is to take none but able Sailors from on board these Ships.

His Excellency was this day pleased to desire y^e Advice of his Maj^{ty}s Hon^{ble} Council what orders or directions were proper to be given unto Cap^t Peter Cood Comander of his Maj^{ty}s Advice boat the Messenger who thereupon are of opinion that y^e said Advice boat may be very Serviceable in y^e Summer time to be joined with his Maj^{ty}s Ship y^e Essex prize for y^e defence of this Coast and therefore they represent it to his Excellency as very much conducing to his Maj^{ty}s Service that he will please to write to his Excellency y^e Governour of Maryland (where y^e said Advice boat now is) to desire him that he will let her be down in this Government about y^e beginning of May next and that he will give such directions as to him shall seem proper for her being well manned in Maryland out of y^e Ships there for that it will not be possible to procure her any supply of men after she comes hither because y^e Ships will most of them be sailed from these partes and if they were not His Maj^{ty}s Ship y^e Essex prize which is already

here would take up all y^e men that could be spared from them to compleat her Compliment.

Whereas it hath been represented by William Chambers of y^e Parish of Lawns Creeke in y^e County of Surrey that at present there is not legall vestry in y^e s^d Parish neither hath there been one for some years last past and therefore he pray's his Excellencyes Directions and orders for Choseing one but Information hath also been given that of late some of y^e Inhabitants by pretence of there being a Vestry for y^e s^d Parish have taken upon them to Impose a Levy upon y^e Tythables of y^e s^d Parish, therefore,

Ordered that M^r Attorney Gen^{ll} do procure a Copy of y^e last Levy that was laid in y^e said Parish and that he Issue y^e Legall Process to Cause y^e Persons who Imposed the same to appear at y^e next Gen^{ll} Court to shew by what authority they took upon them to lay any Levy upon y^e People of y^e s^d Parish

Feb^ry 23

M^r Attorney Gen^{ll} according to order (of yesterday) presented a Commission for y^e tryall of Jamey an Indian-Slave at Surrey County Courthouse on tuesday y^e fifth of y^e next moneth which was accordingly signed in Councill.

M^r William Lowry Surveyor of Elizabeth City and Warwick Countyes having last year desired that Coll Miles Cary might officiate in his Stead till his returne from England whether he was then designed to go and being now returned he prays that he may again be admitted to y^e Execution of his Office himself therefore,

Ordered that y^e Surveyor Gen^{ll} Do accordingly Issue a new Commission to y^e s^d Lowry for his Execution of the said Office as formerly.

At James City the 18th day of March 1699

Present,

His Excellency

William Byrd
Edward Hill

Edmund Jenings
Matthew Page Esq^{rs}

His Excellency having lately received a Letter from the Right Hon^{ble} the Lords Commissioners for Trade and Plantations Dated the 30 of November last he caused the same to be read in Councill: In which Letter inclosed His Excellency having received his Maj^{ty}s Royall Commands of the tenth of November last concerning Pyrates and the Escapes of Prisoners out of the Goales of this Countrey the same were accordingly read in Councill and in Obedience thereto,

Ordered that M^r Attorney do prepare a Proclamation answerable to so much of his Maj^{ty}s said Comands as relates to Pyrates and that a Copy of his Maj^{ty}s Comands concerning Goalers and Prisoners escaping out of Goal be laid before the Committee appointed to revise the Laws and that it be recommended to them to provide good and wholesome laws for the Prevention of Escapes for the future.

Whereas M^r Peter Hack Deputy Collector of Potowmeck River hath made seizure of the Ship Jane of Dublin William Thornton Master on suspicion of her being an Illegall Trader

Ordered that M^r Attorney Gen^l do prosecute the said Ship on his Maj^{ty}s behalf according as y^e Laws of England in that Case made and provided do direct

Whereas M^r Peter Hack Deputy Collector of the lower parts of Potowmeck River hath lately made Seizure of the Ship Jane of Dublin William Thornton Master for her being an Illegall trader upon which said Seizure M^r Attorney Gen^l hath been Ordered to prosecute in his Maj^{ty}s behalf: and whereas the said Thornton hath prayed that the said Ship may be brought to a speedy tryall otherwise 'tis to be feared she will be lost for lying in Salt water and y^e Summer now coming on her bottom will be eaten out by y^e Worme Whereupon the said tryall was appointed to have been upon the 16th Instant but it being represented that one of the most materiall Evidences against the said Ship is now in Maryland and that it will require some time to bring him thither the tryall could not then be had but to y^e end that y^e said Ship may not be quite lost nor her voyage intirely ruined even tho she should be acquainted [acquitted] therefore

His Excellency by Advice in Councill is pleased to direct Richard Lee Robert Carter Richard Chichester Esq^{rs} and y^e said Peter Hack or any two or more of them do Cause y^e said Ship to be appraised by good honest Skillfull men upon their oaths and after such appraisement if the said Thornton can give good Security to be answerable for y^e value of y^e said Ship then she is to be discharged that he may proceed in his Affairs as in Case she had not been seized but if he cannot procure such Security then y^e seizure to Continue till he be brought to Tryall.

Whereas it hath been represented by Richard Chichester Esq^r Collector of Rappahannock River that he finding no Kings boat in that River is incapable to serve his Maj^{ty}s so effectually as otherwise he might; wherefore he prayes his Excellencyes Assistance in that Affair untill he can have an order from the Hon^{ble} the Commissioners of the Customes for a boat being the most materiall thing wanting to his office for carrying it on to the best advantage for his Maj^{ty}s Service therefore,

His Excellency in Councill is pleased to direct that the said Chichester do make inquiry of such Persons as have been his Predecessors Collectors of Rappahannock River whither there is any boat in that river belonging to his Maj^{ty}s and if there is one that it be forthwith delivered unto y^e said Chichester for his Maj^{ty}s Service in the Possession of whomsoever it shall be found and if there be no such boat then y^e said Chichester is to buy one that will answer his Occasions and draw a bill for y^e same on his Excell^{cy} who will advance y^e money to pay for it till further Orders shall be given therein by the Hon^{ble} Commissioners of His Maj^{ty}s Customes.

At James City Aprill. 6: 1700

Present

His Excellency

William Byrd
Edward Hill
Edmund Jenings

Matthew Page
Benjamin Harrison Esq^r.

Ordered that y^e Sheriffs of y^e severall Countyes (which served for y^e year 1699) do deliver y^e Gen^l Lists of all y^e People unto y^e Clerkes of their respective County Courts who are to make two fair Copyes thereof and transmit y^e same with y^e Originalls unto y^e Councill Office at James City as soon as possible and for Satisfaction of their trouble herein y^e said Clerks are to make their Claim at y^e next Session of the Gen^l Assembly.

Ordered that the Commander in Cheif of ye Militia in y^e severall Countyes do deliver y^e Muster Rolls of all y^e men under their Command unto y^e Clerkes of their respective County Courts who are to make two fair Copyes thereof and transmitt y^e same with y^e Originalls unto y^e Councill office at James City as soon as possible and for satisfaction of their trouble herein y^e said Clerkes are to make their Claim at y^e next Session of y^e Gen^l Assembly.

His Excellency in Councill was pleased to appoint new Sheriffs for y^e severall Countyes within this Colony as followeth,

Henrico.....	Francis Epes
Charles City.....	Littlebury Epes
Surrey.....	William Brown
Isle of Wight.....	Arthur Smith
Nansemund.....	George Nosworthy
Princes Ann.....	William Cornex
Norfolke.....	Richard Church
Elizabeth City.....	Walter Bayly
Warwick.....	Thomas Merry
Yorke.....	Henry Tyler
James City.....	Thomas Cowles
New Kent.....	Nicholas Meriweather
King and Queen.....	John Walker
Ghoucester.....	James Ransone
Middlesex.....	Robert Dudley
Essex.....	James Baughan
Richmond.....	Samuel Peachy
Lancaster.....	William Ball
Northumberland.....	Hancock Lee
Westmoreland.....	Willowby Allerton
Stafford.....	Richard Fosaker
Accomack.....	George Nicholas Hack
Northampton.....	John Robins

A Proclamation being prepared for a Solemn Fast and day of humiliation and prayer for y^e delivering of this Colony from y^e Great Plague of Caterpillers to be observed at James City the Nineteenth Instant and in all other parts of y^e Countrey on y^e third day of y^e next month y^e same was read and being approved was signed in Council

A Proclamation for proroguing y^e Gen^l Assembly till Wednesday y^e thirty first of July next being prepared y^e same was read in Council and being approved was signed.

Cop B: Harrison

[C. O. 5, Vol. 1311, D. 54. 10 (11i) cont^d or p. 723.]

Virginia Sr

By his Excellency

A Proclamation

Whereas the General Assembly begun at James City the 27th of April Last is prorogued to the 15th day of March next And on advice in Council find it most for his Matys and this Colonys Service that the Assembly be prorogued untill further time Therefore I Francis Nicholson Esq^r his Matys Lieu^t & Governor Gen^l of Virginia by vertue of the power and authority to me given by his Matys Letters Patents under the great Seal of England bearing date at Westminster the 20th day of July in the tenth year of his Reign Do by this Proclamation in his Matys name publish and Declare that I have prorogued the said Assembly and it is hereby prorogued to the Eight day of May next At which time I do hereby require every respective member that they faile not in giving their attendance accordingly Given under my hand and the Seal of the Colony the 22^d day of february *Anno Dom: 1699-1700*

Fr: Nicholson

A Proclamation proroguing the Gen^l Assembly.

E Jenings Dep^{ty} Sec^{ry}

God save the King

[C. O. 5, Vol. 1311, D. 54. 10 (11i) or p. 723.]

Virginia Sr

By his Excellency

A Proclamation

Whereas his most Sacred Maty hath been graciously pleased to signify to me that he doth declare it to be his Royal will & pleasure that all such Pirates as shall be forwardest to surrender themselves and most ingenious in their Confession shall have the surest grounds to hope for his Royal mercy, and hath commanded me to intimate the same to all persons concerned. Therefore I Francis Nicholson Esq^r his Matys Lieu^t and Governor General of his Colony & Dominion of Virginia by and with the advice & consent of his Ma^{ty}s hon^{bl}e

Council of State, Do hereby publish and make known y^e same to all his Ma^{tys} good & Loving Subjects, and more particularly to all such Persons as have been any way guilty of Piracy. And I do also charge and command all his Matys Officers in Chief of the Militia Sheriffs, Justices of the Peacc, Constable & all other his Ma^{tys} Officers civil & Military as also all other his good & Loving Subjects whatsoever that they use their utmost endeavours to take seize & apprehend all & every such Pirate or Pirates. And all such as may be justly suspected of Piracy or of being aiders or abettors therein or any way accessory thereto, and such persons safely to secure in the Common Goal of the County where such Person or Persons shall be taken and also safely to secure their effects whether Silver gold Jewels or other goods & Merchandizes and to give me immediate notice thereof, And I do likewise command all his Ma^{tys} Officers Civil & Military to take care to put in effectual execution all Laws of England Acts of Assembly Proclamations & all other publick Orders relating to Pirates and Privateers as they or any of them for any neglect therein will answer at their perills of the utmost Rigour and Severity of Law. And I command all Sheriffs to publish this Proclamation in all Churches Chappells Court houses and other public places in their respective Countys. Given under my hand and his Matys Seal of the Colony at James Town this 18th day of March 1699 in the twelfth year of his Maty's Reign

F. Nicholson

A Proclamation for apprehending Pyrates
& Privateers with their goods

God save the King

[C. O. 5, Vol. 1311, D. 54. 10 (¹¹¹) cont^d or p. 725.]

Virginia S^r

By his Excellency

A Proclamation

Whereas the General Assembly begun at James City the 27th of April Last is prorogued to the 8th day of May next, and on advice in Council find it most for his Matys and this Colonys Service that the Assembly be prorogued untill further time Therefore I Francis Nicholson Esq^r his Matys Lieu^t and Governor Gen^l of Virginia by vertue of the power and authority to me given by his Matys Letters Patents under the great Seal of England bearing date at Westminster the 20th day of July in the tenth year of his Matys reign, Do by this Proclamation in his Ma^{tys} name publish and Declare that I have prorogued the said Assembly and it is hereby prorogued to the thirty first day of July next, at which time I do hereby require every respective member that they fail not in giving their attendance accordingly. Given under my hand and the Seal of the Colony the sixth day of April *Anno Dom* 1700

Fr. Nicholson

A Proclamation for proroguing the Gen^l
Assembly

E Jenings Dep^t Sec^r

God save the King

[C. O. 5, Vol. 1311, D. 54 10 (11) cont^d or p. 724.]

Virginia ss

By his Excellency

A Proclamation

Whereas it has pleased Almighty God for the Punishment of our Sins to visit this Country with a great and visible Plague of Caterpillars which threaten the destruction not only of the fruit & Mast but also of Corn & other grain, & consequently a great dearth & famine if God of His infinite mercy do not remedy and prevent the same, In order to which I Francis Nicholson Esq^r his Ma^{ty}s Lieu^t and Governour Gen^l of Virginia with advice and consent of his Ma^{ty}s hon^{ble} Council of State of Virginia have thought fitt to appoint a solemn day of fasting and humiliation to be set apart for the acknowledgement of our Sins and for deprecating the wrath of Almighty God occasioned thereby and accordingly I do hereby appoint that friday the 19th day of this moneth of April be set apart and observed by the General Court and y^e rest of the Inhabitants of James City Parish, and friday the 3^d day of May next be set apart & observed by all the rest of the Inhabitants of this Dominion of Virginia as a solemn day of fasting and humiliation for the purposes afores^d, Hereby strictly requiring of all ministers that by publick Prayers and Sermons suitable to the occasion they Celebrate y^e s^d day at the principal Church of their several Parishes, and of all Readers that in such Parishes where there are no Ministers They read Prayers and an homily suitable to the occasion and that all Persons whatsoever refrain from all servile work and business and apply themselves to the dutys of fasting, humiliation, repentance for and reformation of their several vices and immoralitys as they will answer the contrary at their Peril, and I command all Sheriffs to cause this Proclamation to be published in all Churches, Chappells, Courthouses and other Publick Places in their respective Counties. Given under my hand and his Ma^{ty}s Seal of the Colony at James Town this 6th day of April 1700 in the twelfth year of his Ma^{ty}s Reign.

Fr. Nicholson

A Proclamation for a day of fasting and
humiliation.

E Jenings, Dep^{ty} Sec^{ry}

God Save the King

[C. O. 5, Vol. 1310, No. 2 (x^{xvi}) C 17, No. 1 or p. 103-107.]

Virginia ss^t

Suits brought to the Generall Court upon Navigation Bonds, past to the King, how ended or what reason some are still Depending.

October Court 1697

- William Randolph
Esqr
his Mats Att Genll
vs
Thomas Ballard
Attorney Generall
vs
Joseph Wring &
William Buckner
Attorney Genll
vs
Thomas Maddox
& Daniel Neech
- Debt for a 1000^{li} Sterl due by Bond dated the 10th of July 1693, for Delivery of the Loading of the Sloop Success, s^d Bond Discharged by Certificate produced.
- Debt for a 1000^{li} Sterl by Bond for Delivery of the Loading of the Brigantine beginning in the year 1695 discharged by Certificate produced.
- Debt for 742^{li} 17^s 0^d on Hillary Stringer & Tho^s Meech Commd^r of the Ship Wm & Mary of Lond^e their Bond with Condition that they should produce Certif^{ts} that the Goods Imported in s^d Ship, were duely & Legally shipped & Judgm^t but afterwards upon an injunction they were Ordered to pay but 371^{li} 8^s 6^d the condition of y^e said bond.
- Attorney Genll
vs
John Washington
- Debt for 1000^{li} Sterl on Nicholas Lawrence of Boston in New England Commander of the Ketch Salsbury of Boston his Bond, Judgment.

Aprill Court 1698

- Attorney Genll
vs
Robert Peyton
Thos Todd &
Peter Beverley
- Debt for 1000^{li} Sterl by Bond for disch^a of the Loading of the Brigantine Peyton in the year 1693, said Bond Discharged by a Copy of a Certificate produced.
- Attorney Genll
vs
Daniel Parke Esqr
- Debt for 2000^{li} Sterl, by Bond for the Discharge of the Loading of the Ship Virginian in the year 1695 said Bond Disch^d by a Lre & Copy Certif^t produced.
- Attorney Genll
vs
Gawin Corbin
- Debt for 1000^{li} Sterl by Bond, for Discharging of the Loading of the Sloop Taken in the year 1693 said Bond Discharged by Letter produced.
- Attorney Genll
vs
Thomas Martin
- Debt for 1000^{li} Sterl Discharging the Loading of the Ship William & John of Belfast in the year 1694 Discharged by Letter produced.
- Attorney Genll
vs
William Wilson
- Debt for 2000^{li} Sterl for the discharging of the Loading of Brigantine Jane & Margaret in the year 1695 said Bond Disch^d by Letters & Copy Certif^t produced.
- Attorney Genll
vs
Daniell Parke Esqr
- Dismist Sheriff making an insuffic^t returne.
- Attorney Genll
vs
James Howell
- Debt for 2000^{li} Sterl by Bond Dated in 1694 for disch^a of the Loading of the Ship Catharine of London, said Bond Disch^a by Lre & affidavit produced.

October Court 1698

- Att General
vs
James Jones Debt for 1000^{li} Sterl by Bond for disch^a the Loading of the Ship Society of Bristoll in 1693, the said Bond disch^a by Certific^t from Barbadoes produced.
- Att General
vs
Richard Nusum Debt for 1000^{li} Sterling, an attachment being awarded & no Estate to be found, let fall.
- Att General
vs
Richard Nusum & Thomas Martin Debt for 1000^{li} Sterl Judgm^t ag^t Willm Lester Sheriff of Lancaster County.
- Att General
vs
Richd Lee Esqr Debt for 1000^{li} Sterl by Bond for the disch^a of the Loading of the Brigantine Wm & Mary of Virginia in 1692 said Bond disch^a by Certificate produced from Barbadoes.
- Att General
vs
Lewis Conners
Executors Debt for 1000^{li} Sterl by Bond for the disch^a of the Loading of the Sloop Batchellors Delight 1696, said Bond disch^a by Certificate produced.
- Att General
vs
Samuel Traverses
Executors Debt for 1000^{li} Sterl by Bond for y^e disch^a of the Loading of the Ketch Jeremiah of Biddeford in 1694, said Bond Discharged by Certific^t produced.
- Att General
vs
John Mans
Executors Debt for 1000^{li} Sterl by Bond for the Disch^a of the Loading of the Ship Edward & Francis of London in 1693, said Bond disch^a by Certific^t & Letters produced.
- Attorney Genll
agt the
same persons Debt for 1000^{li} Sterl by Bond for the disch^a of the Loading of the Brigantine Edward & Mary of Virg^a in 1690 the said Bond Disch^a by Letters & a Certific^t produced.
- Att Genll
vs
Lewis Burwell Debt for 1000^{li} Sterl by Bond for Disch^a Loading Brigantine Gloucester in 1695, the said Bond disch^a by Certificate produced.
- Att General
vs
Bertram Servants Debt for 1000^{li} Sterl by Bond for Disch^a of the Loading of the Ship Speedwell of Dartm^o in 1696 s^d Bond disch^a by Certif^t produced.

Aprill Court 1699

- Att General
vs
Cristopr Robinson
Esqr his Executors Debt for 1000^{li} Sterl by Bond for the disch^a of the Loading of the pink John & Sarah of London, Continued there being a Difference in the name of the said pink & in the date of the Bond, & the Bond & pinks name mentioned in a Letter & Cert produced in Disch^a of the s^d Bond.
- Att General
vs
Thomas Loyd Debt for 1000^{li} by Bond for the Disch^a of the Loading of the Brigantine two Bro. [Two Brothers] of Virg^a in 1692, Continued for Cert. produced from Barbadoes to be Compared wth the Clearings of the said Brigantine.
- Att General
vs
Thomas Loyd Debt for 1000^{li} Sterl by Bond for Delivery of the Loading of the Brigantine Cath^a of Rapahanock in 1695 the s^d Bond disch^a by Letter & Certific^t produced.

- Att General
vs
Thos Loyd & David
Grogan
- Debt for 1000^{li} Sterl by Bond for Delivery of y^e loading of the Brigantine Catharine of Virginia in 1693 the said Bonds Disch^a by Letters & Certific^{ts} produced.
- Att General
vs
Bertram Servants
- Debt for 1000^{li} Sterl by Bond for the delivery of the Loading of the Ship Speedwell of Dartmouth in 1696 Continued M^r Att. Gen^l owing [owning] the Def^t produced Certific^t formerly w^{ch} he supposed was sent to M^r Peter Heyman Coll^r to be compared wth the clearing of the said Ship.
- Att General
vs
Thos Loyd
- Debt for a 1000^{li} Sterl for Disch^a of the Loading of the Sloop 2 Brothers in 1696. Continued, the Ship is wth Certific^t is expected not being yet arrived.
- Att General
vs
Wm Sherwoods
Exrs
- Debt for 1000^{li} Sterl by Bond, for the Disch^a of the Loading of the Ship Nansmond in the year 1696 Continued Certif^t being sent for.
- Att Genll
vs
Danll Parke Esqr
- Debt for 2000^{li} Sterl by Bond for disch^a of the Loading of the Ship Rap^a Merch^t in 1693 the said Bond Discharged by Letter & Certif^t produced.
- Att Genll
vs
John Dyer and
Thomas Ballard
- Debt for 1000^{li} Sterl by Bond about delivery of the Loading of the Brigatine Expedition in the year 1695 and the said Bond discharged Cert. being produced.
- Att Genll
vs
John Coefeild
- Debt for 100^{li} Sterl by Bond for the Delivery of the Loading of the Brigatine Friendship in the year 1696, the said Bond Discharged, Certific^t from Barbadoes being produced.
- Att General
vs
Gawin Corbin
- Debt for 1000^{li} Sterl by Bond about Delivery of the Loading of the Brigatine W^m & Mary of Virginia in the year 1693. Def^t producing a paper w^{ch} he s^d was the Condemnation & Sale of the said Vessell in the Island of S^t Thomas, the said suit Continued for better proof.
- Att Genll
vs
John Grymes
- Debt for 1000^{li} Sterl by Bond about delivery of the loading of the Ship Lucaios in the year 1691. Continued upon Affidavit that the said Ship unloaded in London.
- Attorney Genll
vs
William Crawford
- Debt for 1000^{li} Sterl by Bond about delivery of the Lading of the Sloop Adventure in the year 1696. Continued upon Def^{ts} making Oath that he never heard Certainly what became of the said Vessell after she went hence.
- Att General
vs
Willis Wilson
- Debt for 1000^{li} Sterl by Bond for the Disch^a of the Lading of the Brigatine Speedwell in the year 1696. The Def^t not approving & being returned a Burgess, Continued by consent of M^r Attorney General.

A true account taken from the Records this 2^d July 1699

Per C. C. Thacker C^l Gen^l Cou

A List of Bonds for Performance of y^e Act of Navigation.

A List of Bonds for Performace of y^e Acts of Navigation y^e Prosecution of which for eighteen months is suspended

Securities Names	Masters Names	Ships Names and of what Place	Date of y ^e Bonds
Captain Richard Nusum.....	Tho. Carpinter	Mary and Ellery of Topsum.....	8 th Jan: 1693
Edmund Custis.....	Andrew Walker..	Dolphin of Boston in New England...	10 th March 1693
Tho: Cocke.....	John Saunders....	Brigantine Cocke of Virginia.....	4 th May 1696
John Griffing.....	William Nicholas	Advce of Bristol.....	9 th Nov: 1693
Richard Robinson.....	Samuel Bayley....	Bark William & Sarah of Virginia.....	29 th July 1690
Thomas Merriden.....	George Nanter....	Happy Concord of London.....	3 ^d May 1694
		Note that y ^e Security in this bond died in this Country Insolvent and y ^e Principal died in England and hath left his Estate there.	
<p>There are many of y^e Collect^{rs} dead and I presume they may have taken severall bonds but they are not as yet come to hand but his Excellency since his Arrival having sent Orders that all Papers relating to y^e Office of Collect^{rs} and Naval Officers should be return'd to the Council they may be daily expected.</p> <p>Barth Fowler Att: Gen^{ll}</p>		<p>July y^e 3^d 1699</p> <p>Barth Fowler Attor: Gen^{ll}</p>	

[C. O. 5, Vol. 1311, No. 10 (xxviii) D. 41, p. 607.]

Virginia sc^t

An account of the proceedings of the Hon^{ble} Gen^l Court held in October 1699 in the Suits thereto Depending upon Navigation Bonds past to the King

- | | |
|---|---|
| <p>Attorney Genll
vs
Chr Robinson Esqr
his Executors</p> | <p>Debt for 1000^{li} Sterl by bond for y^e disch^a of the Pink John & Sarah of London, referred. The Shipp expected from Lond^o not being arrived.</p> |
| <p>Attory Genll
vs
Thomas Loyd</p> | <p>Debt for 1000^{li} Sterl by bond for y^e discharge of the Loading of the Brigantine Two Brothers in y^e yeare 1692. Dismist, the s^d Loyd being Dead.</p> |
| <p>Attorney Genll
vs
Thomas Loyd</p> | <p>Debt for 1000^{li} Sterl by bond for y^e discharge of the Loading of the Sloop Two Brothers in y^e yeare 1696. Dismist, the s^d Loyd being Dead</p> |
| <p>Attorney Genll
vs
Rachel Sherwood
Exx of
Wm Sherwood</p> | <p>Debt for 1000^{li} Sterl by bond for y^e discharge of the Loading of the Ship Nansemond in the yeare 1696. said bond discharged by Letter & Certificate &c^a produced.</p> |
| <p>Attorney Genll
vs
Bartram Servants</p> | <p>Debt for 1000^{li} Sterl by bond for the discharge of the Loading of the Ship Speedwell of Dartm^o in y^e yeare 1696, said suit let fall M^r Atto^{ny} Gen^l being satisfied that a certificate was formerly produced in discharge of s^d bond.</p> |
| <p>Attorney Genll
vs
John Grimes</p> | <p>Debt for 1000^{li} Sterl by bond for the discharge of the Loading of the Ship Lucaios in the yeare 1691. Shipp Expected from Lond^o not being arrived, referred for Defend^t to procure certificate.</p> |
| <p>Attorney Genll
vs
Gawin Corbin</p> | <p>Debt for 1000^{li} Sterl by bond for the discharge of the Loading of the Brigantine W^m & Mary of Virg^a in y^e yeare 1693. The Shipp Expected from Lond^o not being arrived.</p> |
| <p>Attorney Genll
vs
Willis Wilson</p> | <p>Debt for 1000^{li} Sterl by bond for the discharge of the Loading of the Brigantine Speedwell in y^e yeare 1696, referred upon the Defend^t^a making Oath that he had lately rec^d a Letter from M^r Majecajah [Micajah] Perry Merch^t in Lond^o advising him of a certificate sent him in discharge of s^d bond w^{ch} was not come to hand but dayly Expected.</p> |
| <p>Our Sovereign
Lord the King
vs
Andrew Gregg</p> | <p>Debt for 1000^{li} Sterl.
Conditional Orders vs Sam^l Boush late Sherr. of Norfolk County.</p> |

Truely taken from the Records of the Gen^l Court.

Per C. C. Thacker, Clk.

This a true abstract of the proceedings upon the Navigation Bonds now in Suit.

Jan: 13: 1699-1700

Barth Fowler

[C. O. 5, Vol. 1311, No. 10 (***ix) D. 41, or p. 611.]

Virginia ss^t

An account of the proceedings of the Hon^{ble} the Generall Court held in April 1700, in the Suit thereunto Depending upon Navigation Bonds past to the King.

Attorney Genll
vs
Chr Robinson Esqr
his Executors
Debt for 1000^{li} Sterl by bond for y^e discharge of the Pink John & Sarah of London referred 'till the next Gen^l Court.

Attorney Genll
vs
John Grymes
Debt for 1000^{li} Sterl by bond for y^e discharge of y^e Loading of the Ship Lucaios in the yeare 1691. The s^d bond discharged by Letter & Certificate produced.

Attorney Genll
vs
Gawin Corbin
Debt for 1000^{li} Sterl by bond for y^e discharge of the Loading of the Brigantine W^m & Mary of Virg^a in y^e yeare 1693. A Letter & Affidavit &c^a produced by the Defend^t Ordered to be filed with s^d bond in ord^r to y^e Vacateing thereof upon y^e Defend^{ts} making appear that y^e peny per pound for Tob^o &c^a was paid in this country. The suit referred 'till the next Gen^l Court for him to doe y^e same.

Attorney Genll
vs
Willis Wilson
Debt for 1000^{li} Sterl by bond for y^e discharge of the Loading of y^e Brigantine Speedwell in y^e yeare 1696. Defend^t alledging that y^e s^d Vessell had delivered her s^d ladeing that yeare in London which he could prove by sufficient Evidence, but not having as yet rec^d a certificate thereof, upon his motion ref^d till next Court.

Our Sovereign
Lord the King
vs
Andrew Gregg
Debt for 1000^{li} Sterl by bond; of which bond the Defend^t prayed *Oyer* which being to him read he pleaded *non est factum*, upon M^r Atto^{ry} Gen^l's motion y^e suit ref^d 'till the next Court to prove s^d bond.

Attorney Genll
vs
Wm Crawford
Debt for 1000^{li} Sterl by bond for y^e discharge of the Loading of the Ship Adventure in y^e yeare 1696. The Defend^t being Dead.
Dismist.

Our Sovereign
Lord the King
vs
Thomas Maddox
and
Daniel Neech
Scire facias—Judgm^t recovered y^e 21st of Aprill 1698, for three hundred seventy one pounds, Eighteene shillings & six pence lawfull money & Costs, renewed but

Upon the petition of y^e s^d Thomas Maddox & Daniel Neech noe Execution to issue for his Maj^{ties} part of y^e above mentioned Judgm^t untill his Maj^{ties} pleasure be known therein.

Our Sovereign
Lord the King
vs
Chs Ashton and
Anne his wife
Exx of ye last will
of
John Washington
Scire facias—to renew a Judgm^t recovered against y^e s^d John Washington At a Gen^l Court held the 20th of October 1697, for one thousand pounds Sterl & Costs.—Continued (upon the Dedend^{ts} plea that they have not Sufficient Assetts) 'till the next Gen^l Court for y^e Def^{ts} to bring an Acco^t of their Administration.

Truely taken from the Records of the Gen^l Court.

Per C. C. Thacker Cl Gen Cur

This is a true abstract of the Proceedings upon y^e Navigation Bonds now in Suit.

May 23: 1700

Barth Fowler

[C. O. 5, 1410 Continued]

At James Citty Aprill 15th 1700*Present*

His Excellency

Edward Hill
Edmund JeningsJohn Lightfoot
Benjamin Harrison Esq^{rs}

M^r Gawin Corbin haveing produced a letter from the Hono^{ble} Commissioners of the Customes to His Excellency and severall other papers therewith inclosed concerning the Ship Joseph Lewis Master, and the matter of fact (as to the loss of the said ship) appearing to be true, according to the representation thereof made to the said Commissioners, therefore,

Ordered, that the said Letter and other papers be delivered to M^r Attorney Generall, and that he cause the same to be affixed to the said Corbins bond (relating to the said ship) in discharge thereof. A Letter from his Excellency the Earl of Bellamont and another from Lieu^t Coll George Mason being read and appearing to relate to the Indians, the further Consideration thereof is referred till the Indians come to Town with their Tribute, and there be a fuller Council.

Ordered, that Lieu^t Coll George Mason Commander in Chief of the Militia in Stafford County do forthwith send David Straughan and Giles Tillit (or in case of their inability or other hindrance, such other understanding person's as he shall thinke fit) up to the Island where the Piscataway Indians lately lived in the head of Petowmeck River, to see whether those Indians are now in that place, what Condition they are in, how many of them there are, and make the best inquiry they can, whether any of them have lately been from that place, and whether they have seen any Strange Indians this Winter or the last fall, if they have what Nation they belong to, how many there were, and whether they went, of all which they are to take a particular account in writing, and returne it to the said Lieu^t Coll George Mason, who is immediately to transmitt the same to be laid before his Excellency.

Post Meridiem

Present

as before and

William Byrd Esq^r

This day his Excellency in Council delivered unto Cap^t John Aldred Commander of His Maj^{ty}s Ship the Essex-prize, an Order which he had lately received from the Right Hono^{ble} the Lord's Commissioners for executing the Office of Lord High Admirall of England Ireland &c for the said Cap^t Aldred's return to England with his Maj^{ty}s said Ship under his Command as soon as possible; and accordingly his Excellency directed the said Cap^t Aldred to let him know

in what time, he could be ready to sail, pursuant to their Lordship's Order, and what necessaries are wanting to fit the said Ship for going to England, and lay the same before him and the Council with the first conveniency.

Whereas Capt^t William Passenger Commander of his Maj^{ty}s Ship the Shoreham, hath laid before his Excellency and the Council such Orders and Instructions as he hath received from the Right Hono^{ble} the Lords Commissioners for executing the Office of Lord high Admirall of England Ireland &c for attending this Colony, whereby he is directed upon his arrivall here, to follow such Orders as he shall receive from the Governour here for the time being, for the security and Defence of this Colony; and whereas the said Cap^t William Passenger hath represented that he now wants nine men of the Compliment allowed for his Maj^{ty}s Ship under his Command, which men ran from him at the severall places where he hath touched since he left England, and also that he is in want of a Pylot to take charge of the said Ship, when he goes out to Cruise, the Master of her not being acquainted with this Coast, therefore,

His Excellency by advice in Council is pleased to direct, that warrants be prepared as in usuall in the like Cases, for the said Cap^t William Passenger to impress nine sailors, and for his having a Pylot for his Maj^{ty}s Service on board his said Ship.

And also by advice as aforesaid, the following Orders were drawn to be given unto the said Cap^t Passenger.

Francis Nicholson Esq^r his Maj^{ty}s Lieut and Governour Generall of his Colony and Dominion of Virginia and Vice-Admirall of the same.

Whereas by Order from the Right Hono^{ble} the Lords Commissioners for executing the Office of Lord high Admirall of England, Ireland &c (which Order is dated at the Admiralty office the sixteenth day of November 1699 signed by three of their Lordships viz^t: J. Bridgwater, G. Rooke, and Geo. Churchill, and Countersigned by J. Burchett) you are directed upon your arrivall here, with his Maj^{ty}s Ship under Your Command, to follow such Orders as you shall receive from the Governour here for the time being, for the security and defence of this Colony; and whereas you have now represented that you are in want of nine men to make up the Compliment allowed for the Ship you Command; and in regard the best conveniency of procuring the said men is from the Ships, which are shortly intended to sail from severall partes down Chisapeake Bay, and out at the Capes for England, and forasmuch as the most dangerous time of the year for Pyrates coming upon this Coast is now drawing near; therefore you are hereby directed to make all possible dispatch in getting the Ship you Command in a readiness to cruise, and accordingly you are to go out and Cruise in the Bay of Chisapeake and about the Capes thereof, for the Defence of this Colony against Pyrates, all which that you meet with, you are to take, sinke, burn, or otherwise destroy, as you best can.

You are also to use your utmost Endeavours for the detecting and preventing of illegall Trade, and for your better Guidance and

direction therein, you have this day received from me a book of rates, and some Acts of Parliament and other papers relating to that subject.

You are as much as in you lyes to give all furtherance, encouragement and assistance to all Ships and Vessels (legally qualified) trading into this Colony or passing through it to Maryland.

And that you may put the severall Orders aforementioned in effectuall execution, you are not to lye longer in any Rivers or Harbours than the necessary occasions of the Ship under your Command shall require otherwise you are to keep Cruising as long and as often as the Condition of the said Ship will permit.

And that You may be fully informed of every thing that is necessary for you to know for his Maj^{ty}s Service, I think it convenient to intimate unto you, that there are many reasons to believe, there will be so great a Scarcity of Provisions in this Country the next Fall that it will be very difficult if not altogether impossible to procure Victualling here for the Ship under your Command, and therefore I recommend it to your Care, that you take such measures as are proper for having Victualls sent you from England, and in regard Navall or Ordnance Stores are not to be bought here unless by accident and then at very extravagant prizes, therefore it will be requisite for you to use the same meanes for procuring them, as I have before recommended to you concerning your Victualling.

And you are by all oppertunityes to send me an Account of your proceedings; Given under my hand and seal at James Citty.

April 16, 1700

Present

His Excellency

William Byrd
Edward Hill
Edmund Jenings

Charles Scarborough
John Lightfoot
Matthew Page

Whereas upon Advice in Councill it is thought very necessary for his Maj^{ty}s Service to purchase a small Sloop which may serve for a Tender to his Maj^{ty}s Ship the Shoreham, for her more convenient wooding and watering, whereby the said Ship may be the better enabled to keep Cruising, and for going into Creekes, and small Inlets, and Shoal places where the said Ship cannot go, for the better detecting and preventing of illegall Trade, and for surprising of any Pyrates boates, which shall be sent on Shoar in any private places, or if occasion so require for being fitted out as a fire Vessell; and whereas M^r Josuah Broadbent hath offered a Sloop that he hath of twenty seven foot Keel, and tenn foot and an half beam, which (may be fit for the uses aforementioned) and he is willing to sell her for fourty pound's Sterl; therefore Cap^t William Passenger Commander of his Maj^{ty}s said Ship the Shoreham is directed to send some of his men to view the said Sloop, and if they think that she may be fitt for the said Services, then she is to be fitted in such manner as the said Cap^t Passenger shall

think most proper, for the severall uses aforementioned, wherein he is to imploy her as he sees convenient, and if any thing shall be wanting for that purpose, which cannot be supplied by the said Cap^t Passenger himself or by Cap^t John Aldred Commander of his Maj^{ty}s Ship the Essex-prize, then the said Cap^t Passenger is to apply himself unto Maj^r James Wilson and Cap^t Samuel Bush of Norfolk County or to either of them, to be furnished with such things as shall be necessary for that service, whereof an account is to be made and transmitted to his Excellency to be paid by him in the same manner as is directed concerning the Careening and refitting of the said Ship Essex-prize.

Whereas (in compliance with the Order of yesterday) Cap^t John Aldred Commander of his Maj^{ty}s Ship the Essex-prize hath represented that in Order to the said Ships returning to England, it is in his opinion absolutely necessary that she should be Careened and refitted in Elizabeth River to effect which, he shall want Credit for necessaryes, a Pylot to conduct the Ship and assistance with all the Carpenters that can be had to dispatch such worke as is to be done, therefore,

His Excellency in Councill is pleased to direct the said Cap^t Aldred to provide a Pylot, and that as soon as possible he can (wind and weather permitting) he do sail with his Maj^{ty}s Ship into Elizabeth River and there apply himself for a supply of all sorts of necessaryes whatever for the Careening and refitting of his Maj^{ty}s said Ship, unto Maj^r James Wilson and Cap^t Samuel Bush both of the County of Norfolk or to either of them, who are to give the said Cap^t Aldred such Credit and other Assistance as shall be sufficient for enabling him to provide the said necessaryes, and if need so require they or any one of them are to issue their or either of their warrant or warrants for the impressing Pylots, Carpenters or any other workemen, as shall be necessary for conducting the said Ship into and out of Elizabeth River and also for Careening and refitting her as aforesaid; and that all such persons as shall not be willing to accept the said Cap^t Aldred's bills upon the Commissioners of the Navy may be justly satisfied and paid for the worke they shall do, or Credit they shall give, or for any necessaryes they shall furnish the said Cap^t John Aldred with, the said Wilson or Bush or either of them shall take an exact account thereof signed with the said Aldred's own hand and by the other officers of the said Ship as is usuall, which account shall be immediately transmitted to his Excellency, who will cause the money to be paid for the same.

Whereas it has been represented by Cap^t John Aldred Commander of his Maj^{ty}s Ship the Essex-prize that he cannot be certain, when the said Ship will be ready to sail for England, according to Orders in that behalf given, not knowing what may be wanting to repair the Ship till she is Careened, and then he shall be able to give a good account thereof, but at present no time can be set for his sailing, that any Merchant Ships which desire the same, may take the opportunity of his Convoy, therefore,

His Excellency in Councill is pleased to direct, that the said Cap^t John Aldred do make all possible dispatch in Careening and

refitting the said Ship to go to sea and that as soon as may be he do prefix a certain day for his sailing, and accordingly give the merchant Ships notice thereof, that all such as desire the advantage of his Convoy may be prepared to sail by that time.

M^r Auditor acquaints his Excellency and the Council that M^r Eccles hath offered to buy the Ship Providence late of Dublin condemned in the Court of Admiralty as an illegall Trader and that he will give one hundred pound's Sterl in bills of Exchange for her, and that M^r Secretary Wormely and M^r Gawin Corbin offer themselves securities that the said bills shall be paid according to time, whereupon,

Ordered, that (if no one will give more) M^r Auditor do sell the said Ship to the said Eccles for one hundred pound's Sterl taking as afore is mentioned.

April 19 1700

Present

His Excellency

William Byrd
Edward Hill

Charles Scarburgh
Matthew Page Esq^rth

Michael Cole Master of the Ship Friends Adventure by his petition setting forth, that whereas he being bound on a Voyage from London to North Carolina with a design there to load with Tobacco for London again, and putting in at South Carolina to land some good's there he bought two Chests of Skinns and Furs four Tunns and an half of Logwood and twenty barrells of Rice and it so happening that he could not get into North Carolina with his said Ship by reason of a bank of Sand washed up at the going in thereof, he came with his said Ship into James River, where he being to stay sometime, was doubtfull the wormes might gett into his Skinns and Furrs, and praying liberty to ship the said Skinns and Furrs, Logwood and Rice on board some Ship bound directly for London without paying any other Duty for them, then what is already paid at the Port of South Carolina aforesaid. M^r Attorney Generall being of Opinion that the Logwood and Rice may be shipped on board another Ship and exported without paying any Duty but not the Skinns and Furrs, therefore,

Ordered, that liberty be given to the Petitioner to ship off and export only the said four Tunns and an half of Logwood and twenty barrells of Rice without paying duty as aforesaid, performing what other things the Law requires.

Nicholas Thomas Jones Master of the Sloop Ronoak- Merchant by his petition setting forth that whereas he being bound with his said Sloop with seven hundred bushells of Indian Corn from North Carolina to Maryland happened to put into James River with his said Corn where meeting with an opportunity of advantage in selling the said Corn to one bound to the Island of Bermoodus, prayed liberty

to sell the said Corn to be exported to the said Island. M^r Attorney Generall being of Opinion that a permit may be given to export Corn out of this his Maj^{ty}s Colony and Dominion that is not of the produce of this Countrey, therefore,

Ordered, that liberty be given to export the said Corn according to the said petition.

At James Citty April 24 1700

Present

His Excellency

Edward Hill
Edmund Jenings

Charles Scarburgh
John Lightfoot Esq^rs

Whereas it hath been represented by Cap^t William Passenger Commander of His Maj^{ty}s Ship the Shoreham, that in pursuance of an Order of the seventeenth Instant, he had sent his men in York River to survey M^r Broadbents Sloop the Spywell and that they reported to him, the said Sloop is very old and rotten and unfit for that service, except a great repair, her Stern, Cheeks of the Winless, and upper worke all rotten, her bottom sheathed four yeares ago (and then the bottom) was said to be very rotten when that sheathing was laid on, and their Opinion is that she cannot be worth more than fifteen pound's Sterl; so they would not bring her without further Orders, whereupon,

His Excellency by and with the Advice of his Maj^{ty}s Hono^{ble} Council is pleased to direct, that the said Cap^t Passenger do make enquiry of another Sloop, such as will be sufficient for the severall services proposed for the said Broadbent's Sloop to be employed in, and having found one to fitt her in like manner as before was directed concerning the said Sloop Spywell, and in the mean time that the said Cap^t Passenger proceed to Cruise according to Orders in that behalf to him heretofore given.

The Trustees and Governours of the Colledge of William and Mary in Virginia having made an offer to His Excellency and the Council of whatsoever Roomes within the said Colledge shall be wanted for the use of the Country to hold their Generall Meetings and Assemblyes till the Capitoll be built and fitted for that purpose, it is thereupon resolved and accordingly ordered, that the present Generall Court (at the end thereof) shall be adjourned to sitt at the said Colledge in October next.

Ordered, that M^r Attorney Generall do prepare warrant for the execution of John Ide (convicted of Murder) on Wednesday the eithth day of May next.

Upon the petition of George Young Clerk (against whom Judgment was given for a Clandestine Marriage for five hundred pound's Sterl: one half to the King and the other to Augustin Moor the Informer, and for one yeares imprisonment) now in the Custody of the Sheriff of James Citty County by order of the Generall Court for one year's imprisonment, Ordered that M^r Attorney Generall

do prepare a warrant to the said Sheriff to release the said Young from the said Imprisonment.

It being represented by Charles Scarburgh Esq^r that George Nicholas Hack who was appointed Sheriff of Accomack County for this ensuing year, was lately become *non compos mentis*, and thereby incapable for that service, Robert Pit is appoin [ed] Sheriff of the said County, and ordered that a Commission for the said Pit be prepared accordingly.

Upon the Petition and Submission of William Byrd his Excellency in Councill is pleased to remit a fine of five hundred pounds of Tobacco laid on the said Byrd by the County Court of James City in August last.

At James City April 25 1700

Present

His Excellency

William Byrd
Edward Hill
Edmund Jenings

Charles Scarburgh
John Lightfoot Esq^{rs}

Whereas it hath been represented by Richard Lee Esq^r Naval Officer of the Lower partes of Potowmeck River that the Ship Thorowgood of Lynn is lately come into that District without any Register, only she hath brought a Letter to his Excellency relating to that matter from the Hono^{ble} Commissioners of his Maj^{ty}s Customes, and therefore he prayes directions, whether the said Letter shall be accepted and admitted as a Register for the said Ship, and whereas M^r Attorney Generall to whom the same was referred hath reported that there appearing no Copy of the Register of the said Ship but only a letter from the Hono^{ble} Commissioners of his Maj^{ty}s Customes Dated at London the sixteenth of October 1699 Certifying that she was there Registered the twenty fourth of December 1697 as appears by their Generall Register &c and in regard the Owners may possible since that time be altered, and the name of the Owner is not mentioned in the said Letter, he is of Opinion that the said Ship cannot be permitted to Trade &c untill good security be given to answer to Our Sovereign Lord the King what may be objected against her for Trading without a Register therefore.

Ordered, that according to the said Report, the said Richard Lee Esq^r do take good security as aforesaid before he permit the said Ship to Trade, and that he keeps the Originall Letter aforementioned in his possession and give the Master of the said Ship an attested Copy thereof under the Seal of his Office.

Whereas it is found very inconvenient and chargeable for the Collectors and Navall Officers of Potowmeck River and the Eastern Shoar to come twice every year to attend the Auditor, and the Governours of the Colledge of William and Mary in Virginia, for the passing their Accounts, therefore,

It is Ordered that hereafter it shall be sufficient if the Collectors and Navall Officers of those Districts do attend (themselves in person)

once a year, to wit, at October Generall Court, for the making up of their Accounts provided they take care to transmit their Accounts and the moneys in their hands from time to time according to such directions as they shall receive therein from M^r Auditor and the Governours of the said Colledge for the time being.

M^r Secretary Wormely by his Letter to His Excellency makes his Excuse for being absent this Generall Court.

Ordered that M^r Auditor Byrd do prepare a Scheme of the best and most practical method of Collecting the Publick Revenues in this Colony, and lay the same before the Committee appointed to revise the Laws, for their Consideration.

This day the Collectors and Navall Officers waited upon his Excellency and presented him with a paper signed by them in the words' following, to wit,

Aprill 20 1700

May it please Your Excellency.

Your Excellency, having been pleased to lay before us the Subscribers Collectors and Navall Officers in the severall Districts of Virginia a Letter from the Lord's Justices to Your Excellency bearing Date the twenty fifth of July 1699 and having directed each of us, to give our opinions how illegall Trade may be remedyed and prevented, do in all humility represent, that we take the Lord's Justices Instructions of which Your Excellency hath sent Coppies to every one of us and commanded us to see them executed to be sufficient to detect illegall Traders, and that the Collectors and Navall Officers are so far from receiving obstruction or opposition that on the contrary they have at all times had due encouragment from the Governement in all things relating to the Legall execution of the respective offices nor do we know any better method according to the present circumstances of this Dominion than hath been already proposed by Your Excellency's Instructions and Notices from time to time and commanded by the severall Acts of Parliament relating to Trade and Navigation, which hitherto we have observed and resolve to our power to see executed for the future, all which is humbly submitted to Your Excellency by

Your Excellencies

Most humble and most obedient servants

Henry Scarburgh Collect^r
Edward Hill Jun^r Collect^r
W. Allerton D. Collect^r
P. Heyman Collect^r
W^m Buckner Collect^r of
Yorke District

Richard Lee Naval Officer
Robert Carter Naval Officer
John Custis Naval Officer
Miles Cary Naval Officer
W^m Wilson Naval Officer
Nathan: Harrison Naval Officer

The Judge and other Officers of the Court of Admiralty presented the following papers to His Excellency, to wit,

May it please Your Excellency.

Your Excellency having been pleased to communicate their Excellency's the Lord's Justices Letter of the twenty fifth of July

1699 requiring your constant protection and all due Encouragment to the Officers of the Court of Admiralty, which his Maj^{ty} has thought fit to establish here, do humbly represent that Your Excellency hath ever since your being in the Government given all due encouragment to the Officers of the said Court. And that we have not at any time met with any obstruction or opposition in the Execution of the said Office, we are with all duty
Virginia April 6 1700

Your Excellency's
Most obedient Servants
Edward Hill Judge
Miles Cary Register
John Taylor Advocate
Michael Sherman Marshall

His Excellency in Council signed the following warrants upon His Maj^{ty} Revenue of two shillings per h^d &c, to wit.

To his Excellency for four month's salary ending the twenty fourth day of this Instant inclusive, six hundred sixty six pounds, thirteen shillings four pence.

To his Excellency for house Rent the same time fifty pounds

To the Gentlemen of the Council one yeares salary ending the twenty seaventh day of this Instant—three hundred and fifty pounds.

To William Blathwait Esq^r Auditor and Surveyor General &c for four month's salary ending the twenty fourth day of this Instant thirty three pounds six shillings eight pence.

To Benjamin Harrison Clerk of the Council for salary the same time sixteen pounds thirteen shillings fourpence.

To the ministers that preached at James Citty the last Generall Court five pounds.

To Bartholomew Fowler Attorney Generall for four month's salary ending the twenty fourth day of this Instant inclusive thirteen pound's six shillings eight pence.

To the Sollicitor of the Virginia Affairs for salary the same time thirty three pounds six shillings eight pence.

To the Gunner at James Citty for salary the same time three pound's six shillings eight pence.

To Micajah Perry and Company Merchants in London for twelve Ream of Ruled paper for the Council Office twenty one pound's.

To Benjamin Harrison Clerke of the Council for Messages and other Contingent Charges of the Government eighteen pound's three shillings.

His Excellency in Council signed a warrant upon his Maj^{ty} Revenue of Quit-rents for eighty three pound's six shillings eight pence payable to M^r Comissary Blair for tenn months salary ending the twenty fourth Instant.

Ordered, that M^r Auditor Byrd do send for England for six Ream of Ruled paper for the Council office.

His Excellency laid before the Council severall Papers relating to the Clergy of this Colony, which are ordered to be laid before the Committee appointed to Revise the Laws for their Consideration thereof.

Ordered, that it be recommended to the Committee appointed to revise the Laws that they do Consider of the most proper method for the building of a Publick Prison; and also that they do prepare an Act for Ascertaining what shall be a sufficient attestation or Proof of any Instrument or writing transmitted hither from foreign Partes.

At James Citty May 6 1700

Present

His Excellency

William Byrd
Edward Hill

Edmund Jenings
Matthew Page Esq^{rs}

His Excellency acquainted the Councill that in the late Engagement between his Maj^{ty}s Ship the Shoarham and the Pyrate which was taken, Peter Heyman Esq^r His Maj^{ty}s Collector of the Lower District of James River was killed on board the said Ship Shoarham having behaved himself very well in the fight; therefore,

It is thought necessary and accordingly Ordered that (till further Orders shall be given therein by the Honorable Commissioners of His Maj^{ty}s Customes) the Navall officer of that District do sign all Entryes and Clearings of Ships and all papers thereunto relating both as Collector and Naval-Officer and that he keep a distinct account of all fees he shall receive as Collector from the Ships and Vessels now in the Country, and accordingly pay the same unto the Executor or Administrator of the said Heyman or such other person as shall be qualified to receive the same on that Account.

His Excellency acquainted the Councill that one Cap^t Lewis a French Pyrate (being raken in fight between His Maj^{ty}s Ship the Shoarham and him) had surrendered himself his Ship and men upon certain Conditions which His Excellency had granted them; which said Conditions were referred to M^r Attorney Generall for his Opinion thereupon; his Excellency also laid before the Councill the severall Orders he had given for raising the Militia in severall Countyes adjacent to the Sea on that occasion together with his promise of a reward of twenty pounds Sterl for every Pyrate that should be apprehended upon the land; by Virtue whereof one Pyrate had been taken who gott on Shoar in Lyn-haven Bay; and also his Excellency acquainted the Councill that two other Pyrates were taken out of one of the Merchant Ships which were retaking, which three Pyrates last mentioned were not included in the Conditions of Surrendry, therefore, Ordered, that pursuant to the Act of Assembly against Pyrates and Pryvateers M^r Attorney Generall do prepare a Commission for the Tryall of the said Pyrates at Elizabeth City County Court House on Munday the thirteenth Instant, and that Edward Hill Esq^r Judge of the Court of Admiralty in this Colony and Dominion of Virginia Edmund Jenings Esq^r, Charles Scarborough Esq^r, John Lightfoot Esq^r, Matthew Page Esq^r and Benjamin Harrison Esq^r Members of his Maj^{ty}s Honorable Councill of State in this Colony and Dominion

of Virginia, William Wilson, Anthony Armistead, Phillip Ludwell, Thomas Barber, Thomas Ballard, William Buckner, Humphry Harwood, William Cary, and William Roscow Gentlemen be appointed by the said Commission to performe that Service and also,

Ordered, that M^r Attorney General do prepare a Commission for Peter Beverley Gent to attend the said Commissioners as Clerke of the Arreignments; and that during that Service he have liberty to appoint a Deputy to execute his office as Clerke of Gloucester County Court; and because there will be many affairs to be dispatched by the said Beverley in a very short space of time; therefore M^r Dronisius Wright is Ordered to attend as his Assistant.

Whereas of late there have been severall Ships taken and plundered and some other sunke, burnt or otherwise destroyed by Pyrates lying off and hovering over the Coasts of this Dominion; and whereas certain Information hath been given that there is still one or more Pyrate or Pyrates on the Coast, so that it is very dangerous for any Ship to go to Sea without Convoy, therefore,

Ordered, that the thirtieth day of this month be sett for his Maj^{ty}s Ship the Essex-prize to be ready to sail for England, and that the Collectors and Naval-Officers of the severall Districts within this Colony do give Notice thereof to the Masters of all the Ships and Vessells within their respective Districts and that when any Ship or Vessell is cleared before the said thirtieth day of this month the Collector and Naval-Officer shall oblige them to come into the Mouth of James River to take the Convoy of the said Ship Essex-prize, and because there may be many ships which cannot get ready to sail by that time therefore it is directed that His Maj^{ty}s Ship the Shoarham shall be ready in twenty dayes after that time to convoy all the Ships which shall be then ready to sail about fifty or sixty Leagues without the Capes where the greatest danger is and so also from time to time once in twenty dayes His Maj^{ty}s said Ship the Shoarham is to go out to Convoy all Shippes and Vessells off the Coast; of all which the said Collectors and Naval-Officers are to give Notice as aforesaid, and to oblige the Masters of all Ships and Vessells they clear to come into the mouth of James River in Order to their having convoy as is afore directed.

Whereas the Coasts of this Dominion of late have been and at present are much infested by Pyrates, so that it is very dangerous for Merchant Ships to go to Sea without Convoy; and for as much as the thirtieth of this Instant is set for the sailing of his Maj^{ty}s Ship the Essex-prize for England, and publick notice is directed to be given thereof that all Masters of Ships and Vessells may take the oppertunity of that Convoy therefore, Ordered, that His Maj^{ty}s Ships the Shoarham and the Essex-prize do get ready as soon as possible and go out and Cruise in the Bay of Chisapeake, for the safety and defence of all Ships and Vessells coming down the same, to take the oppertunity of the said Convoy, and if they meet any Merchant Ships designed out of the Capes, they are to cause them to come into James River to take the Convoy; and that the said Ship Essex prize may be ready to sail on the said thirtieth Instant, Cap^t John Aldred the

Commander of her is directed to come in about a week before that time to provide and take on board wood and water for his voyage.

Whereas severall Pyracyes have lately been committed upon or near the Coasts of this Dominion for the prevention whereof for the future Orders have been given, and certain times appointed for the sailing of the Merchant Ships out of this Colony to the severall Ports whereunto they are bound, and for their being safe convoyed off the Coast; and for as much as all Ships tradeing to and from the Province of Maryland must of necessity pass between the Capes of Virginia and so may be protected and convoyed by the Ships of war attending this Colony, therefore,

By His Excellency and the Hon^{ble} Councill of State it is thought necessary for his Maj^{ty}s Service to transmit unto His Excellency the Governour of Maryland an exact Coppy of that Order which appoints the times for the Merchant Ships sailing from this Colony, that thereby (if he thinks fit) he may give directions for the Merchant Ships in Maryland to take the oppertunity of the same Convoy; And also to desire him that for the better guard and defence of the Coast he will please to give the necessary Orders unto Cap^t Peter Cood Commander of His Maj^{ty}s Advice boat the Messenger that as soon as conveniency will permitt the said Advice boat may be down at Kickquotann in the mouth of James River to pursue such Orders for the Defence of this Dominion as shall from time to time be unto him given by His Mis Excellency the Governour hereof.

M^r Auditor and M^r Attorney Generall (according to Order) reported that they have viewed the Land in Henrico County which formerly belonged unto Nathaniel Bacon Jun^r Esq^r and by his Attainder of high Treason now vested in his Maj^{ty}s; and that they find there is a seat of Land at a place called Curles in that County containing about four hundred and eighty Acres with Swamp and Marsh Land thereunto belonging and that there is adjoining to the Land at Curles about seaven hundred and fifty acres of woodland ground called the Slashes, both which they value at one hundred and fifty pounds' Sterl: allowing the Arrearages of Rent to the Person who shall purchase the same in consideration of severall Incumbrances upon the said Land; they also report that the said Bacon was seized in Fee of about fifty Acres of Land in Varina in the same County which they value at thirty pounds' Sterl: whereupon,

M^r Auditor is directed to agree with any Person that is willing to purchase the said Land's or any part thereof at the Rates aforementioned, and upon the payment of the money to cause Patents to be prepared for the same accordingly.

May 7 1700

Present

His Excellency

William Byrd
Edward Hill
Edmund Jenings

Matthew Page
Benjamin Harrison Esq^{rs}

Whereas severall Pyrates have lately been taken Prisoners and

a Commission of Oyer and Terminer hath issued for the Tryall of them at Elizabeth City County Court House on Munday the thirteenth Instant; and whereas besides the Justices mentioned in the said Commission and the Officers belonging to the Court, it will be necessary that Jurymen, witnesses, Guards, for the Prisoners and severall other Persons concerned should give their attendance at that time and place; therefore,

Ordered, that the Sheriff of the said County of Elizabeth City do take care that sufficient provision of Lodging and Dyet be made for the reception and accommodation of the said Justices, Officers, Jurymen, Witnesses, and other Persons, all which will be about one hundred in Number, and when the Court for the Tryall of the said Pyrates shall meet, they are to give directions what provisions shall be made for every day during their sitting; and that the severall Persons therein concerned may be satisfied and paid what shall be due to them on this behalfe, they are to make exact accounts of all such Expences to be signed by the Court and thereupon, M^r Auditor Byrd is directed to make payment for the same out of his Maj^{ty}s Revenue of two shillings per hoggshead.

William Cornick Gent: who was appointed Sheriff of Princess Ann County for the Ensueing year, having prayed to be excused from that Service, Benoni Burrough's Gent is appointed Sheriff of the said County, and ordered that a Commission be proposed accordingly.

Whereas it hath been represented by the Oath of William Fletcher Master of the Ship Barbadoes Merchant, of Liverpool lately arrived on the Eastern Shoar, that about thirty Leagues from the Capes, he was taken by Pyrates his Ship plundered, all his Masts cut down and thrown overboard, and all his Papers and amongst others his Register, Cocketts, Certificates, and Clearings taken away and destroyed, and therefore, he prayes such releif as the necessity of his Case requires; and whereas Charles Scarburgh Esq^r late Collector and Naval-Officer of the Eastern Shoar in behalfe of the said Fletcher it hath been represented that the said Ship hath used those partes many years, and the same Master in her last year produced his Certificates, Cocketts and Register all which are entered in his Bookes; and whereas by severall Persons which were taken Prisoners by the said Pyrates, information hath been given to His Excellency of the said Fletchers misfortunes, therefore,

His Excellency with the Advice of His Maj^{ty}s Hon^{ble} Council is pleased to direct that upon a Certificate made by the said Scarburgh of the truth of what he hath represented and upon the said Fletchers making oath that no Foreigner directly or indirectly hath any part in the said Ship and giving bond and security that she shall unload in England, Wales or the Town of Berwick upon Tweed, the Collector and Naval-Officer of the Eastern Shoar, may receive the Entry of the said Ship and permitt her to trade accordingly; and also that the said Collector and Naval Officer as far as in them lyes shall be assistant unto the said Fletcher in refitting his said Ship.

Whereas of late severall merchant Ships' have been taken and

plundered and some sunk, burnt and otherwise destroyed by Pyrates and Sea-Rovers sailing to and fro near the Coasts of this Dominion; And whereas certain Information hath very lately been given that some of the said Pyrates do still continue in these partes dayly takeing, plundering, and destroying Merchant Ships to the great prejudice and if not timely prevented to the utter ruin and destruction of the Trade of his Maj^{ty}s Plantations on this Continent, and also it seems very probable that those Pyrates will attempt to Land, and by robbing such People as live near the Sea Coasts to furnish themselves with Provisions and such other necessaries as they stand in need of, for the better enabling them to continue in that wicked and detestable Course of Piracy; for the detecting and preventing of which said mischeifs as much as may be;

His Excellency by and with the Advice of His Maj^{ty}s Hon^{ble} Council is pleased to direct and doth hereby require the Commanders in Cheif of the Militia in the Countyes of Elizabeth City, Norfolk, Princess Ann, Accomack, and Northampton and every of them that they do provide and appoint sufficient persons in every of the said Countyes respectively, to looke out upon the Sea Coast (untill further Orders shall be given therein) in manner following, to wit, Upon Point Comfort one man; to go backwards and forward's between Capes Henry and Lyn-haven River one man; between Cape Henry and Caratuck Inlett one man; upon Smith's Island or Mockon Island and so along the Seaboard Shoar of Northampton County one man; and upon the Seaboard Shoar of Accomack County one man; which Persons appointed to looke out as aforesaid if they see any Ship or Vessell upon the Sea they are diligently to observe their Courses and Actions, and particularly if any boat be sent on Shoar and if there appears any suspicion of their being Pyrates that they do immediately give notice thereof to the next Commission Officer of the Militia, and he is forthwith to intimate the same to the Commander in Cheif of the Militia in that County who is hereby directed to take such Care and give such Orders as shall be necessary for the Defence of his County, and for pursueing and apprehending any such suspicious Persons as shall come on Shoar in manner as is prescribed by one Act made the Last Session of Assembly for restraining and punishing of Pyrates and Pryvateers; and also to give imediate Notice to the Commanders in Cheif of the Militia in the other Countyes lying on the Sea Coast, that they also may be prepared to defend themselves and pursue and apprehend the said suspicious Persons as aforesaid; and every such Commander in Cheif upon intimation given as aforesaid, is forthwith to dispatch an Express to his Excellency with a particular accountt thereof, and of what Orders and directions he hath given therein; and (if possible) to give intimation of the same unto Captain William Passenger Commander of his Maj^{ty}s Ship the Shoarham, with the best information and advice he can, of the most probable meanes of either taking or destroying such Ship or Vessell suspected of Piracy as aforesaid.

And His Excellency with Advice as aforesaid doth further recommend it to the Officers and Inhabitants of Princess Ann County

that they do still continue diligent in their Endeavours against the Pyrates, as of late they have been whereby they have faithfully and very commendably discharged their Duty in that behalf; and that the better intelligence may be given to the said Cap^t Passenger from the said County of Princess Ann, of any such Ship or Vessell as aforesaid shall be by them discovered upon the Coast, or of any other danger they may apprehend, Maj^r John Thorowgood is hereby directed to provide a boat and hands and keep them ready at some Convenient place to be sent off upon any such occasion.

And for the further encouragement of all Persons to be diligent in the pursuit and apprehending any such Pyrates, His Excellency is pleased to declare in Councill that for every Pyrate which shall be apprehended by force or killed in the pursuit on land he will give a reward of tenn pounds Sterl: to the Person or Persons so apprehending or killing them or any of them, and this he requires the Commanders in Cheif of the severall Countyes aforementioned to make known unto all Persons within their respective Countyes, and also to require their more particular regard to a Proclamation concerning Pyrates Dated at James Citty the eighteenth day of March Last.

Post Meridiem

His Excellency was pleased to acquaint the Councill that a Ship and about one hundred Pyrates were lately taken by His Maj^{ty}s Ship the Shoarham, and that the Conditions of the Capture were in the following words: Whereas Cap^t Lewis Commander of the Lay Paste [La Paix] hath proferred to surrender himselfe, men and Ship together with what effects thereunto belongeth provided he may have quarter which I grant him on performance of the same and referr him and his men to the mercy of my Royal Master King William the third whom God preserve; which said Conditions were referred to M^r Attorney Generall for his Opinion, who reported the same as followeth, I am of Opinion that all Pyrates taken and brought Prisoners into this His Maj^{ty}s Colony and Dominion ought to be tryed in this His Maj^{ty}s Colony and Dominion but His Excellency having been pleased to refer severall Prisoners taken as Pyrates to the mercy of his most sacred Maj^{ty} it lyes in His Excellency to dispose of the said Prisoners accordingly whereupon,

It is resolved and accordingly Ordered that the said Pyrates be sent to England as soon as possible, and for the more speedy dispatch of that affair, it is directed that thirty of them which are the least resolute and dangerous be sent in his Maj^{ty}s Ship the Essex prize, and the rest to be distributed in smaller parcells, among the severall Merchant Ships according to the Number of their men, but none of them are to be put on board that Ship where their Captain goes; and for the better securing them in the Passage it is directed that Irons be procured for their hands, to be kept on at all times, and that in the Nights their Leggs be also tyed to prevent any mischeif they might otherwise attempt to committ.

M^r Auditor Byrd laid before the Councill a State of the Account

of His Maj^{ty}s Revenue of two shill per hoggshead, and Port Dutyes, Ending Aprill y^e twenty fifth 1700. Exclusive, whereby it appears there is due unto His Maj^{ty} from M^r Auditor the Sume of one thousand thirty two Pounds Eleven Shillings and one Penny half Penny, and also he presented a State of the Account of His Maj^{ty}s Revenue of Quit rents in this Colony whereby there appears to be due unto His Maj^{ty} from M^r Auditor the Sume of three thousand five hundred ninety two Pounds four Shilling's three Pence Sterl.

Ordered that five Pounds' Sterl be paid to M^r Attorney Generall out of the money which shall be paid for the purchase of the Land of Henrico County late the land of Nathaniel Bacon Jun^r Esq^r attainted of High Treason.

M^r Attorney Generall (according to the Order of yesterday) presented a draught of a Commission for the Tryall of certain Pyrates at Elizabeth City County Court House on Monday the thirteenth Instant, and the same being read in Councill and approved was ordered to be transcribed for his Excellency's signing thereof.

M^r Auditor Byrd (according to the Order of yesterday) reported that pursuant to the directions of His Excellency and the Councill he had agreed with Lieu^t Coll William Randolph of Henrico for the purchase of two tracts of land in the said County of Henrico one called Curles, the other called the Slashes with all the Arrearages of rent due for them; and that the said Randolph has paid him one hundred and fifty Pounds' Sterl: for the same, whereupon (according to the said Order) he had caused a Patent to be prepared granting the said Land's and His Maj^{ty}s Right to the Arrearages of Rent unto the said William Randolph and to his heirs and assignes for ever; which said Patent being read in Councill and approved, the same was accordingly signed by His Excellency.

William Smelt having exhibited an account of certain Expences he hath been at, in entertaining severall Pyrates when they were brought on Shoar at Kickquotann, and in furnishing the men that Guarded the said Pyrates with severall Necessaryes therefore,

Ordered, that in satisfaction of the said Account M^r Auditor do pay the said Smelt eight pounds Sterl: out of His Maj^{ty}s Revenue of two Shillings per hoggshead.

Cap^t William Passenger Commander of His Maj^{ty}s Ship the Shoarham and Cap^t John Aldred Commander of His Maj^{ty}s Ship the Essex-prize being in Town they were sent for to attend His Excellency and the Councill in the Councill Chamber, whether being come His Excellency was pleased to acquaint them that he had been an Eye witness how well they had behaved themselves for his Maj^{ty}s Service in the late Engagement with the Pyrates which were taken, and that he did in his Maj^{ty}s behalfe give them thanks for their good Service. He was also pleased to acquaint the said Cap^t Passenger that if any part of the Prize belonged to Him as Governour being on board in the fight, he would not make any pretentions thereto, but did freely give to him (the said Cap^t Passenger) and recommended to him to take Care of His Maj^{ty}s Interest therein, and that His Excellency might be the better enabled to give a true account of that offair, on

all such occasions as he should find necessary, he directed the said Passenger as soon as possible he could, to lett him have a Coppy of his Journall, his Excellency was further pleased to add that during the said Engagement he had observed the said Ship Shoarham to be very weakly mann'd, that severall of her men appeared to be raw and unskillfull, and that there [were] many boyes amongst them; to which Cap^t Passenger answered, that it being time of Peace the full Compliment of men was not allowed as was usuall in time of warr, and as (indeed) was necessary on such an occasion; therefore, His Excellency recommended it to him that he would write to the Right Hon^{ble} the Lord's of the Admiralty concerning that matter, and desire them to allow him his full Compliment of men, for that in these partes it is (in a manner) open warr, the Coasts being dayly infested by Pyrates; His Excellency was also pleased to acquaint the Council that after the Pyrates were taken, Cap^t Passenger being apprehensive of danger if they continued on board, at his request they were landed and put into the Custody of the Officers of the Militia in Elizabeth City County where at present they remain.

Ordered, that the Purser, of his Maj^{ty} Ship the Shoarham, do make an exact account of all such Victualls as he hath expended for the subsistance and accommodation of the Pyrates which were taken on board the said Ship, and that he cause the said account to be laid before His Excellency, for his signing thereof; in Order to its being allowed by the Commissioners in England.

May 8 1700

His Excellency in Council signed the Commission for Trying the Pyrates at Elizabeth City County Court House, and also a Commission to Peter Beverely Gent: to attend thereupon as Clerke of the Arreignments; and was further pleased to direct M^r Attorney Generall to provide accordingly for the Prosecution of the said Pyrates.

At a Councill held at James Citty.

May the 22 1700

Present

His Excellency

William Byrd
Edward Hill

Edmund Jenings
John Lightfoot Esq^{rs}

His Excellency was pleased to acquaint the Council that by His Orders of the 28th of the last Moneth for Raising the Militia in the Severall Countyes on the Western Shoar of Chisapeake Bay on Occasion of the Pyrates being in Lynhaven Bay he had directed the said orders to be sent (by the Commander in Cheif of Northumberland County) over Potowmock River to the next officer in the Province of Maryland w^{ch} said officer he did thereby desire to send the same by Express to his Excellency y^e Governour of Maryland that he

might take such Measures for his Maj^{ty}s Service as to him should seem proper for the defence and preservation of that Province; but being lately Informed by a Letter from the said Governour of Maryland that y^e s^d Orders or any intimation of them had never come to his hands, therefore,

Ordered that Inquiry be made of the Commanders in Cheif of the Militia in the severall Countyes through which the said Orders were directed to be sent whether they have obeyed his Excellency's Commands therein which said Commanders in Cheif are forthwith to Certify his Excellency of y^e truth in the Premises, and if y^e said orders were not sent as directed through any County the Commander in Cheif of that County is to Certify y^e same together with y^e Causes of such failure.

His Excellency was pleased to lay before y^e Councill the severall Papers hereafter mentioned to wit
The Tryall and Condemnation in y^e Court of Admiralty of the Ship Peace taken from the Pyrates by his Maj^{ty}s Ship y^e Shoarham May 11: 13: 14: 15: Anno Dom: 1700 and y^e following letters to his Excellency.

Ralph Wormeley Esq^r Dated May 7 1700.

Robert Carter Esq^r Dated May 9 1700

Edmund Jenings Esq^r his Excuse for not attending at Kick-quotann on the tryalls of y^e Pyrates Dated May 12 1700.

Benj^a Harrison Esq^r his Excuse for not attending at this Councill Dated May the 21 1700.

His Excellency the Governour of Maryland's letter dated May the 11: 1700.

Gov^r of Maryland's Warrant to Cap^t Cood May 12: 1700.

Governour of Maryland's letter May 15 1700.

Proceedings of y^e Councill of Maryland ab^t y^e advice boat Messenger May 4 1700.

His Excellency's letters to y^e Governour of Maryland Dated May 4: 9: 18: 1700.

The Depositions before His Excellency of John Gallon [Galt elsewhere] and Robert Lurten concerning John Matthews and W^m Mackay and their Confession (No Date).

His Excellency's Warrant for the Committment of Matthews and Mackay May 13 1700.

Warrant to y^e Sheriff of Princess Anne to Execute the Pyrates pursuant to such Orders as he shall receive from Edward Hill Esq^r Judge &c May 15, 1700.

Letter to Cap^t Passenger May 18 1700 wth a postscript.

Orders to Cap^t Aldred to pursue Bayly &c May 12 1700.

Cap^t Aldred's letter May 15 1700 and y^e answer to it May 18 1700.

Cap^t Passengers letter May 17 1700 with his Journal Ending Aprill 29 1700.

Cood's Letter about Six gunns from y^e Prize May 20 1700.

Cap^t Passengers Letter May 21st 1700.

Cap^t Samuel Push's [Bush elsewhere] May y^e 20 1700 with acco^{ts} of Disbursements on y^e Shoarham and Essex prize.

Edward Ross Gunner at James City laid before the Councill

an acco^{tt} of what Powder he hath lately delivered for his Maj^{ty}s Service on board his Ship the Shoarham and upon other Occasions, whereupon his Excellency was pleased to acquaint the Council that he designed to write to y^e Right Hon^{ble} y^e Lords of y^e Council of Trade to pray their favour in behalf of this Colony that their Lordships may become Intercessors to his Maj^{ty} that he will please to give directions for y^e said Powder (which at severall times this Govern^{mt} hath lent to y^e Men of War) to be returned in Musckett Powder made up in halfe and Quarter Barrels for y^e more convenient removing y^e same from place to place as occasion shall require.

M^r Attorney having prepared a proclamation for y^e Prevention of Strange Seamen wandering from place to place within this Dominion y^e same was read and being approved was signed by his Excellency in Council and also ordered that it be recommended to y^e Committee appointed to revise y^e Laws that they do consider of the most proper methods to prevent y^e entertaining of Strange Seamen in this Countrey and for y^e more effectually preventing of Merchant Ships sailing from hence without Clearings according to law and that they do prepare a bill accordingly.

Ordered that y^e Commander in Cheif of the Militia and the Sheriff of James City County (by such means as they think Cheapest and easiest do cause Six of y^e smallest Pieces of Ordnance now at James Town to be carryed to y^e City of Williamsburgh together with y^e great Shott and all other things belonging to y^e Gunners Stores (except y^e Powder) the said Peices of Ordnance and the Shott to be laid down upon or near y^e place designed for building the Capitoll and y^e other things to be lodged in some Convenient place in y^e Colledge of William and Mary in Virginia.

Ordered that y^e Sheriff of y^e severall Countyes within this Dominion do make diligent inquiry within their respective Countyes how many open Sloops and boats are belonging to y^e inhabitants thereof and forthwith returne an Acc^{tt} of the same together with their owners names unto the Council office at James City as soon as conveniently may be.

Ordered that y^e Collectors and Naval Officers of y^e severall districts within this Dominion do make diligent inquiry within their respective districts what trading Ships and Vessells there are belonging to y^e inhabitants thereof and returne an account of y^e same together with y^e burthen force built and owners names of all such Ships and Vessells unto y^e Council Office at James City as soon as conveniently may be.

May 23

His Excellency was pleased to lay before y^e Council y^e proceedings of his Excellency y^e Governour and his Maj^{ty}s hon^{ble} Council of y^e Province of Maryland upon y^e fourth day of this Instant May concerning his Maj^{ty}s advice boat y^e Messenger Cap^t Peter Cood Commander wherein it appears that y^e Council of that Province are of opinion that y^e said Cap^t Cood and y^e Vessell under his Command may be very serviceable to his Maj^{ty} in that Province in

detecting fowle traders there but that since she is so small a Vessell and of no force having only four small gunnes she can be no defence to y^e Coast (which seemes to be pretty well guarded by y^e arrvall [arrival] of his Maj^{ty}s Ship y^e Shoarham a Ship of good force and Countenance) neither is she fit to go out of the Coast having only two Months Provision and being so small that she will scarce be able speedily to get in again and if that she should be only made use of to lye at Point Comfort y^e worme biting much more there than in Maryland she would be mightily endangered if not utterly destroyed thereby however if any materiall occasion sould happen wherein she may be usefull they advise his Exce^{ty} y^e Gov^r of Maryland upon notice to give such necessary orders as he shall think fit it being considered that her number of men may perhaps be usefull Otherwise that she go up to Turkey Point to avoid the worme. All which proceedings being maturely Considered by His Excellency y^e Governour and y^e Councill of this Dominion they are sorry the said Advice Boat is not sheathed and that she is in such want of Provisions but she cannot be supplied here not being able to furnish His Maj^{ty}s Ship the Essex Prize which hath already been presented home for England, they are of opinion that if y^e said Advice Boat can be sent hither this Summer she will be very Serviceable (having orders to receive Six gunns here which will be a great addition to her force) for she being small may go into Smiths Island River and other Shoal Places about y^e Capes where Pyrates do sometimes haunt and there is not Water Enough for his Maj^{ty}s Ship y^e Shoarham. However if she cannot be sufficiently Provided with all Necessaryes and sent hither but must be laid up at Turkey Point they recommend it to y^e Consideration of his Excellency y^e Govern^r and Councill of Maryland that they give y^e Necessary directions for y^e men belonging to y^e said advice boat to be employed in a Sloop to Cruise in Delaware Bay for Detecting Illegall traders there pursuant to y^e instructions of y^e Right Hon^{ble} y^e Lords of y^e Admiralty to y^e said Cood in that behalfe Given.

Gawin Corbin Esq^r late Collector of Rappahannock River having Complained to his Excel^{ty} of greater fees and Charges than ordinary allowed to y^e Judge and other officers of y^e Court of Admiralty upon y^e Condemnation of y^e Ship Providence late of Dublin and y^e same having been referred to y^e said Judge and other officers to answer and to M^r Auditor to report his Opinion thereupon all which being now laid before His Excellency and the Councill and Consideration had thereupon they are of Opinion that y^e said fees and Charges allowed to y^e said Judge and officers are very reasonable and Ordered that y^e same be paid Accordingly.

Then His Excellency and y^e Councill entered upon y^e Consideration of y^e most proper Methods to be used for sending y^e Pyrates lately taken for England pursuant to y^e result and Determination of y^e late Councill and inquiry being made for Provisions for y^e said Pyrates subsistance in y^e Passage W^m Byrd Esq^r offered to provide tenn barrells of Pork, and Edmund Jenings Esq^r offered to provide twelve barrells of Porke and Beef and Sixty bushells of Indian Pease

for that Service which are accordingly accepted and Ordered that they be sent down to Kickquotann and delivered unto Captain William Passenger Commander of his Maj^{ty}s Ship y^e Shoarham and unto Cap^t John Aldred Commander of his Maj^{ty}s Ship y^e Essex Prize or to one of them to be disposed of according to such Orders as shall be given them in that behalfe.

And for y^e better and more Convenient Proportioning of y^e said Pyrates and putting them on board severall Ships in Order to their being Carryed for England y^e Necessary Orders and Directions were thereupon given unto y^e said Passenger and Aldred in these words to wit

Virginia 55

By His Excellency Francis Nicholson Esq^r His Maj^{ty}s
Lieut. and Governour Gen^l of Virginia In Councill

Whereas with y^e Advice of his Maj^{ty}s Hon^{bl}e Councill of State I have determined by y^e first Conveniency to send for England all y^e Pyrates lately taken Prisoners by his Maj^{ty}s Ship Under your Command in Order to their being disposed of as his Maj^{ty}s in his Royall mercy shall think fit according to y^e Articles of their Surrendering themselves Prisoners, And whereas there is now y^e best opportunity of sending them which can possibly happen this Year by reason of his Maj^{ty}s Ship y^e Essex Prize and a great number of Merchant Ships being very shortly designed to sail for England, Therefore you, together with Cap^t John Aldred Commander of his Maj^{ty}s Ship y^e Essex Prize shall forthwith receive all y^e said Pyrates from Lieut Coll William Wilson Commander in Cheif of y^e Militia in Elizabeth City County who is directed to deliver them to you at y^e Waterside and therefore for y^e better and more expeditious distributing them amongst y^e severall Ships which shall appear sufficient to carry them you are to observe y^e severall orders and Directions hereinafter expressed.

It being directed that thirty of y^e said Pyrates such as are lest resolute and Dangerous shall be sent in y^e said Ship y^e Essex Prize therefore y^e said Cap^t John Aldred Commander of that Ship is first of all to take his Choise of thirty of them such as he shall think least dangerous for him to Carry provided alwayes that amongst them and as a part of that number he is to take those that are most dangerously wounded and their Chirurgion to take Care of them in y^e Passage and for y^e Disposing of y^e remainder of y^e said Pyrates you together with y^e said Cap^t Aldred shall take care to be well informed of y^e number of y^e Merchant Ships designed to sail under y^e Convoy of y^e said Ship Essex Prize for England and of their force and y^e number of their men and if their be Ships bound for London sufficient to carry y^e said Pyrates without danger in y^e Passage then they are all of them to be put on board those Ships being by your Self and y^e said Aldred proportioned amongst them in such manner as shall be most Convenient having regard to y^e force of y^e Ships and y^e number of y^e men and if there shall not be Ships bound for London

sufficient to Carry y^e said Pyrates then such of them as remain shall be put on board such of y^e Ships bound for Bristoll and Plymouth as shall be best qualified to receive them alwayes observing that on board what Ship soever you put y^e Cap^t of y^e Pyrates you are not to put any other of them on board that Ship.

You are to take Care that when you receive y^e Prisoners from y^e said Wilson you are also to receive Manacles (or Irons to fasten their hands) for every one of them which you are accordingly to deliver with them to y^e severall Masters of y^e Ships that you shall appoint to carry them for England and at y^e time you deliver them you shall also deliver such a Proportion of Victualls as you shall think sufficient for them in y^e Passage and that y^e Merchant Ships may be as little troubled as possible in this affair you are to Cause your own boats to Carry y^e Prisoners and their Provisions on board and to take receipts of y^e severall Masters of Ships that shall receive y^e same.

And that no Master of any Ship may refuse to take on board such of y^e said Pyrates as shall be allotted to them in manner aforesaid Herewith are Inclosed a Sufficient number of blank warrants under my hand and y^e Seal of y^e Colony with instructions thereto annexed for y^e management, transportation and Delivery of them w^{ch} warrants and instructions you are to fill up with y^e Masters and their Ships Names and y^e number and Names of y^e Prisoners respectively as they shall be proportioned and deliver them accordingly.

And that sufficient Provision may not be wanting on this occasion you shall cause y^e Provisions taken in y^e Pyrate Ship to be appraised by sufficient men upon their oaths and then you are to distribute y^e same in manner afore directed for y^e Prisoners in their Passage, And also you are to receive tenn barrels of Porke which will be delivered you by y^e Order of W^m Byrd Esq^r and twelve barrels of Beef and Porke and 60 bushells of Indian Pease which will be delivered you by y^e Order of Edmund Jenings Esq^r all which are to be distributed, in manner aforesaid for subsisting y^e Prisoners in their Passage.

And because severall of y^e said Prisoners are left almost destitute of Cloathing sufficient to cover their nakedness therefore for cloathing and other Necessaryes for them in y^e Passage you shall Allow them so much of y^e Canvas and old Sails that were taken in their Ships as you shall think sufficient for those uses. And that y^e Masters of y^e Merchant Ships may be y^e better enabled to keep their Prisoners in Subjection During y^e Passage if any of them (not having any of their own) shall apply themselves to you for small armes you shall either out of such armes belonging to y^e Ship under your Command as may be spared or such as were on board the Pyrates Ship give them all y^e Assistance therein that possible you can.

And for y^e more convenient transportation of y^e said Prisoners you are to take notice that they must be proportioned as well amongst y^e Merchant Ships belonging to Maryland as those sailing from Virginia.

And Whereas by your Letter of y^e twenty first of this Moneth

you have desired four of y^e Gunns belonging to y^e Pyrates Ship to be mounted on board his Maj^{ty}s Ship under your Command and also you have desired an Order to Dispose of y^e bread flower &c therefore you are hereby authorized and Directed to take such of y^e said Guns or any other things belonging to that Ship and employ them as to you shall seem most Conducing to his Maj^{ty}s Service on board y^e Ship under your Command and you are to deliver unto Cap^t Peter Cood Commander of his Maj^{ty}s Advice boat Messenger Six of y^e said Guns which he hath Desired to have for his Maj^{ty}s Service on board y^e said advice boat y^e Provisions you shall dispose of in manner hereinbefore directed, and for y^e said Ship and all other things thereto belonging you are to sell y^e same to y^e best Advantage you can and you shall from time to time give me an account of your proceedings in pursuance hereof. Given under my hand and his Maj^{ty}s Seal of the Colony this three and twentieth day of May in y^e twelfth year of y^e Reign of Our Sovereign Lord King William y^e third of England &c Annoq Dom 1700.

To Cap^t William Passenger Commander of His
Maj^{ty}s Ship the Shoarham.

Virginia ss

By his Excellency Francis Nicholson Esq^r His Maj^{ty}s
Lieut and Gov^r Gen^l of Virginia In Councill

Whereas with the Advice of His Maj^{ty}s Hon^{ble} Councill of State I have determined by y^e first Conveniency to send for England all y^e Pyrates lately taken Prisoners by his Maj^{ty}s Ship y^e Shoarham Cap^t William Passenger Commander in order to their being disposed of as His Maj^{ty}s in his Royal Mercy shall think fit according to y^e articles of their surrendering themselves Prisoners. And whereas there is now y^e best oppertunity of sending them which can possibly happen this year by reason of his Maj^{ty}s Ship under your Command and a great number of Merchant Ships being very shortly designed to sail for England Therefore you together with y^e said Cap^t Passenger shall forthwith receive all y^e said Pyrates from Lieut Coll W^m Wilson Commander in Cheif of Elizabeth City County (who is directed to deliver them at y^e Waterside) and for y^e better and more Expeditious distributing them amongst y^e severall Ships which shall appear Sufficient to carry them; you are to observe y^e severall orders and directions herein after expressed.

It being directed that 30 of y^e said Pyrates such as are least resolute and dangerous shall be sent in y^e Ship under your Command therefore you are first of all to take your Choise of thirty of them such as you shall think it least dangerous for you to Carry provided always that amongst them and as a part of that number you are to take those that are most dangerously wounded and their Chirurgion to take Care of them in y^e Passage And for y^e disposing of y^e Remainder of them you together with y^e said Cap^t Passenger shall take care to be well informed of y^e Number of Merchants Ships designed to sail under y^e Convoy of y^e said Ship Essex Prize for

England and of their force and y^e number of their men and if there be Ships bound for London Sufficient to Carry y^e said Pyrates without Danger in y^e Passage then they are all of them to be put on board those Ships being by your [you] and y^e s^d Passenger proportioned amongst them in such manner as shall be most Convenient having regard in y^e force of y^e Ships and y^e Number of y^e Men and if their shall not be Ships bound for London sufficient to carry y^e said Pyrates then such of them as remain shall be put on board such of y^e Ships bound for y^e Ports of Bristoll and Plymouth as shall be best qualified to receive them alwayes observing that on board what Ship soever you put y^e Cap^t of y^e Pyrates you are not to put any other of them on board that Ship.

You are to take care that when you receive y^e Prisoners from y^e said Wilson you are also to receive Manacles (or Irons to fasten their hands) for every one of them which you are accordingly to deliver with them to y^e severall Masters of y^e Ships that you shall appoint to Carry them for England and at y^e time you deliver them you shall also deliver such a proportion of Victuals as you shall think sufficient for them in y^e Passage And that the Merchant Ships may be as little troubled as possible in this Affair you are to Cause your own boats to Carry y^e Prisoners and their Provisions on board and to take Receipts of y^e severall Masters of Ships that shall receive y^e same.

And that no Master of any Ship May refuse to take on board such of y^e said Pyrates as shall be allotted to them in manner aforesaid herewith are inclosed a sufficient number of blanke Warrants under my hand and y^e Seal of y^e Colony with instructions thereto annexed for y^e management transportation and Delivery of them which Warrants and Instructions you are to fill up with y^e Masters and their Ships Names and y^e number and names of y^e Prisoners respectively as they shall be proportioned and deliver them accordingly.

And that sufficient Provisions may not be wanting on this Occasion you shall cause y^e Provisions taken in y^e Pyrates Ship to be appraised by sufficient men on their Oaths and then you are to distribute y^e same in manner afore directed for y^e Prisoners in their Passage and also you are to receive tenn Barrells of Porke which will be delivered you by y^e Order of William Byrd Esq^r and twelve barrells of Beef and Porke and sixty bushell of Indian Pease which will be delivered you by y^e Order of Edmund Jenings Esq^r all which are to be distributed in manner aforesaid for subsisting y^e Prisoners in their Passage.

And because severall of y^e said Prisoners are left almost destitute of Cloathing sufficient to cover their Nakedness therefore for Cloathing and other necessaryes for them in y^e Passage you shall allow them so much of y^e Canvass and old Sails that were taken in their Ship as you shall think sufficient for those uses.

And that y^e Masters of y^e Merchant Ships may be y^e better enabled to keep their Prisoners in subjection during the Passage if any of them (not having any of their own) shall apply themselves to you for small armes you shall either out of such armes belonging to

y^e Ship under your Command as may be spared or such as were on board y^e Pyrates Ship give them all y^e Assistance therein that possible you can.

And for y^e more Convenient transportation of y^e said Prisoners you are to take notice that they must be proportioned as well amongst y^e Merchant Ships belonging to Maryland as those sailing from Virg^a. And at all times during your Passage you shall use your best endeavours for securing y^e thirty Prisoners on board y^e Ship under your command and for carrying them safe for England where as soon as you arrive you are forthwith to acquaint one of y^e R^t Hon^{ble} His Maj^{ty}s Principall Secretaries of State and y^e R^t Hon^{ble} y^e Lords of y^e Admiralty therewith and with y^e number and names of y^e Prisoners you have on board and Deliver them according to their Directions to you in that behalf given and if any Merchant Ships having Prisoners on board them shall arrive in any Port of England with you, you are to give the Necessary Directions for y^e delivery of their Prisoners they being Ordered to deliver them to you or to whom you shall appoint and also you shall acquaint his Maj^{ty}s said Secretary of State and y^e Lords of y^e Admiralty that you and severall of your men were of [on] board his Maj^{ty}s Ship y^e Shoarham during y^e whole engagement with y^e Pyrate and you shall also send them a List of your mens names that were then on board y^e said Ship to y^e intent that you and they may be summoned for witnesses against y^e said Pyrates as occasion shall require.

And Lastly I am to recommend to you that pursuant to y^e Order of y^e Right Hon^{ble} y^e Lords of y^e Admiralty directing your returne to England you give Convoy to all Merchant Ships you meet with bound your way and particularly to those now going in Company with you and under your Convoy from Virginia and Maryland. Given under my hand and his Maj^{ty}s Seal of y^e Colony this three and twentieth day of May in y^e twelfth year of y^e Reign of King William y^e third of England &c *Annoq Domini* 1700.

To Cap^t John Aldred Commander of
his Maj^{ty}s Ship y^e Essex prize.

And that y^e said Pyrates may with y^e most ease and Conveniency be delivered unto y^e said Passenger and Aldred to be by them put on board y^e severall Merchant Ships allotted to Carry them y^e following Orders were given unto Lieut Coll W^m Wilson Commander in Cheif of y^e Militia in Elizabeth City County to wit

Virginia ss.

By his Excellency in Council

Whereas with y^e Advice of his Maj^{ty}s Hon^{ble} Council I have given directions to Cap^t William Passenger Commander of his Maj^{ty}s Ship y^e Shoarham and Cap^t John Aldred Commander of his Maj^{ty}s Ship y^e Essex Prize, to proportion y^e Pyrates lately taken Prisoners amongst y^e severall Merchant Ships now designed for England in order to their being sent thither therefore you are to Cause all y^e said Pyrates being Prisoners in y^e Custody of y^e severall officers of

y^e Militia under your Command to be carryed down to Hampton Town and there to be delivered unto y^e said Passenger and Aldred or to either of them or their order in such manner as they can best receive them and for so doing this shall be your warrant Given under my hand and his Maj^{ty}s Seal of y^e Colony this three and twentieth day of May in y^e twelfth year of y^e Reign of Our Soverign Lord William y^e Third King of England &c *Annoq Dom.* 1700.
To Lieut Coll William Wilson Commander
in Cheif of the Militia in Elizabeth City
County.

And that ye Masters of y^e Merchants Ships May not Refuse to receive y^e said Pyrates on board their Ship y^e following precept was Directed to them, to wit,

Virginia ss.

By his Excellency in Councill

Whereas severall notorious Pyrates in a Ship call'd La Paix have been lately taken in this his Maj^{ty}s Colony and Dominion by His Maj^{ty}s Ship y^e Shoarham Cap^t William Passenger Commander and are by me remitted to y^e mercy of his Most Sacred Maj^{ty} to be disposed of according to his Royall will and Pleasure in order to w^{ch} they are to be sent for England with all Expedition.

These are therefore in his Maj^{ty}s Name to require and Command you to receive and take on board y^e Ship under your Command of y^e said Pyrates whose names are viz^t and them and every of them safely to secure and keep as Prisoners on board your said Ship and transport (y^e danger of y^e Seas excepted) to some Port in England and them and every of them to deliver up into safe Custody as soon as you shall arrive thither and in y^e management transportation and delivery of all and every, y^e said Prisoners you shall follow such instructions as are hereunto annex'd Given under my hand and his Maj^{ty}s Seal of y^e Colony this three and twentieth day of May 1700 in y^e twelfth year of his Maj^{ty}s Reign.

To Cap^t Commander
of y^e Ship

And you receiving y^e Cap^t of y^e said Pyrates and carrying him for England y^e following precept was Issued to wit

Virginia ss.

By his Excellency in Councill

Whereas severall notorious Pyrates in a Ship call'd y^e La Paix have been lately taken in this his Maj^{ty}s Colony and Dominion by His Maj^{ty}s Ship y^e Shoarham Cap^t William Passenger Commander and are by me remitted to y^e mercy of his Most Sacred Maj^{ty} to be disposed of according to his Royall will and Pleasure in order to w^{ch} they are to be sent for England with all expedition.

These are therefore in his Maj^{ty}s name to require and Command you to receive and take on board y^e Ship under your Command y^e

Captain of y^e said Pyrates whose name in [is] Lewis Guitar and him safely to secure and keep as a Prisoner on board your said Ship and him to transport (y^e danger of y^e Seas only excepted) to some Port in England there to deliver him up into safe Custody as soon as you shall arrive and in y^e Management Transportation and delivery of y^e said Prisoners you shall follow such Instructions as are hereunto annex'd Given under my hand and his Maj^{ty}s Seal of y^e Colony this three and twentieth day of May 1700 in y^e twelfth year of His Maj^{ty}s Reign.

To Cap^t Commander
of y^e Ship.....

And for y^e better Management of y^e said Pyrates in y^e Passage and for y^e Delivering them up in England y^e following orders being annex'd to y^e precepts aforementioned were given to y^e severall Masters on board whose Ship y^e Pyrates were shipped to wit

Virginia ss.

By his Excellency in Council

Orders and Instructions Given unto Commander
of y^e Ship of for y^e Managem^t transportation
and delivery of Certain Pyrates (being Prisoners) put on board y^e
said Ship to be therein transported and carryed unto y^e Kingdom
of England & c.

You shall receive on board your Ship in Order to your transporting them unto y^e Kingdom of England y^e severall Pyrate Prisoners mentioned in y^e Precept hereunto annex'd and unto you Directed for that purpose and at y^e same time you shall also receive Manacles of Iron for fastening y^e said Prisoners hands which you are to see that they be kept on at all times during y^e Passage and to use all proper methods for securing the said Prisoners and carrying them safe to England and if y^e said Prisoners or any of them being at Sea shall resist you therein or endeavour to make any sedition or insurrection in your Ship you are to repell and subdue them and every of them by force and for such resistance Sedition insurrection you shall inflict such Punishment on them and every of them as y^e nature of y^e offence requires and you shall think requisite and with y^e said Prisoners you shall receive Provisions for subsisting them during y^e time they shall be on board your Ship.

If you have no small armes on board your Ship y^e better to enable your self to keep y^e said Prisoners in Subjection you shall apply yourself to Cap^t William Passenger Command^r of his Maj^{ty}s Ship y^e Shoarham and Cap^t John Aldred Command^r of his Maj^{ty}s Ship y^e Essex-prize who will assist you as far as in them lyes with such smal armes as you stand in need of all which armes that you receive of them or either of them (unless you shall be otherwise directed in England) with y^e first conveniency after your arrivall you shall bring or send back hither to be delivered unto his Maj^{ty}s Governour or Commander in Chief of this Dominion for y^e time being.

And for your better and more safe transportation of y^e said

Prisoners you shall sail from hence under y^e Convoy of and during your Passage as far as in you lyes you shall keep in Company with his Maj^{ty}s said Ship y^e Essex prize.

If it shall so happen that you arrive in any Port of England in Company with his Maj^{ty}s said Ship y^e Essex Prize you shall deliver y^e said Prisoners and every of them unto Cap^t John Aldred Commander of y^e said Ship or to such other Persons as he shall direct but if you loose y^e Company of his Maj^{ty}s said Ship y^e Essex Prize and arrive without her you shall observe y^e following Directions to wit If you arrive at y^e Port of London you shall immediately acquaint one of y^e Right Hon^{ble} his Maj^{ty}s Principall Secretaryes of State and y^e Right Hon^{ble} y^e Lords of y^e Admiralty therewith and you shall observe their Orders for y^e delivery of y^e said Prisoners. If you arrive in y^e Port of Bristol you shall apply your Self to y^e R^t Worshipfull y^e Mayor of that City for y^e time being and desire that he will cause y^e said Prisoners to be received from you and kept in safe custody untill his Maj^{ty}s further Pleasure shall [be known] concerning them which if y^e said Mayor shall comply with you are to deliver them unto him or such other Person as he shall appoint to receive them; If you arrive in y^e Port of Plymouth you shall apply your Self unto y^e Right Hon^{ble} y^e Cheif Govern^r or Commander of his Maj^{ty}s Royall Citadell there and desire that he will cause y^e said Prisoners to be received from you and kept in safe Custody untill his Maj^{ty}s further Pleasure shall be known concerning them which if y^e said Governour or Commander shall comply with you are to deliver them unto him or to such other Person as he shall appoint to receive them. In all which cases and upon your arrivall in any other Port of England Scotland, Ireland or Wales you are immediately to acquaint one of y^e Right Hon^{ble} His Maj^{ty}s Principall Secretaryes of State and y^e Right Hon^{ble} y^e Lords of y^e Admiralty with your arrivall and y^e number of Prisoners you have on board and what you have done or design to do with them and also you shall apply your self to y^e Governour or Cheif Magistrate of such Castle Fort, City or Town where you arrive and acquaint them with y^e same who are also hereby requested and desired for his Maj^{ty}s Service forthwith to send intelligence thereof unto one of His Maj^{ty}s Principall Secretaryes of State and unto y^e said Lords of y^e Admiralty.

If any of y^e said Prisoners prove refractory or mutinous in y^e Passage so that you take your Self to be in any danger thereby in such case upon your arrivall in any Port of England, Scotland, Ireland or Wales if their be any Citadell Castle or Fort there you shall apply your Self to y^e Cheif Gov^r or Commander thereof or otherwise to y^e Mayor or other Cheif Magistrate of y^e City or Town where you arrive which said Govern^r Command^r Mayor or Magistrate are hereby desired and earnestly requested for his Maj^{ty}s Service to receive y^e said Prisoners from on board your Ship and cause them to be secured untill his Maj^{ty}s further Pleasure concerning them shall be known or to give you such other Aid and Assistance as to them shall seem meet and Necessary and if they will receive y^e said Prisoners from on board your Ship you are accordingly to deliver them alwayes

remembring to acquaint one of his Maj^{ty}s Principall Secretaries of State and y^e said Lords of the Admiralty therewith.

Lastly you are [to] understand that y^e Present Embargo on y^e Merchant Ships within this Dominion was laid to y^e intent they might be safely convoyed off this Coast and Guarded from y^e many Pyrates which infest y^e same for that reason therefore and that you may be y^e better defended against any Pyrates or Sally Men of War that may attack you in your Passage you are to Sail from hence under y^e Convoy of his Maj^{ty}s Ship y^e Shoarham Cap^t William Passenger Commander (on board which I intend (God willing) to go in Order to see you all safe about forty or fifty leagues of y^e Coast) and after you parte with her you are during your whole Passage to use your best endeavours to keep Company with his Maj^{ty}s Ship y^e Essex Prize whereof Cap^t John Aldred is Commander.

Given under my hand and his Maj^{ty}s Seal of y^e Colony at James City the three and twentieth day of May in y^e twelfth year of y^e Reign of Our Sovereign Lord William y^e Third of England & King & *Anno Dom: 1700.*

M^r Attorney Gen^l having prepared a Proclamation for y^e Securing of all goods and other things taken up as Drifts, Wrecks or Otherwise where his Maj^{ty}s hath any Interest therein y^e same was read in Councill and approved.

Cap^t Willis Wilson haveing presented an acco^{ts} of y^e Produce of Certain things saved when his Maj^{ty}s advice boat y^e Swift was lost which he hath sold in pursuance of an Order to him in that behalf given and Praying directions for y^e Sale of y^e remaining part of y^e said things in his Possession either by Publick Sale or otherwise as shall be thought fit being most of them Perishable and in danger of great damage by lying therefore ordered that y^e said Wilson do accordingly sell y^e said things in his Possession for y^e best advantage he can either by Publick Sale or otherwise as shall be most for his Maj^{ty}s Interest giving His Excellency a particular account from time to time of his proceedings herein.

Joseph Man having been in his Maj^{ty}s Service on board y^e Shoarham in y^e late Engagement with y^e Pyrates and having attended as an Evidence at y^e tryalls of y^e Pyrates condemned here; and being also designed for England In Order to his being made use of there as an Evidence against y^e Other Pyrates therefore Ordered that M^r Auditor Byrd do pay y^e said Joseph Man ten Pounds Sterl in Consideration of y^e said Services.

There being severall matters of very Great importance for his Maj^{ty}s Service of Necessity to be dispatched before y^e sailing of his Maj^{ty}s Ship y^e Essex Prize and y^e Merchant Ships under her Convoy which cannot possibly be compleated by the thirtyeth day of this Moneth y^e time appointed for y^e said Ships sailing therefore ordered that y^e sailing of y^e said Ships be deferred till y^e fifth day of y^e next Moneth.

His Excellency was Pleased to acquaint y^e Councill that he thought it for his Maj^{ty}s Service and therefore intended when y^e Ships sailed (God willing) to go in His Maj^{ty}s Ship y^e Shoarham forty or

fifty leagues without y^e Capes in Order to see them all Convoyed off y^e Coast safe from y^e danger of Pyrates.

Benjamin Harrison Clerke of y^e Councill having prayed to be discharged from any further Attendance on that office y^e same is accordingly granted and Ordered that he do prepare all y^e bookes and Papers thereunto belonging against y^e next Council that they may be delivered up unto such Person as shall be then appointed to succeed him.

Copy

B. Harrison

[C. O. Class 5, Vol. 1311, D. 54. 10 ⁽¹¹⁾ cont^d p. 726.]

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His Excellency

A Proclamation

Whereas severall notorious Pirate Ships and Vessells have been lately seen upon the Coasts of this his Maj^{ty}s Colony and Dominion one of which called the La Paix after having committed great spoiles depredations and barbaritys and having taken several Merchant Ships belonging to his Maj^{ty}s Subjects hath been lately taken by his Majestys Ship the Shoreham with about a hundred and fourty Pirates most of them French, and about fifty Persons of his Maj^{ty}s Subjects kept Prisoners by the said Pirates in the s^d Ship La Paix, and whereas diverse Seamen do daily come on shore pretending to belong to Merchants Ships and wander from place to place under which pretence it may probably happen that several Pirates may come on Shore and escape from Justice and the Punishments due by Law to such horrid & hainous offenders or may come as Spies to discover the State of the Country his Maj^{ty}s Ships of War or the Merchant Ships Lying in this Country Therefore I Francis Nicholson Esq^r his Maj^{ty}s Lieu^t and Governour General of Virginia by and with the advice and consent of his Majestys Hon^{ble} Council of State do hereby straitly charge and Command all his Majestys Officers Civil and Military and all other his good & Loving Subjects to use their utmost endeavours to take seize and apprehend all such suspected Persons as shall come on Shoare pretending themselves to be Seamen or any other Person or Persons suspected of Piracy and them having taken immediately to carry before some one of his Maj^{ty}s Justices of the Peace in the County where such Person or Persons shall be apprehended and taken, which Justice of Peace is hereby required and Commanded to committ such Person or Persons to the Common Goale of the s^d County unless he or they can give a good account of themselves That they belong to some Merch^t Ship or Vessel then in harbour near to the place where they were taken, or some other satisfactory account that they are no Pirates nor any way to be suspected that they are aiders and abettors to them and in case of such Committment such Justice of Peace shall give to me or some one of his Maj^{ty}s Hon^{ble} Council immediate notice thereof

to the end the said offenders may be proceeded against according to Law, or if Seamen out of Employ put into his Maj^{ty's} Service, and I do likewise strictly forbid all his Maj^{ty's} good and Loving Subjects from harbouring or Entertaining any stragling Seaman or Seamen or other suspected Person or Persons upon pain of being proceeded against with the utmost Vigour & Severity of the Law. And I command all Sheriffs to cause this Proclamation to be published in all Churches, Chappels, Courthouses and other Public Places in their respective Counties as they will answer the Contrary at their Perills Given under my hand and his Majestys Seal of the Colony at James Town this 22^d day of May 1700 in the twelfth year of his Maj^{ty's} Reign.

F. Nicholson

A Proclamation for apprehending Seamen
suspected of Piracy and forbidding
the entertainment of Stragling Seamen.

C. C. Thacker Cl Sec^{ty's} Off

God save the King

Virginia sc⁶

By his Excellency

Whereas severall Buoys, Cables, Anchors and other things belonging to his Maj^{ties} Ships Merch^t Ships and other Vessells are often times Clandestinely taken up and carried away by severall Covetious and Evil Disposed Persons soe that his Maj^{ties} or the Right own^{rs} thereto are hereby defrauded of their Just Right to the same and whereas Especiall at this time severall goods and merchandizes may be found floating upon the water in the Bay of Chisapeake or upon some other haven River or Creek in this his Maj^{ties} Colony and Dominion or may be drove on Shore and there privately taken up and carried away Therefore I Francis Nicholson Esq^r his Maj^{ties} Lieu^t and Govern^r Generall of Virg^a by and with the advice and consent of his Maj^{ties} Hon^{ble} Council of State doe hereby Command and require all his Maj^{ties} Coron^{rs} and Sheriffs in their respective Counties and Stations to use their utmost Endeavour to take and secure all Wrecks, Buoys, Cables, Anchors, Boates or other goods and merchandizes which they shall find in or floating upon the water or Drove upon the Shore and all such goods and things as may be accounted for Floatsam Jetsam or Lagan and all Waifs Strays and Fellon's goods, and Give me an acc^t thereof from time to time and I doe likewise charge and Command all other his Maj^{ties} good and Loving Subjects that they doe not presume to Conceale or Convert to their own use all or any the aforementioned particulars that by them hath been or shall be hereafter taken up but that they Immediately repair to some one of his Maj^{ties} Coron^{rs} or to the Sheriff of the County where such thing or things were taken who is to give me an account thereof upon which I will take care that such Person or Persons shall have allowance for Salvage for what they shall take up and safely

secure Given under my hand and his Maj^{ties} Seale of the Colony this
23^d day of May 1700 in the Twelfth yeare of his Maj^{ties} Reign.

Fr Nicholson

A Precept to secure waifs &c.

C. C. Thacker Cl Sec Off

A true copy C. C. Thacker Cl Sec^{rys} Off.

[C. O. 5, 1410 cont^d]

Virg^a ss

At a Council held at Hampton Town in Eliz^a City County y^e 5th Day
of June 1700 in y^e 12th year of his Maj^{ties} Reign &c^a

His Excellency

W^m Byrd
Edw: Hill

Edm^d Jenings
Mathew Page Esq^{rs}

M^r Benj^a Harrison Clerk of y^e Council by his Petition of y^e 23^d
of May 1700 setting forth, that

By the Act made y^e Last Session of Assembly w^{ch} appointed
a Committee to revise the Laws he was appointed an assistant in
that work, w^{ch} requires great care diligence & study, sedate, quiet
thoughts & y^e most intense application of minde not disturbed with
business of another nature which makes it absolutely necessary for
him to be discharged from all other publick Service, y^t he may y^e
more continually prosecute that work.

And that office being now become a place of so much business y^t
y^e Sallary allowed for it (y^e perquisites not being ten Pounds a year)
will but barely pay under writers to transcribe Journals, Orders, and
other things necessary to be done, and transmitted to England.

And thereupon praying to be discharged from y^e s^d office.

Upon a due Consideration thereof now had, and he haveing now
laid before this Council Copies of y^e sev^{ll} Proceedings & Journals
of y^e Council to this time y^e Council acknowledgeing his former good
& faithfull Services in y^e Execution of that office he is upon such his
Petition discharged from y^e same.

Dionisius Wright haveing taken y^e Oaths appointed by Act of
Parliam^t to be taken instead of y^e Oaths of Allegiance & Supremacy
subscribed the test & association & taken y^e Oath of a Clerk is re-
ceived & admitted Clerk of y^e Council.

His Excellency was pleased to lay before the Council his Maj^{ties}
Letter of y^e 26th of December 1699 comissionateing Robert Carter
& John Custis Esq^{rs} to be sworn Members of his Maj^{ties} Hon^{ble} Council
of State of this Colony and Dominion of Virginia, As also his Maj^{ties}
Letter of y^e 10th of Feb^r 1699 which was Read in y^e Presence & hear-
ing of Cap^t W^m Passenger Commander of his Maj^{ties} Ship Shorham,
And Cap^t John Aldred, Commander of his Maj^{ties} Ship the Essex prize,
Relating to Pyrates, whereof sev^{ll} have been lately taken in a Shipp
called the La Paix, by his Maj^{ties} Ship Shorham. And by reason his
Maj^{ties} Ship was something disabled in y^e engagem^t and y^e number of

y^e Pyrate Prisoners by farr Exceeding thos in his Maj^{ty} Ship & Exposing them all to perpetual watching, It was therefore thought expedient for their better safety & security to bring them on Shore, & disperse them into sev^{ll} places under y^e guard of y^e Militia of Eliz^a City County.

And his Excellency being required by y^e aforesaid Letter to send all such Pyrates as should be in Prison in this Colony at y^e time of y^e receiveing that Letter to England in Order to their Conviction there, together wth y^e Witnesses & other Evidences upon w^{ch} they were seized & taken or according to his discretion for the future to try them here but in regard there are no Publick Prisons of force in this Colony & Dominion, and that they must be kept [by] y^e Militia of y^e County w^{ch} would be an excessive charge, and further the utter ruine & loss of their Crops by w^{ch} only they subsist

For that a considerable number of Ships are now ready to go out in an entire Fleet under y^e Convoy of Cap^t John Aldred Comand^r of his Maj^{ty} Ship the Essex Prize. And very few or none remaining behind.

It is thereupon resolved & accordingly Ordered that all y^e Pyrate Prisoners be sent to England pursuant to a former Order of Council of May 7th 1700: And secured in their Passage thither. . . .

And whereas it is required by y^e afores^d Letter that Witnesses & other Evidences ag^t y^e Pyrates be transmitted to England It is thereupon Ordered that Abraham Surtley a Dutch man that has been made use of as an Evidence in y^e tryal of Francois Delaunce [Delaunee] and William Hunt a New England youth taken by the afores^d Pyrates be sent home in some Ship where are no Pyrate Prisoners, in Order to give their Evidence ag^t y^e afores^d Pyrates. And his Excellency & Council not knowing any of y^e Pyrates whome they may recommend to his Maj^{ty} mercy, Leave & Refer y^e same to Cap^t John Aldred Commander of his Maj^{ty} Ship Essex Prize, and y^e rest of the Captaines of y^e Ships to report in England as they find their Carriage & demeanour on board.

Ordered that y^e Goods & Effects of the Pyrates be secured & inventorial till his Maj^{ty} Pleasure is further known therein. . . .

Cap^t W^m Passenger Cap^t John Aldred and L^t Coll: W^m Wilson informed his Excellency in Council, that they pursuant to former Orders of Council of y^e 23^d of May 1700 had shipt y^e Pyrate Prisoners, together wth their Provisions, in sev^{ll} Merch^t Ships in Order to their transportation for England in ye Executing whereof they had fully observed y^e directions to each & every of them by y^e afores^d Orders given.

And being asked if they had anything more to offer to y^e Council relating to y^e transportation of y^e afores^d Pyrates they answered that they were fully satisfied, And had nothing further to Offer.

His Excellency laying before y^e Council a Letter from y^e Right Hon^{ble} the Lords Commissioners of Trade dated y^e 4th of Janu^{ry} 1699 considering y^e few now present at this Council, the consideration thereof is refer^d to a fuller Council.

Pursuant to an Order of Council dated the 20th of May 1700

for valuing y^e bread & flower taken in y^e Prize report is made in these following words (viz^t)

We whose names are here subscribed have gave our Opinion in that to y^e best of our Judgm^t the bread is worth twenty shill: a hundred and y^e flower is worth twenty six shill a hundred.

	Robert Lurting	Edw: Whitaker
signed by	Rich ^d Tibbotts	and
	W ^m Cooper	John Coker

Upon a serious consideration that our Coasts are often & frequently infested with Pyrates and in that respect this Country being as it were in a continual State of Warr, the Inhabitants of this Colony very remote & farr different [distant] & not wthout great difficulty to be gott upon a sudden alarm, and if continually kept in armes or on board it will be y^e utter ruine & loss of their crops, and his Maj^{ty}s Interest thereby much prejudiced, and further considering that Cap^t Passenger Commander of his Maj^{ty}s Ship Shorham in y^e time of his late Engagem^t wth y^e Pyrate, had not men sufficient to handle y^e Sails & Mann & Play y^e gunns, of w^{ch} he hath been sev^l times advertised by y^e Council & desired to communicate y^e same to y^e Lords of y^e Admiralty this Council being inform'd that y^e same is not yet done according to their request, do hereby humbly submit y^e same to their Lordships consideration, and that y^e highest Complim^t of men may be allowed unto Cap^t Passenger wth a small Vessel to attend him, that he may be thereby y^e better Enabled to secure these Coasts from infesting Pyrates.

Coll: Robert Quarry his deposition concerning Pyrate goods by him seized &c^a was by him subscribed sworn to and a copy thereof taken.

The Consideration of y^e Escape of certaine Pyrates condemned at a Session of Oyer & Terminer held at Eliz^a City County Court House y^e 17th of May 1700 who were in the Custody of Major John Thorowgood late Sherr: of Princess Anne County is Referred to M^r Attorney Gen^l.

His Excellency was pleased to lay before the Council the sev^l Papers hereafter mentioned, to wit

Banj^a Harrison Esq^r his Excuse for not attending this Council dated May y^e 31: 1700.

John Lightfoot Esq^r his Excuse for not attending this Council dated May y^e 31: 1700.

Cap^t John Taylor his Excuse for not attending y^e Court of Admiralty dated June y^e 1st 1700.

The Opinion of M^r Att^{ny} Gen^l concerning the departure of Robert Bayley, Master of y^e Ship Lyon of Bristol, out of this Colony wthout clearing, is thought proper to be recommended to y^e Committee for y^e revisal of y^e Laws and is also submitted to y^e Consideration of y^e Lords Commissioners of y^e Plantation trade w^{ch} is in these following words

May it please yo^r Excellency

I am of Opinion, that Robert Bayley, Master of y^e Ship Lyon

of Bristol by saileing out of this his Maj^{ty} Colony & Dominion wthout haveing first cleared wth his Maj^{ty}s Collector or Naval Officer, or wthout paying his Maj^{ty}s duty of two shill per hogshhead hath thereby unjustly & illegally defrauded his Maj^{ty}s of his revenue of two shill: per hogshhead arising out of y^e s^d Ship Lyon. And hath thereby forfeited his Entry Bond. And also it being matter of fact, that an Embargoe was laid by yo^r Ex^{cy} in Council on y^e 6th of this Instant May upon all Ships & Vessells to stay for Convoy it being a time of Imminent danger occasioned by y^e resort of sev^{ll} Pyrate Ships upon the Coasts (one of w^{ch} is now taken by his Maj^{ty}s Ship Shorham) after that she y^e said Pyrate Ship had taken sev^{ll} Merch^t Ships upon y^e Coasts a party of w^{ch} Pyrates in a Pink which they had taken, then lay upon y^e Coasts and some few days before had taken a Brigantine, & sunk another Ship of w^{ch} yo^r Excellency rec^d certaine advice, and gave notice thereof & of y^e s^d Embargoe to y^e s^d Bayley at y^e Naval Officer's house y^e 11th Instant. Notwthstanding which y^e s^d Bailey did saile away upon y^e 12th Instant out of this his Maj^{ty}s Colony & Dominion and also carried away wth him one Loveday Master of a Pink taken by y^e Pyrates & sev^{ll} other of his Maj^{ty}s Evidences before they had given their depositions upon all which I am of Opinion that y^e s^d Bayley hath thereby committed a very great & high contempt ag^t his Maj^{ty}s Governm^t which may probably be attended wth very evil & unhappy circumstances, If it should please God that y^e s^d Bayley should be taken by any of y^e said Pyrates for w^{ch} great contempt & misdemeanour he ought to be proceeded ag^t with the utmost Rigour & Severity of Law.

Barth Fowler

May: 31: 1700

Resolved & according Ordered that the great Guns left at James Town be spiked up to p^rvent their receiveing of any damage.

The Petitions of Lewis Jenkins & John Somerville are referred to y^e Consideration of M^r Auditor Byrd.

It appearing to the Council y^t Rowland Thomas formerly belonging to the Ship Pensilvania Merchant, was together wth y^e said Ship taken by the Pyrates and makeing humble sute that he might have a pass for his transportation to England It is Ordered that the Master of any Ship be permitted to carry y^e s^d Rowland out of this Country he being no way here encombred & y^e Clerk to sign such Order.

His Excellency desiring to know of y^e Councill, if there was any thing more to be now offered to consideration for his Maj^{ty}s Service, they answered nothing that they then knew of

Cop^a

Dionisius Wright *Cler: Con:*

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At a Council held at James City y^e 9th Day of July 1700, and in
y^e Twelfth year of y^e Raigne of King William y^e Third
over England &c^a

His Excellency Francis Nicholson Esq^r his Maj^{ties} Lieut: and
Governor Generall of Virginia

W^m ByrdJn^o LightfootBenj^a Harrison Sen^r Esq^{rs}

His Excellency was Pleas'd to lay before y^e Council his Maj^{ties}
Letter Dated y^e 26th Day of Decemb^r 1699. Whereby Robert Carter
and John Custis Esq^{rs} are nominated and appointed to be Members
of y^e honorable Council of State of this Colony & Dominion of Virginia
and John Custis Esq^r being in Town was sent for into y^e Council
Chamber.

M^r Benj^a Harrison Late Clerk of y^e Council by reason of a
present Indisposition of body could not attend this Council, to deliver
up y^e severall Books, and Papers belonging to y^e Council Office.

John Custis Esq^r being come into y^e Council Chamber his
Excellency was pleas'd to acquaint him y^t he had received a Letter
from his Sacred Majestie Dated y^e 26th of Decemb^r 1699 requiring
him to cause y^e s^d Custis to be sworn of y^e Council of this Colony
and Dominion of Virg^a and therewth gave him y^e s^d Letter which
after y^e s^d Custis had perused he presented it back to his Excellency
and speak [spoke] to this Effect

May it Please y^r Excellency

I am very willing and Ready, nay ambitious to Serve his Maj^{ty}
even to my utmost ability but Liveing at so great a Distance on y^e
Eastern Shore, beyond y^e Great Bay of Cheasapeak where y^e Passage
is very often Troublesome and hazardous y^e same may sometimes
Casually hinder my attendance, and this I humbly offer to yo^r Ex-
cellencys Consideration. After his Ex^{cy} and the Council had answered
that matter objected

John Custis Esq^r having taken y^e Oathes appointed by Act
of Parliam^t to be taken Instead of y^e Oathes of Allegiance and
Supremacy, subscribed y^e Test and Association and taken y^e Oath
of a Councillor of State of this his Maj^{ties} Colony and Dominion
of Virg^a took his place at y^e Board accordingly.

John Custis Esq^r Added

Whereas by a former Order of Council Dated May 6th 1700
for y^e better safty and security of this Colony and Clearing these
Coasts from Infesting Pyrates Cap^t William Passenger Commander
of his Maj^{ties} Ship Shorham was ordered in every twenty days to go
out to Convoy all Ships and Vessells off y^e Coasts about fifty or
sixty Leagues wthout y^e Capes where y^e greatest danger is y^e same
being now further Considered by y^e Council. His Ex^{cy} Informing
y^e Council y^t when he went out in y^e Shoreham wth y^e Late fleet
they found y^e strength and force of y^e Current to be such y^t sailing
outwards forty or fifty leagues they made it above one hundred thirty

six Leagues Inwards bound and if they had not had fair Winds might have been two or three weeks before they had recovered y^e Capes w^{ch} great Inconveniency with Divers others being Considered.

It is ordered y^t y^e s^d Cap^t William Passenger Command^r of his Maj^{ty}s Ship Shorham every twenty daies or shorter time if he see convenient Cruseing upon y^e Coasts or Convoing any Ships outwards bound shall go no farther than y^e Soundings.

Cap^t W^m Passenger Command^r of his Maj^{ty}s Ship Shorham by his Letter Dated July 6th 1700 laying before his Ex^{cy} y^t pursuant to a former ord^r of Councill Dated May y^e 23^d 1700, to him Directed he had appointed to sell y^e Ship La Paix lately taken from y^e Pyrates on y^e 4th of this Instant July but Rain and Immoderate weather at y^t time Disappointing any Purchasers to come either by land or water he had Deferred y^e same untill y^e 25th Instant and Praying his Ex^{cy}s advice therein.

His Ex^{cy} and y^e Councill do very well approve his Proceedings and ord^r y^e same to be done accordingly and that Papers signed by y^e s^d Passenger signifeing the same be Published and sett up at y^e most Publick Places.

His Ex^{cy} laid before y^e Councill Cap^t Passengers Letter Dated y^e 6th July 1700, Concerning a Sloop Lately come from Maryland by him seized as an Illegal Trader M^r Attorney Gen^l is ordered to acquaint y^e Judge of y^e Admiralty therewith in ord^r to her Tryall.

His Ex^{cy} laid before y^e Councill a Letter from Edward Hill Esq^r Dated July 8th 1700 wherein he Prayes to be Excused for not Attending this Councill by Reason of a great Indisposition of Body.

M^r Attorney Gen^l haveing prepared a Proclamation for y^e apprehending of Pyrates it was Read and Approved and the Colony Seal Ordered to be thereto Affixed.

His Ex^{cy} was pleased to lay before y^e Councill a List of y^e fleet sailing from Virg^a y^e 9th of June 1700 und^r y^e Convoy of his Maj^{ty}s Ship Essex Prise Cap^t John Aldred Command^r wth y^e sailing Instructions and other Papers thereto annexed.

Also

A List sign'd by L^t Col^o W^m Wilson wth y^e names of y^e Pyrates and in w^t Ships Transported wth y^e names of y^e Masters.

Also

His Maj^{ty}s Orders in Councill Dated 18th of Jan^y 1699 and a Letter thereupon Dated 16th Feb^{ry} 1699 Concerning y^e Denization of aliens was by his Ex^{cy} laid before y^e Councill.

John Jacob Cognan Danze by his Petition Setting forth y^t whereas y^e Land whereof Peter Craw an alien lately dyed seized was found by office to Escheat to his Maj^{ty}s and Praying Grant thereof. The same is referred to y^e Consideration of M^r Auditor Byrd and M^r Attorney Gen^l to make report thereof to y^e next Councill.

Wednesday 10th July 1700.

Present

His Excellency &c

W^m Byrd
Edmond Jenings
John Lightfoot

Benj^a Harrison
and
John Custis Esq^{rs}

Rob^t Carter Esq^r being in Town was sent for into y^e Councill Chamber whither being come his Ex^{cy} was pleased to acquaint him that he had rec^d a Letter from his Sacred Majestie Dated y^e 26th of December 1699 requiring him to cause y^e said Rob^t Carter to be sworn of y^e Councill of this Colony and Dominion of Virg^a. After Col^o Carter had read y^e Letter he presented it back to his Ex^{cy} and Expressed himself to y^e Govern^r & Councill thus, or to this Effect May it please yo^r Ex^{cy}

I cannot but w^t [wth] all thankfullness humbly acknowledge to yo^r Ex^{cy} & this honorable Councill y^e great sence y^t I have of his Maj^{ties} high and Royall favour Conferred on mee in appointing mee one of y^e Members of his honorable Councill of State of this his Maj^{ties} Colony and Dominion of Virg^a and must not forgett my Gratitude to y^r Ex^{cy} for y^e Character you have given of me to his most Sacred Maj^{ties} w^{ch} I conceive has been y^e Instrumentall Cause of this Conferred honour, an honour which (I confess) y^e best of men have been ambitious of.

And tho none perhaps can be more desirous & ambitious to serve his Majestie than my Self yett must begg leave in all humility to lay before y^r Ex^{cy} and this honor^{ble} Councill these following reasons in my Excuse and submitt y^e same to y^r Consideration.

1st—The Distance of my habitation is so great and so farr remote that y^e same may Occasionally be some Impedim^t in y^e prosecution of my Duty in so high and honorable a Place.

2^{dly}—My Personall Disabilities and Infirmities wth w^{ch} I am too well acquainted renders mee an unfitt object of so high a favour.

3^{dly}—And w^{ch} is of greatest weight as I have had y^e honour severall times heretofore to be a member of y^e House of Burgesses in this his Maj^{ties} Colony, in w^{ch} Place have always made it my care to Discharge my Duty wth all faithfullness to God, my Sovereigne and my Country so perticularly at this time I am not only a member of y^t house but have also y^e honour (tho much above my demerits) to be Speaker and how I can Dispencc wth my Duty in y^t Station and y^e Obligation of y^t Oath I already lie under y^t remaining still a whole Bodoy [Body] without any Dissolution I must leave to yo^r Excellency to Judge.

After his Excellency and his Maj^{ties} hon^{ble} Councill had fully and Convincingly answered all y^e above objections Rob^t Carter Esq^r having first taken y^e Oaths appointed by Act of Parliament to be taken instead of y^e Oaths of Allegiance and Supremacy subscribed y^e Test and association and taken y^e Oath of a Councillour

of State of this his Maj^{ty}s Colony and Dominion of Virg^a he took his place at y^e Councill Board.

Robert Carter Esq^r Added

His Excellency in Councill signed y^e following Warrants.

To his Ex^{cy} Two Pounds Twelve Shillings and Six Pence being for so much paid by his Excellency to M^{rs} Perry and Lane for a new Seal for Virg^a.

Another to his Ex^{cy} for four Pounds Seaven Shillings for Contingent Charges.

His Ex^{cy} laid before y^e Councill a Letter signed Henderson Walker Dated in Nor: Carolina May 31, 1700.

Also a Letter from y^e L^{ds} Proprietaries of North Carolina Dated London Decemb^r 16th 1699.

Ordered y^t M^r Auditor Byrd and M^r Attorney Gen^l do consider of y^e most proper and practicable method for Collection of his Maj^{ty}s Quit Rents and his Maj^{ty}s Revenue of two Shillings per hhd and lay y^e same before the next Councill.

Whereas John Hoogling Cornelius Franc and Francois Delaunee who were all lately Condemned at a Session of Oyer and Terminer held at Elizabeth City County Court House the 17th of May 1700, and were in the Custody of Maj^r John Thorowgood late Sheriff of Princes Anne County in Ord^r to their Execution and made thence their Escape his ex^{cy} and this honorable Councill being Informed y^t y^e s^d Prisoners were taken and apprehended by some of y^e Inhabitants of Accomack County. It is for their Encouragem^t thereupon order'd that the same be Certified into Accomack County Court and from thence be Transmitted to y^e next Councill that they may have a suitable reward for their fidelity and Service.

His Excellency was pleased to lay before the hon^{ble} Councill a Letter he had rec^d from the Right Hon^{ble} y^e Lords Commissioners of Trade Dated y^e fourth of January 1699.

One Paragraph whereof concerning Seals to be used by Publick Officers the Councill Desired his Ex^{cy} that y^e same might be referred to a fuller Council which accordingly was admitted.

And whereas in the aforesaid Letter there is Contained one Paragraph part whereof is in these following words (viz^t)

- 1 "That y^e Articles made wth y^e Indians at Middle Plantation y^e "29th of May 1677 be Exactly Observed as likewise all other Treaties "whatsoever.
- 2 "That no Grants be made to English men of any Lands wthin y^e "Territories reserved to y^e Indians by y^e forementioned articles.
- 3 "That a Patent be granted to y^e Indians for y^e Lands Reserved "to them by y^e s^d articles in y^e same manner as Patents are usually "granted for Lands to other his Maj^{ty}s Subjects.
- 4 "That y^e s^d Indians be not allowed to Grant or lease Lands to any but their own Posterities.
- 5 "That all Lands in Virg^a be held from y^e King more Especially "y^t no Countenance be given to any Colour of Title got from y^e "Indians by Gameing.

Whereupon y^e Council are unanimously of Opinion and ordered accordingly y^t for y^e better effecting y^e same, it be Transmitted to y^e sev^{ll} Courts Especially Commissionated and appointed to adjust and settle y^e Claims and Titles to Lands in Pomonkey Neck and on y^e South Side of y^e Black Water Swamp for a Guide and a Direction in their proceedings.

And y^e other part of y^e same Paragraph in these following words (viz^t)

6 "That those who have *bona fide* Planted Lands in those parts "& Enjoyed a long continued possession of them upon Defective Titles wthout Legall Patents for y^e same may have y^e s^d Lands "Confirmed to them by Patents so farr as they have actually planted "them.

7 "That those who have in y^e same manner taken up any great "Tracts of Land w^{ch} they do not actually Cultivate may have Patents "granted them for more or less of y^e s^d Lands as near as possible "according to his Maj^{ty}s late Instructions to you about a new method "for granting Lands in Virg^a.

8 "That if any Cases relating to y^e grants of Lands have Perticular "Difficultys in them y^e same be reported Specially to his Maj^{ty}s and "not Determined there wthout his Maj^{ty}s perticular Directions.

9 "That no Posterior Grant of Lands to y^e Colledge be Extended "to y^e outings of those who have *bona fide* planted upon any Prior "Defective Title so farr as they have actually planted y^e same, is by "his Ex^{ty} and y^e hon^{ble} Council ordered to be laid before y^e Com- "mittee appointed to revise y^e Laws.

That Paragraph in y^e afores^d Letter relateing to the Western Indians upon Request of y^e Council is referred to their next meeting

The Paragraph Relateing to North Carolina in these words

We have Considered all you write and y^e Paper you referr to y^e fixing y^e boundarics betwixt Virg^a and North Carolina and are satisfied wth y^r proceedings therein w^t remains to be done by you in meane while untill Commission^{rs} from Carolina Duly qualified be appointed to treat about y^t matter is, y^t y^u take care that those who have settled any Lands in those Confines upon Virg^a Patents be protected agst y^e Pople of Carolina & y^t y^u assert his Maj^{ty}s right agst their Encroachm^{ts} and suffer no Innovations therein untill those boundaries come to be finally settled and Determined, is referred^t. to y^e Consideration of M^r Auditor Byrd and M^r Attorney Gen^l to make report to the next Council.

The first part of y^e Paragraph relateing to y^e reviseall of y^e Laws being of great weight & moment the Councill intreated his Ex^{ty} it might be referred to a fuller Councill.

Ordered that accordingly it be referred to y^e next Councill.

Ordered y^t y^e latter part of y^e said Paragraph in these words

And above all things wee add our advice in case the House of Burgesses have made any Considerable Progress towards y^e Revisall of Laws y^t y^u take care not to pass or authorize any Collection of Laws by onc Single Act but y^t Each Act be passed severally and y^t

nothing be put into any Act of a Deferent nature from w^t is Expressed in y^e title of it, y^t soe any perticular Act may be approved or disallowed of by his Maj^{ties} wthout involving others y^t have no Relation thereunto in y^e same Determination

Be recommended to y^e Committee appointed to Revise the Laws

Wednesday y^e 10th July 1700
Post Meridian

Present

His Excellency &c^a

W^m Byrd
Edmund Jenings
John Lightfoot

Benj^a Harrison
Robert Carter
John Custis Esq^{rs}

His Ex^{cy} laid before y^e Councill an order of y^e Committee for Revisall of y^e Laws &c^a dated the 4th of Aprill 1700 for y^e Paym^t of one hundred and four Pounds Eleven Shill: and two Pence Sterll to his Ex^{cy}.

And thereupon was signed the following warrant.

To his Excellency the Sum of one hundred and four Pounds Eleven Shillings and two Pence Sterling.

A Commission for Dionisius Wright to be Clerk of the Council was read and signed by his Excellency in Councill, and the Colony Seal Ordered to be affixed thereto.

His Excellency was pleased to lay before the Council a Letter signed Robert Collson dated June y^e 8th 1700 giving a Relation of a certaine Conference he had with the Emperor of the Piscatoway Indians.

Also another Letter dated June 15th 1700 signed by L^t Coll^o Geo: Mason Commander in Cheife of y^e Militia in Stafford County inlarging upon y^e same Subject.

Also another Letter from L^t Coll^o Geo: Mason dated June 18th 1700, giving relation of a barbarous and horrid murder committed upon a man a woman and Six children in Stafford County by Indians.

His Excellency also acquainted y^e Councill y^t by a Letter dated June 26th 1700 (a Copy of which was laid before y^e Councill) he had sent unto his Ex^{cy} y^e Governor of Maryland a just and true account of y^e before mentioned murder, and to shew y^e Earnest Desire y^t his Ex^{cy} of Maryland had and his Endeavours used to detect y^e murderers and prevent the like mischeifs.

His Ex^{cy} was pleased to lay before y^e Councill the Copie of a Letter dated July y^e 1st 1700 sent by his Ex^{cy} of Maryland to y^e Hon^{ble} Cap^t Phillip Hoskins, and M^r W^m Dent concerning y^e Discovery and Detection if possible of the murderers, w^{ch} being read in Councill His Ex^{cy} and y^e hon^{ble} Councill of State of this his Maj^{ties} Colony and Dominion of Virginia returning hearty thanks to his Excellency Prays y^t there may be a Continuance of such good Intelligence and Correspondence betwixt y^e two Governments w^{ch} they believe will

very much Conduce to y^e safty and preservation of his Maj^{ties} Subjects in both Governments and to render it y^e more Effectuall L^t Coll^o Geo: Mason is ordered to Continue y^e Rangers in Stafford County w^{ch} is thought proper to Communicate to his Ex^{ty} y^e Govern^r of Maryland, recommending to him and his Maj^{ties} Hon^{ble} Council of the said Province y^t this Government is of Opinion y^t it will Conduce much to his Maj^{ties} Service, y^t his Maj^{ties} advice boat y^e Messenger Cap^t Peter Cood Command^r may be sent to ly in y^e Freshes of Potomack River near to y^e Indians w^{ch} will in some measure cherish and Encourage his Maj^{ties} Subjects, be a terrour and dread to y^e Indians a safety to her self from y^e worm and most likely to answer y^e end of her coming hither.

Upon y^e reading of that part of his Ex^{ty}s Letter Dated July y^e 2^d 1700. Sent to L^t Coll^o George Mason and Relateing to Rangers. It is the Opinion of y^e Council that whereas severall barbarous and horrid murders have been lately Committed by Indians in Stafford County upon severall of his Maj^{ties} Subjects for y^e better Discovery detection and if possible apprehension of such bloody & merciless villanies, and y^e safety & security of his Maj^{ties} Subjects in those parts. His Excellency by and wth the advice and Consent of his Maj^{ties} Hon^{ble} Council of State, doth hereby Order and appoint, that L^t Coll: Geo: Mason Commander in Cheif of the Militia in y^e afores^d County of Stafford, do take & raise out of the lower parts of y^e afores^d County twelve good & able Freemen who are no way incombred wth y^e cares of a family well armed & Equipt, And shall appoint & sett over them two discreet and Judicious Officers of good courage and Conduct, who are very well acquainted wth y^e grounds and that y^e s^d soldiers shall be quartered as near together as possible.

And it is further Ordered that Six of the said Rangers & one Officer, shall go out at one time, And Six and one Officer at another, & so by course as often as need requires, unless some intervening accident require the whole number.

And it is further Ordered by his Ex^{ty} & y^e Hon^{ble} Council that y^e s^d L^t Coll: Geo: Mason do procure a good sufficient Boat & Canon, to send over by Express to Maryland, and from time to time to give notice & intelligence of their proceedings & discoveries to Hon^{ble} Coll: Addison, that y^e same may be communicated to his Excellency y^e Governour of Maryland.

And further that y^e s^d L^t Coll: George Mason shall bring a true & just account of all & every y^e charges and lay before the Assembly at their next Session.

Whereas by Proclamation from his Ex^{ty} dated April 6th 1700 the Gen^l Assembly of this Colony & Dominion, was prorogued till Wednesday y^e 31st of this Instant July, the same being now under Consideration of this Council they are unanimously of Opinion that it is for his Maj^{ties} Service & y^e Interest of this his Maj^{ties} Colony & Dominion that it be prorogued for a longer time and being further debated till what time it was Considered, that (at present there being no Publick houses for Reception of so great a Concourse of People as yet at y^e City of Williamsburgh) it cannot be sooner then September next and then it will be in y^e cheif time of Cropp and so may

turn to a great prejudice. If in y^e beginning of October it will hinder y^e proceedings of the Gen^l Court, and delay the suitors. The members of y^e Hon^{ble} Council being so few, that y^e Assembly & y^e Gen^l Court cannot be held *Simul et Semel* It is therefore Ordered that y^e Gen^l Assembly of this Colony be prorogued till the twenty third of October next.

And Accordingly

A Proclamation for Prorogueing the Gen^l Assembly till y^e twenty third of October next being prepared the same was read in Councill, and being approved was signed and y^e Colony Seal Ordered to be thereto affixed.

Hancock Custis is recommended to his Excellency as a Person fitt & capable to be Naval Officer in y^e Eastern Shore district.

Ordered that all the Naval Officers wthin this his Maj^{ty}s Colony & Dominion of Virg^a do appear at y^e City of Williamsburgh upon y^e twenty third of October next att y^e first sitting of the Assembly to make up their accounts (upon y^e Imposition Acts of y^e Groat a Gallon & Servants & Slaves) wth M^r Treasurer as a thing much conducing to his Maj^{ty}s Interest and y^e good of this Colony.

Whereas sev^l frauds & abuses have been committed heretofore in concealing County & Parish Tithes, & converting (sev^l gifts & Donations made to Schooles & other pious uses) to other uses, than were b^y y^e Donors intended for detecting & p^rventing whereof as much as may be.

His Excellency by & wth y^e advice of his Maj^{ty}s hon^{ble} Council of State is pleased to direct & doth hereby require that y^e Magistrates of each & every respective County & Counties wthin this his Maj^{ty}s Colony & Dominion of Virg^a shall at y^e next Court held for each of y^e s^d Counties repectively Issue out an Order directed to y^e several Vestrys of each & every Parish & Parishes within their respective Counties Commanding them and each and every of them at y^e next Court to be held for y^e s^d County to render unto y^e Justices in Court then sitting a true and j. st account of each and every Individuall Titheable in each and every their Respective Parishes this present year 1700, and a true and Perfect Account Debitor and Creditor of each and every their Parish Levies the last year 1699, as also the Extents bounds and Limits of their severall Parishes together wth an account of w^t Glebes or Glebe Lands to each and every of them belonging of w^t Value and Estimate wha^t Gifts and Donations for the advancement of Schools or other Pious uses, when and by whom given, how Improved and in whose Custody they now are which accounts so as aforesaid given by the Vestry or Church-wardens of Each Respective Parish to the County Court to which they belong is by y^e said Court to be Certified in manner and form aforesaid and to be given to their Respective Burgesses, in ord^r to be laid before the Gen^l Assembly at their next Session.

And his Ex^{cy} by and wth y^e advice aforesaid doth further Direct and require the magistrates of each and every Respective County Court and Courts wthin this Dominion of Virginia that they cause a true and perfect List of Each and Every Individual Titheable in Each and Every their Respective County and Counties this present

year 1700, and also a true and Perfect account Debitor and Creditor of Each and Every their Respective County Levies the last year 1699 together wth an account of the Extents bounds and Limits of Each Respective County to be Drawn out and laid before them all which being so done and Perfected his Ex^{cy} with the advice of his Maj^{ty} Hon^{ble} Councill is pleased to Direct and doth hereby require Each and Every Respective Court and Courts wthin this Colony to send down by their sev^{ll} Burgesses in ord^r to be laid before the Gen^l Assembly at their next Session.

And to take off all Excuse and Pretentions of Ignorance it is ordered and appointed that the Shrieff of Each Respective County and Counties wthin this Colony and Dominion do cause this ord^r to be publickly read in their sev^{ll} County Courts and in each and every Church and Chappell in Each and Every Respective Parish and Parishes wthin their County.

Ordered that if any writts Issue for a New Election of any Burgesses in y^e stead of any who being members of y^e house are either removed by Death or Departed out of the Country that in every such case y^e Sherriffs of y^e Respective Counties to whom such writts Issue shall be Directed, do take Especiall care that there be no undue Elections made but that the same be done according to y^e several Laws in that case made and provided and y^e Courts of Each Respective County and Counties within this his Maj^{ty} Colony and Dominion of Virginia are hereby Directed and required to take Especiall care y^t y^e aggreivances (of their Respective Inhabitants) if any such there be Bee Duly and Leagally Certified According to Law.

His Ex^{cy} wth y^e advice of the Hon^{ble} Councill is pleased to Direct y^t all Claiimes for any Publick Service done by any Person Whatsoever, and those y^t have any Charge to bring in or Claiime to make Concerning y^e Pyrates, y^t all and every such Service Charges and Claiimes be made Evident in Each Respective County Court where the Parties live and thence to be Legally Certified and sent by their Respective Burgesses and that none may be surprized or prevented in takeing y^e Benefitt of this ord^r It is further ordered y^t y^e sev^{ll} Sherriffs of each respective County wthin this Colony and Dominion do cause this ord^r to be Publickly read in their severall County Courts and in each Church and Chapple of Ease in each and Every Respective Parish and Parishes wthin their County.

His Ex^{cy} and y^e Hon^{ble} Councill seriously Considering how much it will Conduce to y^e Service and hon^r of his most Sacred Maj^{ty} and y^e Ease & Benefitt of all his Maj^{ty} good and loveing Subjects Inhabiting this his Ancient and great Colony and Dominion of Virginia y^t y^e Capitol be Erected & built wth all possible Expedition in such manner as is by Law already provided & Directed Ordered y^t new Proposalls Issue throughout this Colony & Dominion, to Invite all Persons y^t are willing to come in and undertake y^e same either in y^e quality of an undertaker Overseer or workman in any part of the said Building.

The Councill Declaring that there was nothing more offered at this time to their Consideration for his Maj^{ty} Service.

The Councill adjourned

Dionisius Wright Cl Con

[C. O. 5, 1312, No. 1 (viii) cont^d or fo. 30.]Virginia ss^t

By His Excellency

A Proclamation

Whereas I have receiv^d an Order from y^e Right Honourable y^e Lords of y^e Council of Trade & Plantations dated at White Hall y^e 21st day of Feb^ry 1699-1700 y^t some time in y^e moneth of November last a Merch^t Ship called y^e John Hopewell of London whereof one Henry Munday was Commander was plunder^d by a Pyrate named Henry King who formerly used y^e Pensylvania trade, and y^t nine of y^e s^d Munday's men voluntarily forsook him and ran away with y^e s^d Pyrate upon his Pyratial designs, therefore I Francis Nicholson Esq^r his Majestys Lieutenant and Govern^r Gen^{ll} of Virginia by and with y^e Advice and Consent of his Majestys Hon^{ble} Council of State doe straitly charge and command all his Majestys Officers Civil & Military and all other his good and loving Subjects whatsoever to use their utmost endeavour to take seize and apprehend all and every y^e s^d Pyrats so as they may be brought to condigne Punishment, whose names are Henry King y^e grand Pyrat, Nicholas Gellibrand, John Burton, Leonard Rawlings, Edw^d Atterbury, Emanuel a Portugese, John Sanders, William Barker of Sunderland, John Harris of London, Francis Brown a Negro being those who deserted y^e s^d Munday. And I doe promise as a reward to any Person or Persons y^t shall take seize and apprehend all or any y^e s^d Pyrat or Pyrats so as such Pyrat or Pyrats be brought to justice for y^e s^d offences, such Person or Persons shall have and receive y^e Some of twenty Pounds Sterling for every Pyrat so taken & brought to condign Punishment. And I likewise straitly charge all Sherrifs to cause this Proclamation to be published in all Churches Chappels Court Houses and other publick places in their respective Countys. Given under my hand and his Majestys Seal of y^e Colony at James Town this 9th day of July 1700 in y^e twelfth year of his Majestys Reign.

A Proclamation for y^e

Apprehending of Pyrats

F: Nicholson.

God save the King

Virginia ss^t

By his Excellency

A Proclamation

Whereas the generall Assembly begun at James City the 27th of Aprill 1699 is prorogued to the 31st day of this instant July and on advice in Council find it most for his Majestys & this Colony's Service that y^e Assembly be prorogued untill further Time, therefore I Francis Nicholson Esq^r his Majesty's Lieutenant and Govern^r Gen^{ll} of Virginia by vertue of y^e power and authority to me given by his Majesty's Letters Patent under y^e great Seal of England bearing date at Westminster y^e 20th day of July in y^e 10th year of his Reigne doe by this Proclamation in his Majestys name publish and declare y^t I have prorogued y^e s^d Assembly & it is hereby prorogued to y^e

23^d day of October next, at which time I doe hereby require every respective Member that they fail not in giving their Attendance accordingly. Given under my hand & y^e Seal of y^e Colony this 10th day of July *Anno Dom* 1700.

A Proclamation for Proroguing
the General Assembly

F. Nicholson

E: Jennings Dep^{ty} Sec^{ry}
God save the King

Virginia ss

At a Councill held at James City the 8th day of August 1700 in
the 12th year of the Reign of King William the
third over England &c

Present

His Excellency in Council &c^a

Edmund Jenings
John Lightfoot

Mathew Page
Benj^a Harrison Esq^{rs}

His Excellency was pleased to lay before the Councill his Maj^{ties} Letter dated at Kensington the 18th day of March 1699-1700 wherein his Maj^{ties} Intimates to his Excell his Royal will and pleasure Concerning the Marquis De La Muce, Monsieur De Seully [Sailly] and severall other French Protestant Refugees and their Settlem^t in Norfolk County in this Governm^t and wherein his Maj^{ties} is pleased to Require all possible Incouragem^t to be given them upon their arrival here in ord^r to their Settlem^t w^{ch} being seriously debated at y^e Councill Board upon Consideration that there is no such land in Norfolk County as was supposed and Represented for their Settlem^t there and the land in those parts not as yet actually seated lying in dispute betwixt Virg^a and the proprietaries of Carolina.

It is the Oppinion of the whole Councill and accordingly ordered that y^e afores^d Refugees be seated upon James River at Mannikin Town w^{ch} is about twenty miles above y^e falls where y^e land is very good and fertile Soil wholly in his Maj^{ties} grant and wthout any other Pretentions of Claimes as y^e most proper place for y^e advancem^t of his Maj^{ties} Service and the Interest and safety of this Colony the further care and managem^t whereof for their assistance in settleing is Recommended to M^r Auditor Byrd and M^r Benj^a Harrison Senior Esq^{rs}.

His Excellency was pleased to lay before y^e Councill that y^e French Refugees arrived y^e 23^d day of July and that his Excellency Immediately upon Receiving a Letter Importing y^e same went down to Hampton Town and had a Muster Roll or list of their names taken and that they were in number one hundred and eight men fifty nine women thirty eight children besides y^e Marquis De La Muce and Monseur De Sailly.

Ordered that it be Recommended to the Committee appointed to Revise y^e Laws to Consider of y^e most proper method to be used for y^e Naturalization Settlem^t and Civill Governm^t of the French Refugees w^{ch} by the s^d Committee is to be proposed and layd before y^e Generall Assembly at their next Session.

His Excellency laid before y^t Councill a Letter from y^e Right Honer^{ble} the Lords Commissioners of Trade dated Apprill y^e 12th 1700 Intimateing his Maj^{ties} Royall will & pleasure for all possible Incouragem^t to be given to y^e Marquis De La Muce, Monsieur De Saily & other French Protestants in their design to settle in this his Maj^{ties} Colony and Dominion of Virg^a as also Signifying his Maj^{ties} Pleasure in approveing of a Meeting to be held betwixt his Excellency and Coll^o Blackiston his Maj^{ties} Gover: of y^e Province of Maryland wth his Excellency the Earle of Bellamont to Consult about y^e opening a New Trade wth some Western Indians and his Excell^y Informed the Honer^{ble} Councill that pursuant to the s^d Instructions he had sent a Letter to his Excell^y the Gover: of Maryland Intimateing that he would Attend him about y^e ninth or tenth of September next to meet wth the Gover^r of Pensillvania about y^e midle of the afores^d month in order to their Meeting wth his Excellency y^e Earle of Bellamont at New York the twenty first or twenty second of Septemb^r next to put y^e afores^d Instructions in Execution.

His Excellency laying before the Councill a Letter from Cap^t William Passenger dated y^e 29th of July 1700, wherein is set forth that Monsieur De Saily and some other of the French Refugees have a quarter part of the Ship Mary Anne whereof Cap^t Geo: Haws is Commander and severall other Letters Relateing to y^e same matter.

It is thereupon thought fitt and accordingly ordered by his Excellency wth the advice of his Maj^{ties} honor^{ble} Councill that M^r Attorney Gener^l and M^r Advocate prosecute y^e matter in his Maj^{ties} Court of Admiralty here with all possible Expedition.

Ordered by his Excellency in Councill that for y^e future upon y^e Condemnation of any Ship or Vessell in y^e Court of Admiralty the Marshall imediately take her into his possion [possession] and Render an acc^t of her Condemnation together wth an Inventory of her ladeing, Guns, Amunition, takle, furniture and Apparell to M^r Auditor Byrd that such Proceeding may be thereupon had as shall be agreeable to Law.

George Sleycomb presenting a Petition to his Excellency and the honor^{ble} Councill wherein he sett forth

That whereas he was late Master and Sole owner of an open Sloop called the Slowfeild wth w^{ch} he lately came from Annapolis in y^e province of Maryland to this his Maj^{ties} Colony and Dominion of Virg^a wth a Permit from William Taylor deputy Collecto^r there but that for want of a Register the s^d Sloop was here seized by Cap^t William Passenger Commander of his Maj^{ties} Ship Shorham and in his Maj^{ties} Court of Admiralty here for y^t defect the s^d Sloop wth all furniture takle aparel goods and Ladeing was Condemned and decreed forfeited in man^r and form as by Act of Parliam^t is prescribed and further makeing humbly suit that for as much as y^e afores^d default was not out of any Contempt or disregard of the Laws and Statutes in force, but meerly proceeding out of Ignorance his Excell: and the Honor^{ble} Councill would therefore be pleased out of their wonted Clemency kindness and Compassion to y^e distressed to remit to this Petition^r the fines and forfeitures afores^d &c the same being taken into serious Consideration his Ex^{cy} and his Maj^{ties} honor^{ble}

Councill pittying the poore Condition of the Petition^r that probably it might be his whole living that the s^d Sloop being but a very small open Vessell wth her furniture Tackle apanel goods and lading upon her being Exposed to Sale amounted only to y^e Sum of twelve Pounds Sterling and that therefore y^e one third of the forfeiture due to his Maj^{tie} amounts only to four Pounds Sterling upon Consideration of the Petition^rs poor Estate the same is freely Remitted and pardoned & his Excell: freely remitts his part of the afores^d fine and forfeiture and Cap^t William Passenger Pursuant to his promise made by his Letter dated July 6th 1700 when he seized y^e s^d Vessell is desired and Intreated to Remitt his part of y^e afores^d fine & forfeiture in relation to the said Vessel.

Upon reading this day at y^e Council Board a Letter dated Whitehall Feb^y 16th 1699 from y^e right hon^{ble} L^{ds} Commission^{rs} for trade & Plantations and an Order therein enclosed of his Maj^{tie} in Council dated at ye Court at Kensington y^e 28th of Janu^y 1699 relating to y^e Naturalization or Denization of Aliens.

It is by his Excellency & his Maj^{ties} Hon^{ble} Council thought most proper & accordingly Ordered, that y^e Clerk of y^e Council draw an exact transcript of y^e afores^d Letter of Feb^r 16th 1699 and y^e therein Enclosed Order of his Majestie in Council of y^e 18th of Janu^y 1699 And that y^e same be referred to y^e Consideration of y^e Committee appointed to revise y^e Laws.

Whereas it hath been represented to this Board That one John Harwood Master of a Ship was for his supply of wood & water forced into York River in this his Maj^{ties} Colony & Dominion of Virginia whose Ship being much disabled one George Stoakes a Carpenter and an Inhabitant of this Colony did work on board y^e s^d Harwoods Ship thirty Seaven dayes, And whereas it appeareth that y^e s^d Harwood did not only refuse to pay & satisfie y^e s^d Stoakes for such his Service. But also Contrary to y^e known Laws of this his Maj^{ties} Dominion and to y^e great prejudice of him y^e s^d George did wth force carry y^e s^d George out of this Colony into y^e realm & Kingdom of England. It is by his Excellency wth y^e advice of his Maj^{ties} hon^{ble} Council thought fitt, that y^e same be referred to y^e Committee appointed to Revise y^e Laws to y^e end that such illegal Practices, And y^e great mischief that may Ensue thereon, not only to y^e Parties themselves so carried away. But also to sev^l of his Maj^{ties} Subjects here inhabiting, to whom they may be indebted, may for y^e future be prevented, and that such Masters of every such Vessel so driven in by stress of weather or for supply of Provisions wood or water may be Enforced to give Bond to perform y^e Laws of this Country.

Those matters referred y^e Last Council comeing againe under Consideration: M^r Auditor Byrd being upon y^e Negotiation in behalfe of y^e French Refugees, and the other members of y^e Hon^{ble} Council being absent, these members here present request that y^e same may still lye referred to a fuller Council, And accordingly they are referred.

Dionisius Wright

[C. O. 5, 1409]

At a Councill held at James City the 4th day of Sep^r 1700 in the twelfth year of the Reign of King William the third over England &c.

*Present*His Ex^{cy}Edmond Jenings
John LightfootMathew Page Esq^r^{rs}

His Ex^{cy} laid before the Councill a Letter from Lt Col^l George Mason dated Aug^t the 19th 1700 wherein he Intimates to his Ex^{cy} that he had Apprehended an Englishman Named Thomas Monck, who had been some time with the Indians and was Supposed could discover something of the barbarous Murther lately Committed by y^e Indians upon severall English in Stafford County.

Also the Confession of the said Thomas Monck taken in Stafford Court, Aug^t 15th 1700 wherein he ownes that he was privy & present at a Consultⁿ held by some Indians Concerning the Cutting off some English Families

His Ex^{cy}s Lett^r to Mason of Aug^t 23th 1700 wherein Mason is Commanded to send Monck under Safe Guard to be Examined by his Ex^{cy} and his Maj^{ties} Hon^{ble} Councill

Coll: Masons Answer of Aug^t 28th 1700

The Sheriff of Staffords Letter with some other testimonies about Monck dated Aug^t 29th 1700.

Govern^r Blackistons letter to his Ex^{cy}—dated Aug^t the 7th 1700 in w^{ch} was Inclosed an Account of a Conference held in Maryland about the 3^d of July 1700 by Command of his Ex^{cy} of Maryland betwixt Phillip Hoskins & William Dent of Maryland Esq^{rs} & the Empero^r of Pomonker Indians in Maryland

As also Govern^r Blackistons letter concerning Monck dated Aug^t the 14th 1700 & severall Other letters.

Benj^a Harrison Esq^r added

Thomas Monck presented to his Ex^{cy} & the Hon^{ble} Councill certain Papers by him drawn up in the Nature of a Confession to all w^{ch} he made Answer and then subscribed the same after w^{ch} done he was Ordered to Withdraw.

Upon Serious Consideration of the Whole Matter of fact as it Appears by the Voluntary Confession of Thomas Monck this day Exhibited & by him signed, it being strongly & Vehemently suspected that the said Monck was in a great Measure privy to all the Consultations of the Indians in their Inroads of barbarities & Outrages Committed upon the English.

It is the Opinion of his Ex^{cy} and the Hon^{ble} Councill and Accordingly Ordered that the said Thomas Monck be forthwith Committed into the Custody of the Sheriff of James City County to be Committed to the Common Goale of the Affores^d County & there to remaine without Baile or Mainprize, till he shall be thence delivered by due Course of Law.

Severall Letters & Papers relateing to Certain Pyracies hereto-

foresaid to be Committed by Some Inhabitants of Norfolk County were laid before the Councill and were referred to M^r Attorney Gen^l to Consider & Report.

Upon Consideration whereof M^r Attorney Gen^l made Report to this Effect:

That he had fully considered the Papers to him referred intimating that M^r Samuell Bush and others had formerly been Guilty of severall Pyracies, but forasmuch as it did not Appear that any Evidence had been given upon Oath to prove the Matter of Fact charged upon them that therefore he was humbly of Opinion, that noe Judiciall Process can be form'd against them to Answer the said Pyracies untill further Evidence is produced ag^t them.

Whereas Simon Alderson hath this day laid before the Councill board that for Some words by him spoken concerning Certaine Pyracies heretofore said to have been Committed by Samuell Bush of the County of Norfolk Gent. The said Bush thereof made Complaint and brought him the said Alderson before Mathew Godfry Gent. one of his Maj^{ties} Justices of the Peace for the Afforesaid County of Norfolk & upon hearing of the Matter before him, they were both bound over to Answer at the Next Court held for the Abovesaid County, And the said Alderson praying a *dedimus* for the Examination of Witnesses in Princess Ann County, It is the Opinion of his Ex^{ty} & the Hon^{ble} Councill that the same belongs to A Judiciall Process as law, & is not within their Cognizance, But to the End all Just, and Legall means may be used for the detecting and discovering such illegall and dishonest Practises & bringing the Offend^{rs} to Condign Punishment It is hereby Ordered that the Magistrates of Norfolk & Princess Ann County doe take the depositions & Examinations of all such Persons as shall be brought before them, in all things relateing to the Aboves^d offences.

and return Copies of all such Examinations and depositions under their hands to the Councill Office.

His Ex^{ty} laid before the Councill Monseieur D^e Sailles deposition concerning the Ship Mary Ann & severall other Papers relating to that Matter, as also his Ex^{ty}'s Letter to the Right Hon^{ble} the Lords Com^{rs} of trade date 27th Aug^t 1700. for some Queries relateing to the Afforesaid Ship to be resolved by his Maj^{ties} Attorney & Sollicit^r Gen^l in England

Also his Ex^{ty}'s Letter to the Right Hon^{ble} the Lords Commission^{rs} of the Custome dated 24th of Aug^t 1700 w^{ch} being read It is the Opinion of the Councill that there is nothing further can be Offered in that Matter,

M^r Bartholomew Fowler his Maj^{ties} Attorney Gen^l by his Petition setting forth.

That whereas many matters of great difficulties & Importance doe daily arise and come within the Verge of that Office w^{ch} requires great knowledge and Experience in the Lawes of England and the most Intense Application both of body & mind and that reflecting upon his own disabilities by reason of his little Knowledge & Experience & his Weak & Sickly Constitution of body he finds himself unable to manage & sustaine the Burthen of soe great a Place and thereupon humbly praying to be discharged from that Office.

Upon a due Consideration had of the whole matter his Ex^{cy} and the Hon^{ble} Council being in some Measure Sencible of his bodily Infirmities attended with all most Continuall Sickness, and Acknowledging his former faithfull & prudentiall Management and discharge of that Office, he is upon such his Petition discharged from further Attendance.

Ordered that Bartholomew Fowler his Maj^{ties} late Attorney Gen^l prosecute all Matters and Suites now depending and by him brought in his Maj^{ties} behalf for any Matter Cause or thing whatsoever & that he take care of what has been formerly given him—

Ordered that all Navigation bonds upon the Expiration of 18 months According to the Proclamation dated 26th April 1699 be put in Prosecution.

Ordered that all Navall Officers within this his Maj^{ties} Colony & Dominion of Virginia doe from time to time render an Account to M^r Attorney Gen^l of what Navigation bonds & others relating to Trade by them are here taken.

His Ex^{cy} was pleased to lay before the Council a Letter from Cap^t W^m Passinger Command^r of his Maj^{ties} Ship Shoreham dated the 19th Aug^t 1700 wherein he setts forth the damage he has sustained in the Ship by a Violent Storme that his Maj^{ties} aforesaid Ship is very much disabled & Ought therefore to be Carreened &c—Upon consideration whereof, It is the Opinion of the Council & accordingly Ordered that the same be done with all Convenient Speed and that in order thereunto Cap^t William Passinger cause his Maj^{ties} said Ship Shoreham as soon as possibly he can (wind & Weather permitting) to be carried up Eliz^a River and there apply himself for Supply of all Necessaries unto major James Wilson & Cap^t Sam^l Bush, of the County of Norfolk or Either of them, who are hereby Impowered & required to give the said Passinger such Credit & Other Assistance as shall be sufficient to Enable him to Carry on perfect and finish the same & if Need soe require they or any one of them are to Issue out their or Either of their Warrants for the Impressing Carpenters or Other workmen, to performe such worke as shall be wanting for repairing the said Ship or provideing victualls or Other Necessaries dureing their Abode there.

And that all Persons may be justly paid & Satisfied for the work they shall doe or for any Provisions Planck Timber Pitch Tarr or other things they shall furnish the said Passinger with the said Wison [Wilson] & Bush or Either of them shall take an Exact Account thereof signed by the said Passingers own hand w^{ch} account shall with the first Conveniency be transmitted to his Ex^{cy} who will Cause the money to be paid for the same.

His Ex^{cy} laying before the Hon^{ble} Council a Letter from Cap^t William Passinger Commander of his Maj^{ties} Ship Shoreham dated the 28th of Aug^t 1700 wherein he gives an Account that severall of his men to the Number of forty or Above are Dangerously afflicted with Sickness, and praying that for their more speedy recovery of health and keeping the rest from being infected by the Noisomness of the Smell some Care may be taken for them on shore, upon reading of the Same his Ex^{cy}—Acquainted the Council that he had Caused all the Sick men, to be brought on Shore and had taken Especiall Care

concerning them in and about Hampton town, that they might be Attended & provided for in such their Weak and low Condition all w^{ch} is very much approved of by the Councill.

The one third part of the Ship Providence Condemned as Prize with her furniture &c w^{ch} belongs unto his Ex^{cy} by vertue of such Condemnation his Ex^{cy} is pleased to give towards the Makeing and preparing landings at the two ports of the City of Williamsburgh.

His Ex^{cy} laid before the Councill a Lett^r from the Right Hon^{ble} the Commission^{rs} of the Customes dated 17th April 1700 whereby is Signified to his Ex^{cy} that Rich^d Lee Esq^r is Approved Navall Officer for the whole district of Potomack w^{ch} is ordered to record

His Ex^{cy}'s Lett^r to the Lords Commission^{rs} of Trade & Plantations dated Aug^t the 27th 1700 concerning the bounds of North Carolina was read and approved of by the Councill and thought nothing Needfull to be thereto added.

Upon reading his Ex^{cy}'s Letter to M^r Audit^r Byrd of the 22th of Aug^t 1700, & M^r Audit^r Byrds answerthereunto of the 25th of Aug^t 1700. concerning a true Roll of his Maj^{ties} Rents It is thought most proper to be done at or after the removinge the Records to William & Mary Colledge, and that the Secretary and Dep^{ty} Secretary take care to make up & perfect a Gen^l Rent Roll:

Whereas several matters of Moment have been formerly recommended by his Maj^{ties} Instructions by the Generall Assembly of this Colony and by the Govern^r & Councill to the Consideration of the Committee appointed to revise the lawes, It is by his Ex^{cy} and his Maj^{ties} Hon^{ble} Councill hereby Ordered that the afforesaid Committee be again reminded to have all due Regard to the same.

Whereas upon Reading a Letter from L^t Coll William Randolph dated the 25th of Aug^t 1700 wherein he setts forth that he is affraid severall Intrigues and devices are Secretly practised to withdraw y^e French Refugees from their Intended Settlm^t for preventing whereof as much as may be & that his Maj^{ties} Royall Will & Pleasure Concerning them may have its desired Effect, His Ex^{cy} wth the Advice of His Maj^{ties} Hon^{ble} Councill doth hereby Strictly Charge & require all his Maj^{ties} loving Subjects inhabitting within any of the Countyes of Henrico Charles City New Kent & Surry that at their Utmost Perills they do not harbour Entertain or Receive into their houses as retainers there any of the Afforesaid french Refugees to the Hindrance of their Intended designe of Settlement.

His Ex^{cy}'s Letter of Aug^t the 1st 1700 Paragraph: the Third; Concerning the Uncertainty of getting a full Councill with the reasons thereof & his proposalls that more Councill^{rs} may be Added wth the reasons for the same as also the Ninth Paragraph: relateing [to] the transportation of French Refugees being read in Councill was Approved.

Ordered that if in the Absence of his Ex^{cy} the Govern^r any Insurrection Invasion by Pyrates or Indians should happen in this Colony (w^{ch} God forbid) an Express be sent to his Ex^{cy} by way first of Annapolis in the Province of Maryland thence to Philadelphia in Pennsylvania & Soe to New York.

The matters referred the last Councill by reason [of] Excessive

Raines & great floods have at this time prevented a full Meeting of the Council is againe referred to a full Councill.

For w^{ch} reasons also amongst Others the delivery of the Council bookes & Papers to the present Clerk of the Council is also referred to a further time

Sep^t 5th 1700

A Proclamation being prepared Declaring the Administration of the Govern^t of this his Maj^{ties} Colony & Dominion of Virg^a & the Executions of the Powers & Authorities thereto belonging to be (in Case of y^e death or absence of his Ex^{cy} the Govern^r) vested in his Maj^{ties} President & Councill of this Colony & declareing the Hon^{ble} William Byrd Esq^r President dureing such Absence of his Ex^{cy} was read & being Approved was signed in Councill & Ordered to pass the Seale of the Colony in Order to its Publication.

Bartholomew Fowler late his Maj^{ties} Attorney Gen^{ll} upon his Petition being discharged from further Attendance, in that Office, It is Recommended to the Care of his Maj^{ties} Hon^{ble} Councill that some other Able discreet Judicious & well Experienced Person be provided to Execute that Office.

His Ex^{cy} in the presence of the Councill haveing read some directions and Instructions from the right honorable the Lords Justices to be from time to time as Occasion required, Observed by the P^{resident} & Councill of this his Maj^{ties} Colony & dominion dureing his Ex^{cy}s absence the same was Sealed up And left on the Councill Table—

Nothing more being at present to be offered for his
Majestyes Service Councill Adjourned
At James City Sep^t 7th 1700

Edmund Jenings
Mathew Page

Benj^a Harrison Esq^{rs}

William Byrd Esq^r being by his Ex^{cy} in Councill & by Proclamation dated Sep^t 5th 1700 Nominated & Appointed President of his Maj^{ties} Hon^{ble} Councill dureing his Ex^{cy}s Absence from this Govern^t first took the Oaths Appointed by Act of Parliament to be taken instead of the Oathes of Allegiance & Supremacy and then haveing subscribed the Association & Test took the Oaths Appointed by severall Acts of Parliament to be taken for Navigation trade as President—

Dionisius Wright *Cl Con*

[C. O. 5, Vol. 1312, N^o. 20 ^{xvii} or p. 189.]

Virginia 55

By his Excellency

A Proclamation

Whereas his most sacred Majesty by his Royal Lett^{rs} Patents bearing date at Westminster the 20th day of July in the tenth year of his Reign was graciously pleased to constitute and appoint me Francis Nicholson Esq^r to be his Matys Lieuten^t and Governor Gen^{ll} of this his Matys Colony and Dominion of Virginia, And whereas his

Ma^{ty} by his afores^d Royal Commission to me given was pleased to declare his Royal will and Pleasure that in case of my death or absence from this Colony and Dominion aforesaid, and that there be no other Person upon the place commissioned by his Maj^{ties} to be his Ma^{ty}'s Lieu^t Governour or Commander in Cheif, that then the present Council of Virginia do take upon them the administration of the Government and execute the afores^d Commission and the several powers and authoritys therein contained, and that the first of the Council shall preside with such Power and Preheminencies as any former President hath used & enjoyed And whereas his Matys Royal Commands hath been signified to me by the R^t hon^{ble} the Lords Comm^{rs} of Trade and Plantations by their Lett^r dated 12th April 1700 to go to New York; I have therefore thought fitt to publish and Declare And by this Proclamation in his Ma^{ty}'s name publish and Declare that the Administration of the Government and the execution of the aforesaid Commission and the several Powers and authoritys therein contained is during such my absence in his Ma^{ty}'s President and Council of this his Ma^{ty}'s Colony and Dominion of Virginia and that W^m Byrd Esq^r is at this present the first in Commission of his Ma^{ty}'s hon^{ble} Council, and so by reason thereof President. I do therefore in his Ma^{ty}'s name hereby directly charge request & command all his Ma^{ty}'s loving Subjects of what Station or qualification soever within this Colony and Dominion to yeild all due honour and obedience to his Ma^{ty}'s afores^d President and Council pursuant to his Ma^{ty}'s aforesaid Royal Commission in the administration of the Governm^t untill my Arrivall here as they will answer the contrary at their utmost Peril. Given under my hand and the Seal of the Colony this 4th day of September 1700 in the 12th year of his Ma^{ty}'s Reign

Fr: Nicholson

A Proclamation declaring William Byrd
Esq^r President &c
E Jenings Dep^{ty} Sce^{ry}

[C. O. 5, 1409 cont.]

At his Maj^{ties} Royal College of William and Mary the 17th day of
October 1700 in y^e 12th year of his Maj^{ties} Reign &c

*Present*William Byrd Esq^r President

Edmund Jenings
Edward Hill
John Lightfoot

Mathew Page
Benj^a Harrison
Rob^t Carter
John Custis Esq^{rs}

The President Laying before y^e Honer^{ble} Councill a Letter from
Lieu^t Coll Nath^l Littleton of Northampton County on the Eastern
Shore dated Octo^r the 13th 1700 Directed as Followeth

For his Maj^{ties} Service

“To his Excellency Francis Nicholson Esq^r his Maj^{ties} Lieu^t and
“Gover^r Gener^l of Virginia These humbly P^{re}sent—

“Or in his Excellencies Absence To the honer^{ble} his Maj^{ties} President
“and Council of Virg^a—

“These at his Maj^{ties} Royall College of William & Mary Adjoining to the City of Williamsburgh—Wherein it is Intimated that a Boat Came on Shore at his house the 11th Instant wth seven men in her, and that by their discourses to him and severall of the Inhabitants of that Place It is strongly suspected that they are Pirates and have some Evill design in hand and the s^d Lett^r being further strengthened and Confirmed wth the Report of some Persons, who say that there was a Ship seen in Linhaven Bay about The 13th or 14th Instant of Considerable Burthen—as to them it seems and that she lies hovering about w^{ch} adds much to the former Suspicion,

His Maj^{ties} Honer^{ble} President and Council takinge the same into their serious Consideration and willing as much as in them lies to provide for y^e Safety of this his Maj^{ties} Colony and Subjects here Inhabiting for the Preservation and Security of the Ships in their arrival from England (w^{ch} may be dayly Expected) and for the Effectual apprehending of all Pirates do hereby order and appoint that a Copy of the afores^d Letter be forthwth sent to Cap^t William Passenger Command^r of his Maj^{ties} Ship Shoreham Now lying in Eliz^a: River, and the s^d Cap^t William Passenger is hereby Required and Comanded forthwith to fit and prepare his Maj^{ties} afores^d Ship Shoreham wth Gunns and Ammunition and all other Provisions and habiliments of Warr and wth all Speed to sail out into the Bay and if he finds any such Ship as is suggested to Endeavo^r by all means possible to Reduce her to Obedience And it is further Ordered that if the s^d Passenger finds the Suggestion to be True, that he be hereby Impowered upon such present Emergency and for this only Service, and Not otherwise, to Impress men for the better Strengthening of the s^d Ship and Enabling her for the Better Performance of this p^rsent Service

And for the Better Safety and Security of this Colony and his Maj^{ties} Subjects here Inhabiting the Honer^{ble} President and Council of this his Maj^{ties} Colony and Dominion are pleased to direct & doth hereby Require the Command^{rs} in Chief of the Militia of the severall Counties of Eliza: City Princes Ann Norfolk Accomack Northampton And York and Every of them that they do provide and appoint sufficient Persons in Every of the s^d Counties Respectively to Look out, and scour the Sea Coasts and if they see any Ship or Vessell upon the Sea in the Bay or Mouth of the rivers that they diligently Observe her, or their Courses Motions and Actions and Particularly if any boat or boats be sent on Shore and if there appeare to them any Suspicion of their being Pirates, that they do Immediately give Notice thereof to the next Commission Officer of the Militia who is forthwith to Intimate the same to the Comander in Chief of the Militia of the Co^{ty} where he Resides who is hereby Required to raise the Militia and give such orders as shall be necessary for the defence of his County and y^e apprehending if possible of such suspicious Persons, and also to give imediate Notice to y^e Comand^{rs} in Chief of the Militia in the other Counties Bordering upon the Sea, Bay, or Mouths of the Rivers, that they may also be p^rpared to defend them selves and pursue apprehend & take such suspicious Persons as afores^d and y^e afores^d Comand^{rs} of the Militia in Every of the afores^d Counties upon Every such discovery or Intima-

tion as afores^d to him them or any of them given is forthwth to dispatch an Express to his Excell: or to the President, and Council of this his Maj^{ties} Colony and Dominion wth a particular account thereof.

Whereas severall Persons Comitted for Murder & other Capital Offences are to receive Tryall this Gener^l Court and there being at this Present No one Comissionated as his Maj^{ties} Attorney Generall to prosecute the s^d Offenders, It is Ordered and appointed that M^r Benj^a Harrison be and is hereby Empowered authorized and appointed *pro hac vice* as the Kings Attorney to prosecute all such Matters in the Generall Court Now depending

Virginia ss:

At a Council held at his Maj^{ties} Royall College of William and Mary the 24th day of October 1700 in the 12th year of the Reign of King William the 3^d: over England &c

Present

His Excellency Francis Nicholson Esq^r &c

William Byrd
Edmund Jenings
Edward Hill
John Lightfoot

Mathew Page
Benj^a Harrison
Robert Carter
John Custis Esq^r

His Excellency laid before the Council the Lord Vernons Letter w^{ch} was Read and his Excell: being much Indisposed and being late at Night.

Council Adjourn'd

At a Council held at M^r Comissary Blaires y^e 25th October 1700

Present

as before

Whereas the Generall Assembly of this his Maj^{ties} Colony and Dominion of Virginia was by his Excellencies Proclamation Dated July the 10th 1700 Prorogued unto the 23^d of this Instant October and his Excellency the last night Imediately upon his Returne and Arival here from New York Comanding the Burgesses to be sent for into the Generall Court house to attend his Excellency & the honer^{ble} Council whither being Come L^t Coll William Leigh in behalfe of y^e Burgesses thus Expressed himselfe or to this Effect

"May it please yo^r Excellency wee who were members of this "Late prorogued Assembly being sent for to attend yo^r Excellency "and the honer^{ble} Council in all humility do Now p^rsent o^r selves "with all Submission but must begg Leave to Lay before yo^r Excell: "that yesterday there were but Nineteen and this day but Twenty "three who were members of the Late prorogued Assembly that ap- "peared upon Consideration of w^{ch} we pray time to advise that Nothing "may be done but w^t is honorable Just Legall and Necessary—

Upon the Serious Consideration of all w^{ch} the Burgesses Not meeting upon the day and to avoyd all manner of disputes and argum^{ts}

It is ordered and appointed that Proclamation be forthwth drawn and Issue to dissolve this p^rsent Assembly and because there are Matters

of great moment and publick Concern Requiring the advice and assistance of a Generall Assembly this Board is therefore of Oppinion that it is for his Maj^{ties} Service that a Generall Assembly be Called to meet as soone as Conveniently may be therefore Ordered that writts be prepared for the Calling a Gener^l Assembly to meet at his Maj^{ties} Royall College of William and Mary adjoining to the City of Williamsburgh the fifth day of December next

Council Adjourn'd

Virginia ss

25th October 1700

Post Meridiem

At his Maj^{ties} Royall College of William and Mary

Present

His Excellency Fra: Nicholson Esq^r &c:

William Byrd

Mathew Page

Edmund Jenings

Benj^a Harrison

Edward Hill

Robert Carter

John Lightfoot

John Custis Esq^{rs}

His Excellency Laid before the Council a Letter from the Admiralty Office wth Instructions from the Right honer^{ble} the Lords of Admiralty dated the 21^e June 1700 for the Secureing Ships & Vessells of his Maj^{ties} Subjects from the algerreens as also forms of the Passes

The forme of the Register for Passes

The oaths for free and English bielt Ships wth Copies of Bonds thereto relateing

As also an acco^t of the severall Plantations to w^{ch} Passes are sent

Whereas George Luke Esq^r is Comissionated and Appointed by the Right Honer^{ble} the Com^{rs} of the Customs to be Collector of the Lower district of James River in the Place of Peter Heyman Esq^r Dece^d and whereas it is Required by Act of Parliament that before he be admitted into y^e s^d Office he shall take the Oaths Appointed by Act of Parliam^t to be taken Instead of the Oaths of allegiance and Supremacy subscribe the Test and association, and take an Oath to Observe the severall Laws and Statutes made Concerning Trade and Navigation and give bond & Security for his faithfull Dischargeing the s^d Office It being Now very Late at Night and his Ex^{cy} the Gover^r being very much Indisposed, It is Ordered and Appointed that the s^d Georg Luke at some more Convenient time but as soone as may be take the afores^d Oathes, and perform the other Matters above Required before his Excellency the Gover^r and y^t upon his being Admitted and Invested in the s^d Office he settle him selfe for the Better discharge of his Duty in or Near Hampton Town in Elizabeth City County.

Whereas severall French Refugees have lately (viz^t) on or about the 20th Instant arrived at James City in this Colony wth Design to go up to Mannikin Town in the upper part of James River whither several French are already Gone to make Settlement—

His Excellency and the honorable Councill takinge the same into their serious Consideration are unanimously of Opinion that Considering

the Poverty and disab[il]ity of the said Refugees their Ignorance in the Customs and affaires of this Colony their wants and Necessities being destitute of all Means of Support and Susteinance at present it will be most for their advantage and Interest to disperse them selves, and do accordingly order Licence and permitt the afores^d French Refugees to disperse them selves into severall parts of this Country, that they may thereby the better provide for the future Support of them selves and Families untill the Next fall at which time further Care may be taken therein—

A

Proclamations being prepared for dissolving the present Generall Assembly the same was Read and being Approved was signed in Councill and the Colony Seal ordered to be thereto affixed

Writts for New Election of Burgesses and the Calling of a Generall Assembly to meet the fifth of december Next at his Maj^{ties} Royall College of William and Mary adjoining to the City of Williamsburgh were Read and being Approved were signed in Councill and the Colony Seal ordered to be thereunto affixed

All other Matters heretofore Referred & that Now Offers, there being Noe Ships Now in the Country upon departure for England are Referred till the third of December Next at which time also an Audite is Appointed.

Virginia ss:

At a Councill held at his Maj^{ties} Royall College of William and Mary in Virginia 26th October 1700 In the 12th year of y^e Raign of King William the third over England &c

Present

William Byrd
Edmund Jennings

Edward Hill
Joⁿ Lightfoot Esq^rs

Whereas severall Murders have been lately perpetrated and Committed upon severall of his Maj^{ties} Subjects Inhabitants of Stafford Co^{ty} by Certaine unknown Indians, and whereas for the Better Safety and Security of his Maj^{ties} Subjects in those Parts Lieu^t Coll: George Mason Comander of the Militia of the afores^d County of Stafford hath been Empowered and Authorized by severall form^r ord^{rs} of Councill to keep Rangers upon the Frontiers of the s^d County to discover and Detect if possible such Murderers and to prevent any further such wicked Attempts, It is hereby ordered and the afores^d Le^t Coll George Mason is hereby authorized & Required to Continue the same Rangers as heretofore untill the next Session of the Generall Assembly of this Collony at w^{ch} time the Consideration thereof shall be proposed to the Gen^l Assembly then sitting

M^r George Luke Comissionated and Appointed by the Right Honorable the Lords Comiss^{rs} of the Customs to be Collector of the Lower district of James River for the due Prosecution of which place and His Better Managem^t of the afores^d Post.

It is hereby Ordered that L^t Coll William Wilson doe Examine and peruse all the Papers Belonging to M^r Peter Heyman Late Collector

of the afores^d District and that he deliver all Papers and other Matters Relateing to y^e afores^d office unto the above Named M^r Georg Luke and take a Just acco^t thereof in the severall Particulars and his Receipt for the same w^{ch} he is to Transmitt to the Councill Office

City of Williamsburgh 31: October 1700

Mem^o

That this day Pursuant to the order of Councill of the 25: Instant Georg Luke Esq^r tooke the Oathes appointed by act of Parliam^t to be taken in Stead of the Oathes of allegiance and Supremacy subscribed the Test and Association took the Oath of Collector of the above s^d District and gave Bond for the discharge of the s^d Office

At the College of William and Mary

7th of November 1700

Present

His Exce^{cy}

Edmund Jenings
Edward Hill

Mathew Page
Benj^a Harrison Esq^{rs}

His Ex^{cy} being Informed that M^r Auditor Byrd is gone up to the Settling of the French Refugees soe that he Could not this day attend the Councill and his Presence being absolutely Necessary to settle all acco^{ts} & matters Relateing to his Maj^{ties} quitrents ordered y^t a Councill be held at M^r Auditor Byrds on thursday the 14th 9^{br} Instant & y^e Intimation be thereof given unto M^r Auditor Byrd

At a Councill held at M^r Auditor Byrds 14th day of November 1700 &c

Present

His Excellency &c

William Byrd
Edward Hill

John Lightfoot Esq^{rs}

For the Better and More advantageous disposing of his Maj^{ties} Quitrents of this Colony and Dominion of Virg^a this present year 1700 his Excellency by and wth the advice of his Maj^{ties} hon^{ble} Council is pleased to direct that where any Person or Persons will contract & Engage for the Payment of the quitrents of any County or Counties in mony according to the rate ascertained and Reserved in the Pattents abateing tenn per Cent for the Sheriffs Sallery in Collecting the same in such Case M^r Auditor Byrd shall have Liberty and accordingly he is hereby Impowered and authorized to make Sale thereof to Every such Person or Persons soe Contracting and Engageing for the same provided always that if any of his Maj^{ties} honer^{ble} Council be desirous to purchase the same at the rate above Expressed they shall have the Preference before any other

And it is further ordered that if the quitrents of any particular County or Counties wth in this Collony Cannot be so disposed of by Reason that no Person or Persons will contract and Engage for the

same at the rate Expressed in the former order, that in every such Case M^r Auditor do Issue his warrant to the Sheriff of Every such County or Counties to Expose the same to publick Sale by Inch of Candle at the Court of Every such perticular County or Counties according to his Maj^{ties} Royall Instructions in that behalfe given to his Ex^{ty}

Warrants to the severall Sheriffs of this Collony for Collecting and Receiving his Maj^{ties} Quitrents this present year 1700 were Read and signed in Councill and the Colony Seal ordered to be affixed

His Excellency Laid before the Councill his Maj^{ties} Letter of the 2^d of July 1700 Concerning Arrears due to S^r Edmund Andros late his Maj^{ties} L^t & Gover^r Gen^l of Virg^a but M^r Auditor Not haveing as yet Received the Acco^{ts} from the severall Collectors of the Virg^a duties and there being now soe few of the Councill the Consideration thereof is Referred to a fuller Councill

And thereupon

Order'd that M^r Auditor Byrd prepare a State of the acco^{ts} of the publick Revenues of this Country for y^e last half yeare *Anno* 1700 that is to say from the 25th of Aprill till the 25th of October and from thence till the 9th of december 1700 and the same being so prepared and stated to lay before his Ex^{ty} and the Councill as soone as Conveniently may be

Ordered that all the Navall Officers wthin this his Maj^{ties} Colony & Dominion of Virginia doe Appeare at the City of Williamsburgh upon y^e 5th day of december Next at the first Siting of the Assembly to make up their acco^{ts} (upon the Imposition act of the Groat a Gallon gr [gross] & Serv^{ts} & Salves) wth M^r Treasurer, & that all the Collecters & receivers of y^e Virg^a duties do at the same time & place make up their Acco^{ts} wth M^r Auditor Byrd as a Thing Much Conducing to his Maj^{ties} Interest and the good of this Collony

His Excellency laying before the Councill a Letter from Cap^t William Passenger Comand^r of his Maj^{ties} Ship Shorham dated the 26th of October 1700 wherein he Intimates to his Ex^{ty} that after his arrival at Eliz^a River wth his Maj^{ties} afores^d Ship Shorham severall of his men were taken sick and forced to be put on Shore and quartered out in order to their Recovery and praying advice how and by whome their quarters must be discharged and pay'd off his Ex^{ty} & the honer^{ble} Councill takinge the same into serious Consideration do Resolve and accordingly order that the afores^d Cap^t W^m Passenger shall Cause the severall Acco^{ts} of his sick men to be Examined settled and adjusted in order whereunto L^t Coll William Wilson is hereby desired upon application to him made by the afores^d Passenger to Examine Settle & adjust all the Acco^{ts} of the severall sick men belonging to the afores^d Ship that were (by former order of his Excellency) put on Shore in and about Hampton Town in Eliz^a City County, and Cap^t Sam^l Bush of those put on Shore in Eliz^a River wth Acco^{ts} by them the s^d Wilson and Bush soe severally made up and signed the s^d Passeng^r is hereby Required to send up to be laid before the Councill the fifth of december next

His Ex^{ty} laid before the Councill a Lett^r from y^e right Hon^{ble} y^e Lords Com^{rs} of the Customs dated 5th Sep^r 1700 wherein is Intimated to his Ex^{ty} that y^e Comp^{tr} Gen^l of y^e Acco^{ts} of his Maj^{ties}

Customs wants severall acco^{ts} from the Collectors in Virg^a of the duties on the Enumerated goods payable by the act made in the 25th year of the reign of King Char: the Seco^d: and whereupon his Ex^{cy} is desired to Cause the s^d Acco^{ts} to be made up by the sever^{ll} Collect^{rs} from the time that those duties were granted by his Maj^{ties} Royall Charter for & towards the Erecting and maintaining a free Schoole and College in Virg^a and to Transmitt the same to England as also to Charge the respective Collectors to make up their acco^{ts} for the time to come quarterly & the same to Transmitt for England upon Reading whereof

It is ordered that the Clerk of the Councill write Copies of this Letter to the severall Collecto^{rs} both former & present that they may prepare and state their Acco^{ts} pursuant thereunto and lay the same before his Ex^{cy} and the Councill

Whereas severall French Protestant refugees have been by his most sacred Maj^{tie} sent into this Colony wth particular instructions from his Maj^{tie} to his Ex^{cy} the Gover^r to Encourage & protect them in their Settling here and whereas by former order of Councill the Place of their Settlem^t was appointed at Manikin Town above the falls of James River to the End that all due observance and obedience may be paid to his Maj^{ties} afores^d Royall Instructions in that behalfe and the Govern^t be y^e Better Enabled to render unto his most sacred Maj^{ties} a full and Breif acco^t of the particular Proceedings therein, It is the Opinion of the Councill and accordingly ordered y^t Mons^r De Salles Render an acco^t (to the Next Councill to be held at his Maj^{ties} Royall College of William and Mary the third of december Next) what French were Carried up to the afores^d place in what state and Condition they Now are w^t [what] mony he hath Received in England for their use and how it hath been disposed of as also to lay before the Councill Copies of all the Transactions betwixt him and Docter Cox Relateing to y^e afores^d French Refugees

Councill Adjourn'd

At a Councill holden at City of Williamsburgh december 5th 1700 &c

Present

His Excellency &c

Edmund Jenings
John Lightfoot

Robert Carter Esq^{rs}

A Commission being prepared Impowering Edmund Jenings John Lightfoot & Robert Carter Esq^{rs} or any two of them to administer y^e oathes appointed by Act of Parliam^t to be taken in Stead of the Oathes of Allegiance & Supremacy the Association and Test and the oath of a Burgess unto the Members of the house of Burgesess of this present Gen^l assembly the same was signed and the Colonies Seal thereto affixed

Another Comission being prepared Impowering Edmund Jenings Joⁿ Lightfoot & Robert Carter Esq^{rs} or any two of them to administer the Oathes Association and Test to the Clerk of the Gen^l Assembly the Clerk of the house of Burgeses and the Clerks of the severall Comitees was Read Signed and Colony Seal affixed

Councill adjourned

Munday December the 9th 1700

Present

His Excellency &c

Edmund Jenings
John Lightfoot

Robert Carter Esq^{rs}

It is the Opinion of the Council that his Maj^{ties} and the Lords Letter Concerning the Marquis Delamuce and the Settlem^t of the French Refugees and all Papers Relateing to that matter, the Lords Letter Concerning the building & Erecting a house for the Gover^r and the Settling and Regulateing of all Claimes & publick debts and to see in w^t State the Revenue at Present stands be Recomend^d to y^e Consideration of the house of Burgesses

Fryday December 13th 1700

Present

His Excellency &c

William Byrd
Edmund Jenings

John Lightfoot
Robert Carter Esq^{rs}

His Excellency Laid before the Council two Lett^{rs} from Cap^t William Passenger Comand^r of his Maj^{ties} Ship Shorham the one dated the 19th day of November 1700 & the other the 30th of 9^{br} 1700 w^{ch} being Read in Council, It is resolv^d and accordingly order^d that before any further or other Proceedings be thereupon had an Express be sent for the s^d Cap^t W^m Passenger to attend his Excellency & y^e Council

The Council adjourn'd till Munday Morning: 9: of the clock

Munday December 16th 1700

Present

His Excellency &c

Edmund Jenings
Matthew Page

Benj^a Harrison Esq^{rs}

His Ex^{cy} laid before the Council a Letter from the right honorable the Lords Commissioners for Trade and Plantation dated 1st Aug^t 1700 ground^d upon an order in Council of the Lords Justices of 18th July 1700 Relateing to the Method of Proceedings in the severall Courts of his Maj^{ties} Plantations in America upon Tryall of all Sorts of Causes in the s^d Courts the same being Read was order^d to be Referred to a fuller Council

Council adjourn^d tell Wednesday Morning: 9: of the Clock—

Wednesday December 18th 1700

Present

His Excellency &c

William Byrd
Edmund Jenings
John Lightfoot

Matthew Page
Benj^a Harrison
Robert Carter Esq^{rs}

A Message being sent from the house of Burgeses by W^m Leigh Gent, and others who presented his Ex^oy and the Council wth the Resolve of the house that the Records of this Govern^t w^{ch} still Remaines at James City be, wth all Conv^t Expedition Removed from thence to the Place appointed for keeping the Secretaries office in his Maj^{ties} Royall College of William and Mary adjacent to the City of Williamsburgh and that the Records & Papers belonging to the house of Burgeses and Now Lodged at James City be also wth like Conv^t Expedition Removed from thence & placed in the Chamber appointed for the Clk: of the house of Burgeses in the afores^d College his Excell: and the Council upon Reading thereof Concur wth the house in y^t Resolve and the honer^{ble} Edmund Jenings Esq^r Deputy Sec^{ry} is Required to Cause the same to be done wth all Conv^t Speed

His Ex^oy and the Council taking into their Consideration the great w^t [want] of an attorney Gen^l and the Obstruction of Justice that may thereupon follow as also the death of the honer^{ble} Edw^d Hill Esq^r Late Judge of his Maj^{ties} Court of Admiralty It is Referred to the Consideration of his Maj^{ties} honer^{ble} Council to finde one to be attorney Gen^l as also to Consider of some fitt Person to be Judge of his Maj^{ties} Court of Admiralty and other officers belonging to the afore said Court

Upon Reading of a Letter from the Right honer^{ble} the Lords Comissioners for Trade and Plantations dated the first of Aug^t 1700 in these following words

Whitehall Aug^t the 1st 1700

S^r

"Their Excellencies the Lords Justices haveing by order in Council of the 18: of July last required us to signify their Pleasure unto the respective Gover^{rs} of his Maj^{ties} Plantations in America as well such as are granted in propriety as such as are Governed by Comission from his Maj^{ties} Relateing to the Method of Proceeding in the severall Courts upon Tryall of all Sorts of Causes in the s^d Courts in those Parts Respectively We send you here Inclosed a Copy of the s^d order that you may observe the same in Transmitting unto us the acco^t thereby Required wth Relation to his Maj^{ties} Province of Virginia so soon as possible So wee bid you hearty farewell"

Ordered that M^r Secretary as haveing the Custody of the Records of the Collony or the deputy Secre^{ty} and M^r Benj^a Harrison doe pursuant to the afores^d Letter Render an acco^t in the most particular manner of the Method of Proceeding in the sever^l Courts wthin this his Maj^{ties} Colony and Dominion of Virg^a upon the Tryall of all Sorts of Causes in the s^d Courts Respectively and lay the same before his Ex^oy and the honer^{ble} Council as soone as possible may be

Ordered that M^r Secretary prepare an abstract of His office and of all matters and things y^t he hath under his Charge and Incumbant upon him in Respect of that Office

Whereas severall Lands in this his Maj^{ties} Colony & Dominion of Virg^a have been and dayly are found by office to Escheat to his most sacred Maj^{ties} to the End that all Persons who have any pretence of claime to any such Land may have Notice thereof before any Patent

or grant be thereof made or Issue; It is the Opinion of this board and accordingly ordered that the Clerk of the Gen^l Court doe at Each Respective Gen^l Court to be held for this Collony set up at the Court house in the Beginning of Each Court a Catalogue or list of such Land as has been by office found to Escheat to his Maj^{ty} betwixt that and the preeceding Gen^l Courts that all Persons who are therein anyway Concerned may appear at y^t next succeeding Gen^l Court and make y^e same appeare to the Court

The Councill Adjourned till tomorrow morning Nine of the Clock

Thursday December the 19th 1700

Present

His Excellency &c

William Byrd
Edmund Jenings
Joⁿ Lightfoot

Mathew Page
Benj^s Harrison
Robert Carter Esq^r

It being Represented to his Ex^{cy} and the honer^{ble} Councill that Notwthstanding severall orders of Councill and ordinances of assembly prohibiting any Person to seat upon any Lands upon Blackwater Swamp and in Pomonkey Neck yet severall Persons in Contempt of authority doe dayly goe out thither and wthout any Lawfull Power seat and Occupy such Lands and for as much as the same Cannot be laid open untill the matter is fully Adjusted by the severall Courts Especially appointed for that purope [purpose] It is thereupon ordered by his Ex^{cy} in Councill that None presume to goe out and seat upon any the afores^d Lands untill the same is Determined by the Gen^l Assembly of this Colony and that those who have since seated upon any Lands in either of the afores^d Places wthout Lawfull Liceuse or grant be prosecuted by the Attorney Generall for such Illegal Practices and that noe Person there all ready seated wthout full and absolute grant upon any Pretence w^{so}ever make any waste thereupon and to take off all Excuse it is further ordered that publication be hereof made in all publick Places in Every County Conteguous to the afores^d Places

The Councill adjourned till tomorrow morning Nine of the Clock

Fryday December the 20th 1700

Present

His Excellency &c

William Byrd
Edmund Jenings
Joⁿ Lightfoot

Matthew Page
and
Robert Carter Esq^r

Two Letters from Cap^t William Passenger Comand^r of his Maj^{ty}s Ship Shorham the one dated y^e 19th November the other the 30th November 1700 being Read in Councill and the s^d Cap^t W^m Passenger being then present wherein he sets forth that by Reason of the sudden & frequent Stormes in the winter Season and Dangerous Shoales and

Sands in the bay and the hard and Excessive Frosts he Cannot nor dare he adventure to hazard his Maj^{ties} afores^d Ship Shorham by Cruizing in the Bay the winter Season his severall Reasons Allegations and Proposals in the aforesaid Letters Mentioned being seriously Considered

It is the opinion of the Councill That it is Most for his Maj^{ties} Service in discovering Illegall Traders and the Countries Security in detecting and beating off Pyrates or Sea Rovers that he Cruse in the bay at all faire and seasonable oppertunities but for the Reason before alledged in the aforementioned Letters the s^d Cap^t William Passenger being therewith the best acquainted and having the sole Comand of the s^d Ship it is Left to his Care and Conduct not douting but he will act as he see most Proper for his Maj^{ties} Service and the Security of this his Maj^{ties} Colony

And in Regard to the fore Mentioned dangers and for the preventing of all hazards & Inconveniencies that may happen it is thought most Proper that a New Sloop be bought off the Stockes or some other good substantial Sloop and good Sailor & that the s^d Cap^t Wm Passenger cause her to be viewed & make report of her vullue & y^t M^r Auditer Byrd make Payment for the same

And it is further ordered that y^e afores^d Cap^t William Passenger do fit the afores^d Sloop in w^t he can out of the Kings Store in his Command and wth the s^d Sloop doe upon all Occasions Cruse in the bay according to the Proposals in the afores^d Letters Mentioned

And as to y^t Part of his Letter relateing to the Impresing of Men to make up his Compliment by Reason of severall Now Removed by death it is the Opinion of his Ex^{cy} and the honer^{ble} Councill that his form^r warrant is sufficient for that Purpose

Upon reading an order of Councill dated at James City the 24th April 1689 Concerning the bounds betwixt Surry & Charles City Co^{ty} Ordered that the Courts of each the afores^d Respective Counties appoint w^t Number of Gent. they think fitt in each of the s^d Counties to dispute the matter before y^e Honorable Gen^{ll} Court Next upon the Sixth day thereof and it is further ordrd that a Copy of the afores^d order of 24th Ap^l 1689 be sent to Each Court of the s^d Counties Respectively

Whereas Sam^{ll} Parrice and Jeoffrey Dyer by their Petition having humbly represented to this board that they the s^d Sam^{ll} and Jeoffrey were summoned as Jurors upon the *Inqesition Supervisum Corporis* [*Inquisitio super visum Corporis*] of Eliz^a Day Late the wife of Tho: Day of the County of Essex lately found Murdered and the s^d Tho: Day being suspected of the Murder of his s^d wife was for the same Indicted and arraigned and the s^d Sam^{ll} & Jeoffrey Notwithstanding they were of the afores^d Inquest were returned by y^e Sheriff of the afores^d County of Essex of the venire of the Tryall of the s^d Thomas and for their Non appearance finded by the Gen^{ll} Court and praying for the above Reason that their fine may be remitted this board taking the same into Consideration

Ordered that if the s^d Sam^{ll} and Jeoffrey Can make it appeare by the Corron^{rs} Inquest Returned to the County Court that they were

of that Inquest as they allege y^e same being produced by them to the Sher: of the afores^d County of Essex it shall discharge the fine and the Sherr is hereby ordered to make such returne Indorsed upon the Judgment granted for the afores^d fine

Whereas by an order of Councill of the 18th Instant M^r Secretary & M^r Benj^a Harrison were required to prepare an acco^t in the Most particular manner of the method of Proceedings in the sever^{ll} Courts wthin this his Maj^{ties} Colony & Dominion of Virg^a upon the Tryalls of all Sorts of Causes in the said Courts Respectively pursuant to a Letter from the right honer^{ble} the Lords Commissioners for Trade and Plantations dated the 1st of August 1700 M^r Benj^a Harrison by his pet: setting forth that he is verry ready upon all Occasions to use his best Endeavours for his Maj^{ties} Service as he shall from time to time be required but for as much as the acco^t of the Proceedings of the Courts as directed by the s^d ord^r will amount to Little less then an abridgm^t of the Laws and giving an acco^t of the Constitution of the Governm^t therefore humbly praies that some Consideration may be had of the Recompence to be made for that Service and further praying that orders may be granted requireing y^e Clerkes of the severall Offices wthin this Colony to permitt him to have Access to and Copies of all such Records and Papers as shall be necessary upon that Occasion—

Upon Consideration whereof his Ex^{cy} and the honer^{ble} Councill doe thereupon Resolve and agree that when the same is by M^r Secretary or his deputy Secretary and the s^d Harrison perfected and finished pursuant to the s^d order that they may Judge of the merrits of the s^d Service, an honer^{ble} and suitable reward shall be to them given and it is hereby further ordered that the s^d Harrison shall at all times have free access to and Copies of all such Records and Papers in any of the Offices of this Colony as shall be necessary upon that Occasion or proper for that Service

The Councill adjourned till tomorrow morning Nine of the Clock

Satterday December 21: 1700

Present

His Excellency &c

William Byrd
Edmund Jenings
Jn^o Lightfoot

Matt: Page
Benj^a Harrison
Robert Carter Esq^{rs}

A Precept and Instruction for Cap^t W^m Passenger Comander of his Maj^{ties} Ship Shorham was Read in the Presence of the afores^d Cap^t Passinger in the Following words

Virg^a 55

At the Councill Chamber at his Maj^{ties} Royall College of William and Mary adjoining to the City of Williamsburgh December 21: 1700
S^r

Your Letters of the 19th and 30th of November last I have Communicated to his Maj^{ties} honer^{ble} Councill and upon Reading of that Part Relateing to his Maj^{ties} Ship Shorham & her Cruising in the Bay It is the opinion of my self and the honer^{ble} Councill that It is

most for his Maj^{ties} Service in discovering Illegal Traders and the Countryes Security in detecting and Beating off Pyrates and Sea Rovers that you should Cruise in the Bay but in regard that yo^r selfe is the best Acquainted wth the dangers & hazards in the afores^d Letters Mentioned and soe the most Capable Judge of that Matter I do hereby wth the advice of his Maj^{ties} Councill Leave it wholly to yo^r Care and Conduct Not doubting but that you will act as you see most Proper for his Maj^{ties} Service

And as to that other Part of yo^r afores^d Lett^r Relateing to a Sloop to be kept & manned to Cruise in the bay the winter Season for y^e detecting & discovering illegal Traders It is the Oppinion of my self and his Maj^{ties} honer^{ble} Councill y^t a New Sloop of the Stocks if Possible or some other good substantial Sloop a good Sailor be purchased that you cause her to be Veiwed & make Report of her vallue and that M^r Auditor Byrd make Payment for the same and further that you fitt such Sloop so as afores^d purchased wth what Necessaries you Can out of his Maj^{ties} Store belonging to the Ship Shoreham under yo^r Comand

Lastly as to that Part of yo^r afores^d Letter Relateing to the Empressing of men to make up yo^r Compliment my self & the honer^{ble} Councill are of Opinion that yo^r former warr^t is sufficient for y^t Purpose To Cap^t W^m Passinger Comand^r of his

Maj^{ties} Ship Shoreham

Fr Nicholson

And the s^d Cap^t W^m Passinger haveing Nothing further to offer the Precept being signed in Councill was to him delivered

A Letter from Cap^t W^m Passinger dated 21 Instant is thought Proper to be referred to the Consideration of the house of Burgeses

The Councill Adjourned tell Munday Morning Nine of the Clock

Munday December 23^d 1700

Present

His Excellency &c

William Byrd

Matthew Page

Edmund Jenings

Benj^a Harrison

Joⁿ Lightfoot

Robert Carter Esq^{rs}

A Breif being prepared for the relief of and Support of the French Refugees Inhabiting at the Manikin Town above the falls of James River the same was read in Councill and signed and the Colony Seal ordered to be thereto affixed

Upon the Reading at the Councill board severall Acco^{ts} done to severall Persons in Norfolk County for disbursm^{ts} and Expences in Carrying and fitting up his Maj^{ties} Ship Shorham whereof Cap^t William Passinger is Comand^r and also severall acco^{ts} for sick men belonging to his Maj^{ties} afores^d Ship and quarter'd on Shore for Recovery of their health w^{ch} acco^{ts} have been Examined and settled by Sam^l Bush of the County of Norfolk Gent. It is the Opinion of his Ex^{cy} and his Maj^{ties} honer^{ble} Councill that the s^d Sam^l Bush Gent. shall pay unto Each and Every of the afores^d Persons the respective Summs

to them due for the better Effecting whereof he is hereby desired to Consult & advise wth Cap^t W^m Passeinger Comander of His Maj^{ties} afores^d Ship Shoreham how and in what manner to draw bills for Payment of the same and the s^d Passinger is desired to write home Concerning the whole Matter and if the said bills should be protested that all diligent Care should be here taken to secure the s^d Bush

Ordered that the Clerk of the Council Intimate the same to the s^d Bush and send to him a Copy of this order as also to Intimate the same unto L^t Coll W^m Wilson that he may take the like method for discharging the disbursm^{ts} and Expences due for severall Sickmen belonging to the afores^d Ship taken on Shore and quartered in and about hampton Town in Eliz^a City County

Robert Carter Esq^r Absent

The honer^{ble} Robert Carter Esq^r formerly Navall officer of Rapahannock River being Now a Member of the honer^{ble} Council of State of this his Maj^{ties} Collony and Dominion of Virg^a

His Exc^y by and wth the advice and Consent of the Council was pleased to nominate & appointe Corbin Griffen Gent. Navall Officer and Receiver of the Virg^a Duties for Rapahannock River who accordingly took y^e Oathes appointed by Act of Parliam^t to be taken in stead of the oathes of alegiance & Supremacy and haveing subscribed the Association & Test took the oath of Navall Officer and Receiver of the Virg^a Duties and gave bond for the True and faithful discharge of the s^d Office

His Excell: was pleased to signe a Letter to the honer^{ble} Robert Carter Esq^r in these following Words

College of William and Mary x^{br} 23^d 1700

S^r

You are hereby desired to Deliver unto Corbin Griffen Gent. all the bonds Certificates Instructions and other Papers w^{ch} you had (from me) as Navell Officer of the district of Rapahanock River and Collector of the Virg^a duties in y^e afores^d District and his Recep^t for y^e same shall be yo^r Discharge he being now Comissionated Navall officer and Collector of the Virg^a duties in the s^d district

Fr Nicholson

To the honer^{ble} Rob^t Carter Esq^r

His Excell: and the honer^{ble} Council takeing into Consideration the low Condition of y^e French Refugees and that unless they are in some Measure Relieved by the pious bounty and Charity of the Inhabitants of this Colony untill they can Reap the fruits of their own Labour by this Next Cropp they must inevitably perish

Therefore ordered that new briefes be drawn and sent to Each Respective County wth in this his Maj^{ties} Colony and Dominion of Virginia to Incite and Stirr up the people to Extend their Charrity for their Relief—

The Council Adjourn'd till Thursday Morning Nine of the Clock

Thursday Dec^br 26th 1700

Present

His Ex^{cy}

W^m Byrd

Matt. Page

Edmund Jenings

Benj^a Harrison Esq^{rs}

The Hon^{ble} Rob^t Carter Esq^r Exhibitted in Council sev^{ll} Acco^{ts} upon y^e Imposition Acts for Liquors & Serv^{ts} & Slaves to w^{ch} he made Oath

Ordered that an humble address be drawn to his most sacred Maj^{ty} to Congratulate the Peace & happiness we enjoy by his Maj^{ty}s most pious & indefatigable care & Paines. That y^e same may be signed by his Ex^{cy} the Hon^{ble} Council & y^e house of Burgesses in Order to be laid before his Most sacred Maj^{ty}

The Council adjourn'd till tomorrow morning eight of y^e Clock

Fryday Decem^br 27th 1700

Present

His Ex^{cy}

W^m Byrd

Benj^a Harrison

Edmund Jenings

and

Matt: Page

Robert Carter Esq^{rs}

The hon^{ble} Rob^t Carter Esq^r p^resented his Acco^t to his Ex^{cy} in Council which was Ordered to be signed by y^e Clerk of y^e Gen^{ll} Assembly & y^e Clrk of y^e house of Burgesses

M^r Benj^a Harrison his Petition is referred till y^e revisal of y^e Laws in [is] perfected.

This day his Ex^{cy} in Council was pleased to signe the following warr^{ts} upon his Maj^{ty}s Revenue of two shillings per hhd and Port duties (viz^t)

To his Ex^{cy} Francis Nicholson Esq^r &c^a for his Salary for halfe a year ending y^e 25th of Octob^r 1700 Exclusive one thousand pounds

To his Ex^{cy} for halfe a years house Rent ending the same time seventy five pounds

To the Gent: of the Council Ending the same time one hundred seventy five pounds

Wm Blaithwait Esq^r Auditor and Survey^r Gen^{ll} &c^a for one healfe year Ending y^e same time fifty pounds

To Dionisious Wright Clerk of the Council halfe a year Ending the same time twenty five pounds

To M^r James Blair for money by him paid to ministers for reading Prayers and Preaching the Last Octob^r Gen^{ll} Court five pounds

To the Sollicitor of y^e Virg^a Affaires ending y^e same time fifty pounds

To Barth Flower Esq^r Att^o Gen^{ll} halfe a years Sallary Ending y^e same time Twenty pounds

To Edward Ross Gunner of James City Ending the same time five pounds

To Coll Wilson for takeing up John Hooglin a Pyrate twenty pounds

To Dionisius Wright Clerk of y^e Councill for messuages on board y^e man of warr relating to y^e Pyrates fifty pounds six shill & eight pence

To Dionisius Wright Clerk of y^e Councill for sev^{ll} Messuages to Maryland & about y^e Indians fourty two pounds eight shill & six pence

To Dionisius Wright Clerk of the Councill for sev^{ll} Contingent Charges relateing to y^e Councill Chamber thirty eight pounds ten shill & four pence

To Dionisius Wright Clk of y^e Councill for redemption of a Captive from the Indians nineteen pound fifteen shill & six pence

To S^r Edmond Andros Late his Maj^{ties} L^t and Govern^r Gen^{ll} of Virg^a for Sallary arrear pursuant to his Maj^{ties} Letter one thousand four hundred eighty seven pounds six shill and three pence

To M^{rs} Micajah Perry & Comp^a for Books & Paper for y^e Councill Chamber fifteen p^{ds} seventeen shill and six pence

His Ex^{cy} in Councill signed a warrant upon y^e Quit Rents for fifty pounds payable to M^r Comissa^r Blair for halfe a years Sallary as by his Maj^{ties} Instructions

Whereas y^e Gen^{ll} Assembly of this his Maj^{ties} Colony and Dominion of Virginia now sitting at his Maj^{ties} Royall Colledge of Will: and Mary adjoining to y^e City of Williamsburgh have Levied y^e Summ of two thousand four hundred Eighty four pounds of tob^a to be paid to two L^{ts} and twelve Rangers raised by L^t Coll Geo: Mason in Stafford County by ord^r of his Ex^{cy} and y^e hon^{ble} Councill, now to y^e End y^t a Just and true account of their Service may be rendered, It is y^e Opinion of y^e Councill and accordingly Order'd y^t y^e afores^d L^t Coll Geo: Mason render a true and Exact acco^t upon Oath of y^e time when Each respective L^t & Ranger Entered into y^e afores^d Service and y^e time of their Continuance therein and y^t y^e s^d Rangers may be no Longer a burthen to this his Maj^{ties} Colony and Dominion of Virg^a y^e prospect of y^e Danger and Cause for we^{ch} they were first raised now ceasing the afores^d L^t Coll Geo: Mason is hereby required and Comanded to Disband the afores^d Soldiers at or upon y^e 10th of Jan^{ry} next And if for y^e future any Occasion should offer (which God forbid) that might Cause a Levie of such forces he is to take all possible Care y^t they be raised out of the Lower Parts of the afores^d County of Stafford and to provide by all meanes possible y^t there be no Occasion for standing Rangers for y^e better Effecting whereof he is to take Care y^t y^e Act of Cohabitation in y^e frontier Counties be Duely put in Execution and Lastly he is to advise y^e Inhabitants of y^e afores^d County of Stafford not to be alarmed wth Every small matter y^t shall happen

Ordered y^t y^e Clk of y^e Gen^{ll} Assembly do Carry this order and Lay it before the house of Burgesses.

The matter relateing to y^e Western Indians is referred to a further Councill—

The Consideration of Doctor Cox's Claime to Land in Norfolk County is referr'd to a further Councill

Miles Cary Gent: by his Petition setting forth y^t he being Register of y^e Court of admiralty & since by his Ex^{cy}'s favour made Navall officer of York River District and being humbly of Opinion y^t y^e s^d offices are Inconsistent it not being suitable y^t one and y^e same Person should be Obliged to seize Ships & Vessells for Illegall traders and to be a Party in y^e tryall of them any [and] praying to be Discharged from the s^d office of Register

His Ex^{cy} and y^e hon^{ble} Councill taking the same into Consideration It is y^e Opinion of y^e Councill y^t William Leight Esq^r be appointed Judge of the Court of Admiralty

And Robert Beverley Gent: be appointed Register of the s^d Court
Severall Depositions taken in Princess Ann County Concerning severall goods taken up in Lynhaven Bay are thought Proper to be referred to another Councill

Also an account of some other goods taken up at y^e Eastern Shore thought Proper to be referr'd to another Councill

Upon Petition of W^m Armistead & W^m Wilson Gent: Burgesses for Eliz^a City County y^t some other members may be added to y^e Commission of y^e Peace for y^e s^d County, His Ex^{cy} was pleased to Nominate Robert Beverley Gent & Nic^h Curl Gent: and to appoint Robert Beverley to be y^e third of the Quorum—

His Ex^{cy} was pleased to recommend it to y^e hon^{ble} Councill for their advice whether any thing further was necessary to be done at present by y^e Gen^l Assembly or whether they should now Conclude the Session

Whereupon y^e Councill are of Opinion y^t Considering y^e Cold & winter Season of y^e year and y^e great throng y^t now is by reason of the Ships being now arrived in y^e Countrey that therefore it is for his Maj^{ties} Service and the Interest of this his Maj^{ties} Colony & Dominion y^t y^e Gen^l Assembly be prorogued till y^e 24th Day of Aprill next

It is y^e Opinion and advice of y^e Councill y^t it is for his Maj^{ties} Service and y^e Interest of this his Maj^{ties} Colony and Dominion that his Ex^{cy} do represent to his Maj^{ties} y^e p^{sent} State of y^e french Protestant Refugees & y^e Poverty and Disability of y^e Countrey and to address his Maj^{ties} y^t noe more of them may be sent in

Upon reading a Letter from the admiralty office Dated y^e 21st of June 1700: Concerning severall Passes to be Disposed of as by Instructions from y^e Lds of y^e admiralty directed for y^e securing of Ships & Vessells of his Maj^{ties} Subjects from y^e Algerines, it is y^e Opinion of y^e Councill & accordingly order'd y^t y^e s^d Passes be sent & Distributed to y^e severall Collectors in y^e sev^l Districts of this Colony and that the Clk of the Councill send to Each & Every of y^e said Collectors of y^e afores^d Districts a Copie of y^e afores^d Letter & Instructions for their better Guidance & directions in Managing y^e affair

W^m Leigh judge of his Maj^{ties} Court of admiralty in this his Maj^{ties} Colony and Dominion of Virg^a took y^e Oathes appointed by Act of Parliament Instead of y^e Oathes of Allegiance & Supremacy and haveing subscribed y^e test & Association appointed by Act of Parliament took the Oath of Judge of y^e s^d Court in these following words (Viz^t)

You shall swear as Judge of y^e Court of Admiralty for this his Maj^{ties} Colony & Dominion of Virg^a y^t y^u will do Equall right to rich and poor in all things y^t shall Come before you according to y^e Laws, Customs & Presidents of y^e s^d Court and y^t his Maj^{ties} rights & Priviledges shall be Duely maintained and Kept according to y^e best of your Knowledge and understanding, and y^t y^u will not Delay nor hinder Justice nor take any Bribe or reward to y^e Intent to delay pervert or Deny y^e same, & y^t y^u will in all things relating to y^e s^d office behave y^{ur} selfe Justly and honestly according to y^e best of yo^r Skill Knowledge and Understanding

So help you God

Robert Beverley Gent: Register of y^e Court of Admiralty took the Oathes appointed by Act of Parliam^t to be taken instead of y^e Oathes of allegiance and Supremacy & subscribed y^e test & Association appointed by Act of Parliam^t and took y^e Oath of Register of y^e s^d Court in these words (viz^t)

You shall swear as Register of his Maj^{ties} Court of Admiralty in this his Maj^{ties} Colony and Dominion of Virg^a y^t you will well and truly serve his Maj^{ties} and y^e hon^{ble} Judge in all things relateing to yo^r^s [yoar said] office & Place you shall Duly and truly Register all Decrees Rules orders and all other Proceedings in the s^d Court, you shall Deny nor Delay noe man out of Envy or hatred you shall take no bribe to prevent Justice, you shall do no fraud to any, neither shall you Consent to any to be done in the s^d Court, and in all things you shall Execute the s^d office according to y^e best of yo^r Knowledge and Understanding

Soe help you God

Virg^a ss:

At a Council] held at M^r Auditor Byrds March y^e 9th 1700 [1701]

Present

W^m Byrd

Edmund Jenings

John Lightfoot Esq^r

Whereas a breife hath been formerly Issued to y^e sev^{ll} Counties of this his Maj^{ties} Colony and Dominion of Virg^a for the Releife and Support of sev^{ll} French Protestant Refugees Inhabiting at or near the Manakin town above y^e falls of James River w^{ch} Breife bears Date y^e 23^d of December Last past wherein y^e Burgesses of y^e Respective Counties are Desired to take y^e Subscriptions of all such pious and Charitable Persons as are willing to give any benevolence for y^e Support and releife of y^e afores^d French Protestant Refugees and to return the same to y^e hon^{ble} W^m Byrd Esq^r and Benj^m Harrison Esq^r two of his Maj^{ties} hon^{ble} Council] of State of this his Maj^{ties} Colony and Dominion who are to Distribute y^e same to supply y^e wants and necessities of y^e afores^d Refugees, to y^e End therefore y^t y^e afores^d French Protestant Refugees may reap y^e Intended Benefit and advantage of such pious & Charitable Donation, It is hereby Ordered y^t y^e Burgesses of Each respective County in this Colony do forthwth return y^e afores^d Breife as in and by y^e same they are Desired

Whereas sev^{ll} french Protestant Refugees are Lately arrived in York River in y^e Nassau Cap^t Tregian Comand^r Concerning whom

his Ex^{ty} hath received no perticular Inteligence or Commands from his most sacred Maj^{ty} save only a Letter from y^e Lord Bishop of London Concerning one M^r Latine who Comes in y^e Quality of a Minsiter & one other Letter from M^r Blaithwaite Concerning one John Boyer a french Gent: & y^e afores^d french Refugees making no application nor proposalls to y^e Government in their own behalfe his Ex^{ty} and his Maj^{ty}'s hon^{ble} Councill Commiserateing their poor & low Condition and willing as much as in them Lyes to find mean's for their present Support doe thereupon Order y^t such and soe many of them as are willing to go and Inhabit at y^e Manakin town where sev^{ll} french are Already settled may and shall receive releife from y^e Contributions given or here after to be given towards the Support & Maintainance of such as shall there Inhabit and y^t such and so many of them as are not willing to go theither be Lycenced & Permitted to Disperse y^mselves among the Inhabitants of this Country to provide for their Necessary Support untill further Order shall be therein taken & it is further ordered y^t a Copy of y^e Last Breife be sent to Cap^t Tregian and y^e french Minister to be published amongst them

His Ex^{ty} Laid before y^e Councill his Maj^{ty}'s Letter of y^e 30th of December 1700. Declareing his Maj^{ty}'s Royall Will and Pleasure that all Due Encouragment be given to the Colledge of William and Mary &c^a which was read in Councill

Upon Reading a Letter from W^m Poppo Secretary to the Right Hon^{ble} y^e Lords Com^{rs} for trade and Plantations Dated y^e 21st of Augst 1700. Directing the Manner & Method of Navall Officers & Collectors Accounts

Order'd y^t a Copy of soe much of y^e afores^d Letter as relates thereunto be sent to the sev^{ll} Navall Officers & Collectors within this his Maj^{ty}'s Colony & Dominion of Virg^a

A Letter from y^e Right hon^{ble} y^e Lords Com^{rs} for trade & Plantations Dated y^e 4th of Decemb^r 1700. Concerning Armes Amunition & Stores and sev^{ll} other Matters therein Contain'd being read in Councill & it being Considered y^t all y^e Subject matter of y^t Letter is already given in Charge and now is under y^e Consideration of y^e house of Burgesses nothing further is at p^rsent Necessary, But—

Ordered y^t all y^e former orders of Councill relateing to y^t Matter be renewed and made Publick

Order'd y^t M^r Secretary prepare and Draw a Scheme of all y^e Offices & officers Military and Civill within this His Maj^{ty}'s Colony and Dominion in Distinct Columns—

A Letter from y^e Right hon^{ble} y^e Lords Com^{rs} for trade and Plantations Dated 3^d Decemb^r 1700 Concerning a agreem^t made wth y^e Governm^t of Alger to secure our English Merch^{ts} Ships from being Molested by y^e Algeriens was read in Councill & thought p^rper y^t y^e same be made Publick by sending a Copy of y^e L^d's Letter & a Copy of y^e agreem^t by way of Proclamation into Each particular County wthin this Colony—

Cap^t Passengers Letter of y^e 30th of y^e December 1700. Concerning y^e Dementions of a Sloop and his Ex^{ty}'s Answer thereunto Dated y^e 31st of Oc^{br} 1700 was read in Councill Ordered y^t a Proclamation be

prepared to reinforce a former Proclamation for putting y^e penall Laws in Execution—

His Ex^{ty} Laid before the hon^{ble} Council a Letter from Cap^t W^m Passenger Comand^r of his Maj^{ties} Ship Shoreham Dated March y^e 5th 1700. wherein he Intimates y^t y^e Sloop attending on his Maj^{ties} afores^d Ship y^e Shoreham returned y^e 4th Instant from York River and Prayes his Ex^{ty} further order Concerning her, and further Intimateing y^e M^r Manwaring who Late belonged to y^e afores^d Ship Left some Goods in y^e Custody of one William Reglanse a Taylor in Eliz^a City County who since y^e Death of y^e s^d Manwaring refuses to Deliver them and praying some orders thereupon as to y^e first Part of his Letter, His Ex^{ty} and the hon^{ble} Council being very well Assured of y^e said Cap^t Passengers Care for the advanceing of his Maj^{ties} Interest and Service are of Opinion y^t if there be no other Occasion the s^d Sloop be sent to the Navall officers & y^e Eastern Shore there to attend his Maj^{ties} Service—

Upon the other part of his Letter Concerning Manwarings Goods order'd y^t a Letter be writt to L^t Coll W^m Wilson Desiring him to Issue out a warrant to Call the s^d W^m Reglanse before him & order him to Deliver such Goods as M^r Manwaring left in his Custody unto Cap^t W^m Passenger

Whereas Cap^t W^m Passenger Comand^r of his Maj^{ties} Ship the Shoreham by his Letter of the 5th Instant hath given Intimation unto his Ex^{ty} that M^r Manwaring who late belonged to y^e afores^d Ship Shoreham left sev^{ll} Goods in y^e Custody of one Wm Reglanse a taylor in Eliz^a City County who since the Death of y^e s^d Manwaring Refuses to Deliver y^e same

Whereupon it is order'd y^t a Letter be writt to L^t Coll W^m Wilson y^t he Issue a warrant to Call the s^d W^m Reglanse before him & order him to Deliver such Goods as y^e s^d Manwaring left in his Custody unto Cap^t W^m Passenger

Whereas by an Order of y^e 18th of X^{br} Last M^r Secretary or y^e Deputy Secretary & M^r Benj^a Harrison were required to prepare an acc^t in y^e most perticular mann^r of y^e Method of Proceedings of y^e sev^{ll} Courts of this his Maj^{ties} Colony and Dominion of Virg^a upon y^e tryall of all Sorts of Causes in y^e s^d Courts respectively for y^e better Effecting thereof it is further Ordered y^t M^r Secretary have a Copy of y^e Order of their Excellencys y^e Lords Justices in Council Dated the 18th July 1700 relating to y^t Subject and y^t M^r Secretarie or y^e deputy Secret^y draw a short Narrative or abstract of y^e Judicial Proceedings in y^e sev^{ll} courts & mann^r of appeals in answer thereto untill it may be more perticularly laid down.

This Board takeing in their serious Consideration y^e Safety and Security of all Ships lawfully tradeing to his Maj^{ties} Plantations on this Continent and as much as in them lies to prevent detect and Discover all Pyrates and Sea Rovers w^{ch} may haunt and Infest these Coasts:

His Ex^{ty} by and wth y^e advice of his Maj^{ties} hon^{ble} Council is pleased to Direct and hereby require the Comand^r in Cheife of y^e Militia in y^e Counties of Eliz^a City Norfolk Princess Ann Accomack & Northampton and Every of them y^t according to a former Order

of May y^e 9th 1700 they do provide and appoint sufficient Persons in Every of y^e s^d Counties respectively to Look out upon y^e Sea Coasts (untill further Orders shall be given therein) in maner following (to witt) upon Point Comfort one man to go forward and Backwards between Cape Henry and Lyn Haven River one man between Cape Henry and Curratuck Inlett one man upon Smiths Island or Mocken Island and So along y^e Seaboard-Shore of Northampton County one man, and upon y^e Seaboard Shore of Accomack County one man, w^{ch} Persons appointed to look out as afores^d if they see any Ship or Vessell upon y^e Sea they are Diligently to observe their Courses Motions and Actions, and peticularly if any boate be sent on Shore and if there appear any Suspicion of their being Pyrates y^t they do Imediately give Notice thereof to y^e next Comission officer of y^e Militia and he is forthwth to Intimate the same to y^e Comand^r in Cheife of the Militia in y^e County, who is hereby Directed to take such Care and give such orders as shall be Necessary for y^e Defence of his County for pursueing & apprehending any such suspescious Persons as shall Come on Shore in mann^r as is prescribed by an Act made for restraining and Punishing of Pyrates and Privateers and also to give Imediate Notice to the Comand^r in Cheife of y^e Militia in the other Counties Lying on the Sea Coasts that they also may be prepared to Defend themselves and pursue and apprehend such suspescious Persons as afores^d and Every such Comand^r in Cheife upon Intimation given as afores^d is forthwth to Dispatch an Express to his Ex^{cy} wth a Peticular account thereof and of what Orders and Directions he hath given therein, And (if Possible) to give Intimation of y^e same unto Cap^t W^m Passenger Comand^r of his Maj^{ties} Ship the Shoreham wth y^e Best Information and Advice he can of y^e most Probable meanes of either takeing or Destroying such Shipp or Vessell suspected of Pyracry as aforesaid

His Ex^{cy} and y^e Councill having not received any orders out of England Concerning y^e money paid for y^e Purchase of Certaine Lands formerly belonging unto Nath: Bacon Jun^r Esq^r and by his attainder of high treson Vested in his Maj^{ties} and whereas they find y^t the Contingent Charges of y^e Governm^t is more this year than Ordinary and y^e Gen^{ll} Assembly of this Country not proceeding upon any Settlem^t for y^e same

His Ex^{cy} and y^e hon^{ble} Councill do think it most proper for his Maj^{ties} Service y^t be added to y^e two shillings per hhd towards the Defraying y^e afores^d Contingent Charges of y^e Government

The Settling of y^e accounts relating to the Pyrates, revisall of the Laws and other matters being given to M^r treasurer, and he not being here, It is thought Proper to be referred till y^e next Meeting of y^e Councill—

The Consideration of appointing an Att^o Gen^{ll} is referred to a fuller Councill.

March y^e 10th

Lucy Doran Widdow by Petition setting forth y^t a Servant Boy belonging to the Petition^r named Thomas Lynton by the turning over of a ferry boate was unfortunately Killed and y^e aboves^d boat by M^r

John Gaddice one of his Maj^{ties} Coron^{rs} for James City County seized as Deodand to his Maj^{ties} use, and Praying releasem^t thereof

His Ex^{cy} and y^e hon^{ble} Councill Comisserateing y^e Condition of y^e poor woman and Conceiving her in y^t Case to be an Object of Charity do therefore release y^e Seizure of y^e afores^d boate and Grant the same to her

Upon Petition of New Kent Court setting forth y^t by reason of y^e Paucity of y^e Comiss^{rs} of the Peace for y^t County and y^e great Distance they live from Each other the Useall Course of Justice is in a Great Measure Impeded, and Praying that some others may be added to the said Commission, it is thereupon Ordered, that John King George Poindexter Robert Jarret and John Chiles Gent: be added to the afores^d Comission

The Consideration of y^e Purchase of Lands Conveniently adjoining to y^e Gov^{rs} house is referr^d to a fuller Councill at Williamsburgh

His Ex^{cy} and y^e hon^{ble} Councill do recommend to L^t Coll: W^m Randolph and Cap^t Giles Webb from time to time to make inquiry into y^e State and Condition of y^e french Refugees Inhabiting at y^e Manakin Town & Parts adjacent, and Communicate y^e same unto his Ex^{cy} and always to Exhort y^e afores^d french Refugees to Live in Unity Peace and Concord.

Ordred y^t y^e Marquis De La Muce Mounsieur De Sallee and Mouns^r De Joux do render unto his Ex^{cy} and the Councill a true and perfect State of y^e Affair of y^e French Refugees Inhabiting at the Manakin Town and Parts adjacent

At a Councill held at M^r Secretary Wormleys 14th of March 1700-1701

Present

His Ex^{cy}

Edmond Jenings
Matt: Page

Rob^t Carter Esq^{rs}

Upon y^e Death of y^e Hon^{ble} Ralph Wormley Esq^r late Secretary of this his Maj^{ties} Colony and Dominion of Virg^a It is thought Proper y^t Proclamation Issue to Continue all such officers as held any office by Comission or appointment under him as Secretary y^t y^e ordinary Course of Justice may not be interrupted Untill his Maj^{ties} Royall will and Pleasure shall be further therein Known—

A Proclamation being p^rpared for Continueing y^e Late Secretaries Officers y^e same was read in Councill and being approved was signed and y^e Colony Seal thereto affixed

At y^e Councill Chamber Ap^l 15th 1701

Present

His Excellency

W^m Byrd
Edmund Jenings
Jn^o Lightfoot

Benj^a Harrison
and
Rob^t Carter Esq^{rs}

A Proclamation being prepared for prorogueing y^e Gen^l Assembly of this Colony Untill y^e fourth of June next, y^e same was read signed & y^e Colony Seal ordered to be affixed—

A Commission for Thomas Mountfort Gent: to be Cap^t of a troop of horse in y^e Lower Parts of James City County whereof Philip Ludwell is Coll: was signed and y^e Colony Seal affixed

A Comission for John Frayser Gent: to be L^t of y^e afores^d troop was signed and the Colony Seal affixed

A Comission for Edward Jaquelin Gentⁿ to be Cornet of y^e afores^d troop was signed and the Colony Seall affixed

Also a Commission for _____ to be L^t

A new Comission of Peace being p^rpared for New Kent County: His Ex^{cy} was pleased to nominate & appoint John King & Henry Chiles Gent to be added to ye s^d Commission and James Moss & John Stannup Gent to be of y^e Quorum.

Whereas there are sev^l matters now depending in y^e General Court upon Bonds forfeited to his most sacred Maj^{ty} And some Criminals to receive their tryal, And being at present none to prosecute as attorney Gen^l

Ordered & appointed that M^r Benj^a Harrison be and hereby is impowered & authorized & appointed *pro hac vice* to prosecute all such matters as the Kings attourney

Ap^r 18th 1701

Present

His Excellency

Edmund Jenings

Benj^a Harrison

Jⁿ Lightfoot

Robert Carter

Matt: Page

John Custis Esq^{rs}

W^m Buckner Gent Collect^r of his Maj^{ty}s Revenue of one penny per pound ariseing by tob^a exported out of York river district made Oath to his account

Ap^r 19th 1701

Present

as before

His Ex^{cy} was pleased in Council to sign y^e following warr^{ts} (viz^t)

A warr^t to M^r Treasurer to pay y^e summ: of one hundred sixty six pounds six shill: out of y^e duty ariseing upon y^e Imposition of Liquors to sev^l Persons in an account to y^e s^d warrant annexed being Part of ye charges ariseing upon the prosecution of y^e Pyrates.

A warr^t to pay to y^e Committee appointed to revise y^e Laws; And to their attendants y^e summ of six hundred & six pounds sterl: as by resolve of y^e house of Burgesses of 21st of Dec^{br} 1700

A warr^t to pay Edw Jaquelin one hundred pounds sterl:

To Peregrine Conery for Reading Prayers the summe of twenty pounds sterl:

To Dionisius Wright for disbursm^{ts} for firewood for y^e Assembly four pounds sterl:

Also a warr^t dated feb^r 10th 1700 for M^r Treasurer to pay to M^{rs} Sarah Fowler Ex^{tr} of M^r Barth: Fowler decd as one of y^e Assistants to y^e Comittee for Revisal of y^e Laws of y^e Laws y^e summ of fourty one pounds four shill: sterl, was read in Council.

Another warr^t to M^r Treasurer to pay y^e Summ of two hundred fifty three pounds fourteen shill: sterl: to sev^{ll} Persons, being Part of y^e charges arising upon y^e Prosecution of the Pyrates was read in Council.

The Proposals made by M^r Theodorick Bland Survey^r of Charles City County concerning y^e Land on y^e southside of Black water coming under Consideration.

Ordered that a Copie of y^e s^d Proposal be sent unto M^r Benj^a Harrison Council for the King & that he report & deliver his Opinion of all y^e matters therein Contained unto y^e Council on Munday next.

Ordered that the Order of Council of 19th of Dec^{br} 1700 prohibiting all Persons from Seating upon any Land on y^e south side black water or in Pomonkey Neck without lawfull Grant, And forbidding those who are there already seated without lawfull Grant upon any Pretence whatsoever to make wast or destruction. Be duly made Publick And this Prohibition to Continue of force untill y^e next Session of Assembly

Apr^{ll} 22: 1701

Present

His Excellency

John Lightfoot
Matt Page
Benj^a Harrison

Rob^t Carter
and
John Custis Esq^{rs}

Mary Anne Downton of Eliz^a City Parish in y^e County of Eliz^a City Spinster being Convicted of felony y^e 18th Instant upon her humble Submission Sorrow and Contrition a Pardon is Order'd to be perpared & Drawn which being done was read and signed & the Colony Seal ordered to be affixed—

Apr^{ll} 24th 1701

Present

His Excellency

W^m Byrd
Edmund Jenings
John Lightfoot

Charles Scarburgh
Benj^a Harrison
John Custis Esq^{rs}

Geo: Luke Esq^r Collector of the Lower District of James River made Oath to his acco^t of y^e one penny a pound &c^a

Edw: Hill Esq^r Collect^r of y^e upper District of James River made Oath to his acco^t

Henry Scarburgh Gent: Collector of y^e Eastern Shore District made Oath to his account

Apr^{ll} 25th

Present

As Before

The Opinion of M^r Benj^a Harrison upon y^e Petition of M^r Theodorick Bland was presented to his Ex^{cy} and y^e Council in y^e following words

Virg^a 55

In Obedience to an Order of his Ex^{ty} in Council on y^e nineteenth Instant I have Considered y^e Paper Exhibited by M^r Theodorick Bland Concerning y^e Lands on y^e south side of y^e Black water Swamp I have also seen y^e record of y^e Commission appointing Certaine Persons to Examine the Claimes to y^e s^d Lands & upon Enquiry I am Informed y^t y^e s^d Persons after sev^{ll} meetings to Examine the s^d Claimes did adjourn to a further Day upon w^{ch} they failed to appear

And therefore I am humbly of Opinion y^t y^e Power they had by Vertue of y^e s^d Commission is Discontinued, so y^t y^e Surveys by y^e s^d Bland mentioned Cannot be returned to them—

As to y^e appointing another Method to obtain Patents for those lands, or whether a Gen^l Liberty should be granted to take up Lands in those Parts I humbly Conceive y^t those Considerations have not any matter of Law in them—

Ap^l 21st 1701

B Harrison

Upon Consideration of a Petition p^{re}sented to this board by John Waugh Jun^r and Edward Mountjoy of y^e County of Stafford setting forth y^t sev^{ll} Persons in y^e afores^d County of Stafford have (for some years Last past to y^e great oppression of y^e rest of y^e Inhabitants of y^e s^d County and In Contempt of y^e Law) Concealed sev^{ll} titheables to them belonging, and whereas sev^{ll} Orders of Council have been heretofore made and published in y^e sev^{ll} Counties of this his Maj^{ty}'s Colony and Dominion, to Direct and (if possible) to prevent such Evill and pernicious Practices Comanding y^e Sheriffs of y^e sev^{ll} Counties to take a true and Exact List of all & Every y^e Inhabitants of Each y^e s^d Counties and y^e same to deliver to y^e C^lk^s of their respective County Courts by y^e s^d Sheriffs signed, and y^t y^e C^lk^s of y^e County Court make two fair Copies thereof and transmitt y^e same together wth Originall to y^e Council office and whereas upon Diligent Search & Inquiry It is found y^t no such List hath as yett been retrn'd (to ye Council office) from Stafford County

It is thereupon Ordered y^t some Certain Persons be wth all Expedition sent wth an Express to the Sheriff of Stafford County requiring him forthwth to return to y^e C^lk^s of y^e County y^e sev^{ll} Lists of titheables & Untitheables Anno: 1700. & y^e C^lk^s of y^e afores^d County Court is hereby Comanded forthwth to return y^e same together wth an account of y^e County Levie Debitor & Creditor in y^e afores^d year 1700: as by former orders of Council they have been required

Order'd y^t a Copie of y^e Letter from his most sacred Maj^{ty}'s Dated 30th of Decemb^r 1700 (wherein his most Gracious Will and Pleasure is signified y^t all possible and Due Encouragme^t be given to y^e Colledge of William and Mary for promoting Religion and Learning) to be sent into Each Countie in this Colony to be read in all Courts, Churches, Chappels & other Publick Places in Each of y^e said Counties

Upon the Clause of a letter from S^r W^m Penn Dated at Philadelphia y^e 31st of December 1700 in these following words (viz^t)

I am now to fall upon a much more unpleasant Subject, and y^t is Parson Portlocks being Bradenham y^e Pyrates trustee, I was jealous of Charles Sober being once his Land Lord, and of Doctor Hall being his fellow Doctor on board the Sam^l and an old acquaintance I Sent

for both Examined them, they both Denied they knew anything of his gold, for his Silver I sent home wth him wth out a penny Deducted for Charges save five or six peices of Eight for his weekly allowance, refusing any more being Assured he had gold, I reffer y^e to Sobers affidavit w^{ch} is more Express In y^e Meane time y^e Parson is gone for Virg^a or Maryland (he told me to be minister at S^t Maries) wth six hundred twenty four peices of Arabian gold at Least so many he recd as y^e Copy of his bond I enclose will inform thee Now to prophane his Character by being y^e repository of a Pyrate and at y^e same time y^t he would reproach us in his Pulpit for not pursuing Pyrates to Death, and the Insecurity of it and Encouragem^t it gave them, he was Actually possessed of the treasure of one of the most Considerable ones now Dead, and two more of y^e Company and this reason Doctor Sober gave for Concealing Bradenham's Bond (or Portlocks (rather) to Bradenham,) y^t he was not Convicted & till then not Criminall w^{ch} is also y^e Opinion of some Lawyers of his own Perswasion & of y^e Vestry too, tho I Confess I am not of y^t Opinion, however Sober has a good reputation and not abundance of forecast and for Reason suspend all agravations

The same wth Sobers affidavit Concerning y^t matter and also a Letter from Coll: Rob^t Quay Dated y^e 27th Decemb^r 1700

Are referred to the Consideration of M^r Benj^a Harrison and that he report his Opinion thereupon—

His Ex^{cy} was pleased to Lay before y^e Councill a Letter from his Ex^{cy} y^e Gov^r of Maryland Dated 4th Ap^r 1701 wherein he Intimates to his Excellency, that himself & Coll: Quay had some Discourse & thought it very Proper to send Cap^t Code to Cruise in Delaware Bay in y^e time of y^e worm, which they thought might do his Maj^{ty} Signall Service in Discovering and Detecting Illegall traders, and to prevent y^e Proceedings of sev^{ll} who it is thought have now Imbarqued themselves in an Illegall trade and have already Laid their Designs for Carrying on the same and Desiring his Excellency's advice thereupon—

His Ex^{cy} wth y^e advice of his Maj^{ty} hon^{ble} Councill of State Doth highly approve of ye same and Concurr in y^e same Opinion

His Ex^{cy} in Councill was pleased to Nominate and appoint Sheriffs for y^e sev^{ll} Counties in this his Maj^{ty} Colony & Dominion as followeth

Counties	Sheriffs
Henrico.....	John Worhsam
Char: City.....	Micajah Lowe
Surry.....	Thomas Holt
Isle Whight.....	John Pitt
Nansemond.....	Rich ^d Awburn
Princess Ann.....	Adam Thorowgood
Norfolk.....	Tho: Willoughby
Eliz ^a City.....	Coleman Brough
Warwick.....	Miles Wills
York.....	Dan ^{ll} Taylor
James City.....	Tho: Mountfort
New Kent.....	John King
King & Queen.....	John Waller

Gloucester.....	John Gwin
Middlesex.....	Matt: Kemp
Essex.....	John Taliafero
Richmond.....	John Tapley
Lancaster.....	Alex: Swann
Northumberland.....	
Westmoreland.....	Charles Ashton
Stafford.....	John Waugh Jun ^r
Accomack.....	John Watts
Northampton.....	Littleton Robins

It being by his Ex^{cy} and his Maj^{ty}'s hon^{ble} Council thought Very requisit & Necessary y^t his Maj^{ty}'s Attorney Gen^l and y^e C^lk of y^e Council should have their Residences at the City of Williams Burgh in respect of being in readiness to attend the Council upon all occasions, this board takeing into their serious Consideration the Sallary now allowed Each of them doe Conceive the same to be soe small y^t none of any quality and Capable of performing those offices, will be Drawn for so small a reward to quitt their other habitations and make their Residence there to undertake y^e s^d offices and y^t wth out such y^e Lawyers are often taken from their other Practice

Whereupon it is proposed y^t y^e yearly Sallary to be henceforth allowed to the Attorney Gen^l be one hundred pounds Sterl: and to y^e C^lk of y^e Council also one hundred pounds Sterl: & y^t y^e hon^{ble} Edmund Jenings Esq^r doe Draw up a representation & State of y^e case wth y^e sev^l reasons for y^e Augmentation thereof & the same representation soe Drawn to be signed by his Ex^{cy} & by y^e hon^{ble} Edmond Jenings Esq^r in behalfe of y^e Council

Whereas Barth Fowler Esq^r Decd late his Maj^{ty}'s attorney Gen^l in this Colony had sev^l bonds & other Papers in his Custody to be put in Suit w^{ch} by his Death is prevented—

Ordered y^t M^r Benj^a Harrison do forthwth put all such matters in Prosecution & it is further Order'd y^t y^e afores^d M^r Benj^a Harrison do also prosecute Jn^o Waugh of y^e County of Stafford C^lk & Peter Collier of y^e County of Northampton C^lk for Clandestine Marriages in Contempt of the Laws—

Whereas a Proclamation Dated y^e 20th of Decemb^r 1699 Enforcing & Enjoyning y^e Due Observation and Execution of sev^l penall Laws and other matters therein Contained hath not had its Desired Effects, order'd y^t another Proclamacon be prepared to reinforce the same—

His Ex^{cy} signed sev^l warrants for sev^l Summs of money ordered y^t a List thereof be given to the Clerk of the Council

It is y^e Opinion of his Ex^{cy} and the Council y^t y^e matter relateing to y^e apprehending y^e three Pyrates Arraigned Convicted & Condemn'd for Piracy, who made their Escape to the Eastern Shore be referred to y^e Consideration of y^e hon^{ble} Charles Scarborough Esq^r & John Custis Esq^r two of his Maj^{ty}'s hon^{ble} Council of State who together wth y^e Justices of Accomack County Court are hereby Impowered to Examine and Determine y^e matter, and report y^e same to y^e hon^{ble} M^r Auditor

Byrd who is hereby required upon such report made to make payment of what shall be by y^e s^d Commiss^{rs} adjudged to y^e Parties

Hannah Taylor of Northampton County widdow by Petition setting forth—

That Joseph Taylor her late husband being und^r an Extream Melancholy most Desperately & unfortunately made away wth himselfe upon w^{ch} the Coroner of y^e afores^d County Seized the Estate w^{ch} belonged to y^e s^d Joseph for his Maj^{ty}'s Use, and Laying Down y^t y^e Estate is of a Very small & inconsiderable Value amounting only to two thousand and one hundred pounds of tob^o besides a Sloop which was never paid for and y^t she is Left in a very Low Condition wth sev^{ll} small children all Distitute of Reliefe—

His Ex^{cy} and his Maj^{ty}'s hon^{ble} Council greatly Pitying y^e poor and Miserable Condition of y^e Petition^r and Esteeming her an Object of y^e greatest Charity, do hereby order and appoint y^t y^e afores^d Estate be to her remitted and Released—

The Consideration of y^e Petition of Lucy Doran widdow setting forth that by Vertue of a Precept from his Ex^{cy} & M^r Auditor Byrd she had transported one hundred sixty nine French Refugees over Chickohominy River is referred to y^e hon^{ble} W^m Byrd Esq^r & Benj^a Harrison Esq^r for allowance

Cap^t Passenger Comand^r of his Maj^{ty}'s Ship y^e Shoreham being asked if he had any thing further to add to y^e Council for his Maj^{ty}'s Service Answered in y^e Negative,

Whereupon he is Dismist any further attendance at this time

His Ex^{cy} was Pleased to order these following Comission for y^e Peace to Issue (viz^t)

To Accomack County & Southy Littleton Gent to be added

To Northampton County & Littleton Robins to be added

To Isle of Wight County & John Pitt to be added

To Nansemond County & Rich^d Awburn Gent to be added

To Richmond County & W^m Tayloe Gent: to be first in Commission

To Surry County & Sam^l Thompson & Edward Jackman to be added

To James City County & Benj^a Harrison Hugh Norvell Dionisius Wright John Gaddice and Henry Soan Jun^r to be added to y^e Comission

Whereas there is about fifty or sixty Acres of Land adjoining to y^e Lotts assigned in y^e City of Williamsburgh for a house to be built on for y^e Residence of y^e Gov^r of this his Maj^{ty}'s Colony & Dominion w^{ch} Land belongs to Henry Tyler of y^e County of York Gent: and he proposing to make Sale thereof at y^e rate of Twenty shill per acre

Ordered y^t y^e same be laid out & surveyed by y^e Survey^r of y^e County and a Purchase thereof be made to the use abovesaid

W^m Wilson Naval officer of y^e Lower District of James River Complaineing y^t on or about the 5th of may Last Anno 1700: Robert Bayley Master of y^e Ship Lyon of Bristoll did goe out of this Colony Laden wth tob^a wthout Clearing or Paying Duties and Praying y^t he may be Called to Answer y^e same It is y^e Opinion of his Ex^{cy} and y^e Council y^t noe bond appearing and he the s^d Bayley offering to pay

y^e Kings Dues of two shill: per hhd & Port Duties there is no ground left for Prosecution

Lists of y^e warrants signed by his Ex^{cy}

To his Ex ^{cy} Francis Nicholson Esq ^r &c ^a for his Sallary for half a year Ending the 25 th Instant Exclusive one thousand pounds.....	1000-00-00
To his Ex ^{cy} for halfe a years house Rent, Ending the same time seventy pounds.....	75-00-00
To the Gent: of ye Councill for halfe a years Sallary Ending y ^e same time one hundred seventy pounds.....	175-00-00
To W ^m Blaithwait Esq ^r Auditor and Survey ^r Gen ^l for one half year Ending y ^e same time fifty pounds.....	50-00-00
To Dionisius Wright C ^l k of y ^e Councill for halfe a years Sallary Ending y ^e same time twenty five pounds.....	25-00-00
To John Povey Esq ^r Solicitor of y ^e Virginia affaires for one halfe yeares Sallary ending the same time.....	50-00-00
To the hon ^{ble} Edmond Jenings Esq ^r for sev ^l charges.....	80-02-04
To M ^r Comissary Blair out of y ^e Quit Rents for halfe a years Sallary Ending y ^e same time fifty pound sterll:.....	50-00-00
To d ^o Blair for money paid to sev ^l ministers.....	10-00-00
To M ^r Benj ^a Harrison for sev ^l expenses.....	20-00-00
To Edward Ross Gunner ½ years Sallary.....	5- 0- 0
To Contingent Charges for the Governm ^t	80- 0- 0

His Ex^{cy} was Pleas'd in Councill to Nominate and appoint Gawin Corbin Gent: to be Coll: and Comand^r in Cheife of all y^e Militia horse and foot in y^e County of Middlesex

W^m Tayloe Gent: to be Coll and Comand^r in Cheife of y^e County of Richmond

John Taylor Gent: Praying by his Petition to be Discharged from attending as his Ma^{ties} Advocate of y^e Court of Admiralty his Continuall Sickness or want of health not permitting, he is thereupon Discharged from y^t office, and his Ex^{cy} and the Councill are of Opinion that M^r Benj^a Harrison be appointed to officiate y^t Place as being a man well & sufficiently qualified for that Service—

W^m Wilson Gent: of y^e County of Eliz^a City produced an account of thirty Nine pounds twelve shill: Expended on sick men belonging to his Maj^{ties} Ship Shorham

Order'd y^t he be paid for y^e same as by a former Order of Councill of 23^d of Decemb^r is appointed and Directed—

Whereas it is found by Experience y^t it is of Very Little Use for y^e Service and Defence of this his Maj^{ties} Colony and Dominion for any to serve on foot

It is therefore recommended to y^e Consideration of y^e Committee appointed to revise the Laws whether it is not most for his Maj^{ties} Service y^t y^e Militia should be all horse and Dragoons

His Ex^{cy} in Councill signed sev^l Patents Probates and administrations—

Whereas it has pleas'd almighty God of his Infinite mercy to deliver this Colony from y^e late great & raging Plague of Caterpillers

wth w^{ch} it was Infested in an humble Sence thereof, it is ordered & appointed y^t y^e 5th day of June next be observed and kept (by all y^e Inhabitants of y^e City of Williamsburgh & Parts adjacent) as a day of thanksgiving for such signall mercies & y^e 19th day of y^e same month in all other Parts of this Country & y^t a Proclamation be drawn & Issue to Enjoyn y^e due observation thereof

Nothing more offering at present for his Maj^{ties} Service
Councill adjourn'd

At the Councill Chamber at his Maj^{ties} Royall Colledge of William and Mary y^e 8th of May 1701

Present

His Excellency

Edmund Jenings
Matt Page

Benj^m Harrison
Robert Carter Esq^r

His Ex^{cy} laid before the Councill a Letter from Jos: Burchet, Secretary to y^e L^ds of y^e Admiralty dated y^e 24th Jan^{ry} 1700 wherein it is signified unto his Ex^{cy} y^t y^e Southampton a Ship of y^e fourth rate will soon be ready to proceed on her Voyage hither to releive the Shoreham, and Desiring y^t his Maj^{ties} Ship y^e Shoreham may not be out of y^e way when y^e Southampton arrives, but may be in a readiness to return for England as soon as her Comand^t receiv^es orders by y^e Southampton for soe Doing.

Upon Reading whereof it is y^e Opinion of his Ex^{cy} & his Maj^{ties} Councill y^t it is most for y^e Safety and Security of all Ships & Vessells outward bound to go in fleets or take Convoy and Cap^t W^m Passenger Comand^t of his Maj^{ties} afores^d Ship y^e Shoreham being p^{re}sent his Ex^{cy} & y^e hon^{ble} Councill proposd unto him y^t they conceived it would be much for the advancem^t of his Maj^{ties} Interest and a Signal Peice of Service if he would take under his Convoy what Ships & Vessells should then be ready to saile for England, to w^{ch} Cap^t Passenger made reply that he should at all times be very ready to do all possible Service and would then take all such Ships and Vessells under his Convoy and Protection

Sev^l Letters from England and other Parts being read in Councill and giving great Cause to belicive y^t there either now is, or suddenly will be a vigorous warr on foot His Ex^{cy} & his Maj^{ties} hon^{ble} Councill do thereupon Conceive y^t it will be very Dangerous for any Ship or Vessell to go to Sea unless in fleets or under Convoy, and being Desirous as much as in them lies to provide for their Safety and Security therefore

Order'd y^t y^e Collectors & Navall officers of y^e sev^l Districts be and hereby are enjoyn'd & required y^t they Clear no Ship nor Vessell after y^e sixth of June next, & y^t w^t Ships & Vessells they Clear they shall oblige them to Come into y^e mouth of James River to y^e USSall Place of makeing up fleets and thereto remaine till the twelwe of June next in order to Sayle, and in Case any Ship or Vessell should not be ready to Saile by y^t time It is further Order'd y^t y^e Collectors & Naval officers of the respective Districts shall not Clear any Ship or Vessell after y^t time Untill further Order'ds and that they give

Immediate Notice of this order unto y^e sev^{ll} masters of Ships and Vessells wth in their Districts—

Order'd y^t all y^e Collectors & Naval offices wth in this his Mag^{ti}s Dominion of Virg^a do make up their accounts wth M^r Auditor Byrd upon y^e ninth of June next y^t they may be now transmitted to England It being Certaine there will be no opportunity of transmitting any matters to England untill y^e next return of y^e fleet and it is further Order'd y^t if in y^e Intrim they take away bills of Ex^a for the Importation of Liquor Servants or Slaves they either forthwith Send them home themselves or Else Send them to M^r Treasurer y^t he may transmit to England wth this fleet

A Proclamation being prepared appointing a Publick Day of thanksgiving for y^e Deliverance of this Colony, from the Great and Raging Plague of Caterpillars and for the great blessing in preserving Unanimitie and Concord between his most sacred Maj^{ti}e and his Parliam^t & y^e Inhabitants of this Colony in health Peace & tranquility to be observed and Kept by y^e Inhabitants of y^e City of Williams Burgh & Parts adjacent y^e 5th of June next and by all the other Inhabitants of this Colony y^e 19th Day of the same month of June, y^e same was read in Council and being approved was signed & the Colony Seal order'd to be affixed

Whereas for the better Safty & Security of the Merch^{ts} Ships & Vessells Saileing out of this Colony to y^e sev^{ll} Ports whereunto they are bound Orders is given to y^e Collect^{rs} and Navall officers in the sev^{ll} Districts of this Colony not to Clear any Ship or Vessell wth in their Districts after y^e sixth of June next wth out Obligeing them to Come to y^e mouth of James River to Join in a fleet or take Convoy & there to remaine till y^e twelfth of June in order to Saile & for as much as a^{ll} Ships tradeing to & from the Province of Maryland must of Necessaty pass between y^e Capes of Virg^a & soe may be protected and Convoyed by the Ships of warr attending this Colony, therefore

By his Ex^{cy} and y^r hon^{ble} Council of State it is thought necessary for his Maj^{ties} Service, to Communicate y^e same to his Ex^{cy} Coll Blackiston the Govern^r of Maryland, y^t so (if he thinks fitt) he may g.^{ve} Directions for y^e Merch^{ts} Ships and Vessells in Maryland to take y^e oppertunity of joyning wth y^e same fleet or Convoy to defend them from Pyrates and Privateers, & also to Desire him, y^t for y^e better guard and Defence of the Coasts, He will please to give orders unto Cap^t Peter Code Comand^r of his Maj^{ties} advice Boate y^e Messenger y^t as soon as Conveniency will permitt y^e s^d advice boate may be down in y^e mouth of James River to pursue such orders for his Maj^{ties} Service, as shall from time to time be unto him given

Whereas it is thought very Dangerous for any Ship or Vessell to go out to Sea unless in fleets or under Convoy, and for as much as y^e twelfth day of June next is sett for the time of y^e Saileing of y^e merch^{ts} Ships & Vessels, and Notice is Directed to be thereof given y^t all masters of Ships and Vessels may take y^e oppertunity thereof therefore

Ordered y^t Cap^t W^m Passenger Comand^r of his Maj^{ties} Ship Shoreham do send a Sloop as soon as possible to Cruise in y^e Bay of Chesapeake and if they meet any Ship or Vessell Designed out of the Capes

y^t they stopp them and bring them into James River to take y^e opportunity of Joyning wth y^e fleet or Convoy

His Ex^{cy} by advice in Councill ordered a Proclamation to be Drawn to prorogue the Gen^l Assembly of this Colony to y^e 4th Day of July next w^{ch} being prepared was read in Councill, and

Ordered to by [ly] ready in the office Untill it may be seen what further offers for his Maj^{ties} Service & then to be Issued forth as his Ex^{cy} sees fitt

A Letter from y^e Right hon^{ble} y^e L^{ds} Com^{rs} for trade and Plantations Dated Feb^{ry} 18th 1701/2 requiring a perfect acco^t of y^e State of Defence of this Governm^t in y^e most perticular manner, wth the Condition of y^e forts and fortifications here, wth an acco^t of y^e Armes Amunition & Stores of warr and to report what may be Conceived to be further wanting or fitt to be done for y^e Security of this Dominion—

Upon Consideration thereof his Ex^{cy} and the hon^{ble} Councill are of opinion y^t y^e whole matter relateing to y^t Subject is already transmitted to their L^{ds} in y^e most perticular and perfect manner possible by y^e Proceedings in Councill of May y^e ninth 1699 and w^{ch} being laid before y^e whole house of burgesses of this Colony then Sitting, they also in their address of June the 2^d 1699, did Unanimously conceive to be y^e most p^rper way to Defend this Country & y^t therefore nothing more can be offered to their Ld^{sps} Consideration relatein to that Matter, only

That y^e Powder being Canon Powder is not fitt for y^e Use of small armes neither will it Keep and therefore

It is Conceived y^t y^e best Stores of warr to be sent for this Country would be Pistoll Powder and Pistoll Bulletts w^{ch} is fitt for all maner of Service, and some hand Morters and Granades Suitable and fitt for them wth Granadeer and Dragoon Armes all w^{ch} is offered to their L^{ds} Consideration—

His Maj^{ties} Letter of y^e Second of Feb^{ry} 1700—1 Concerning the tryall of Pyrates & accessories in Cases of Pyracy beyond y^e Sea was read in Councill

Cap^t W^m Passenger Comand^r of his Maj^{ties} Ship Shorcham Laying before his Ex^{cy} & y^e Councill the State and Condition of y^e Ship La Paix lately taken from the Pyrates—

His Ex^{cy} & Councill upon Consideration thereof finding y^t she Cannot be fitted out for Service y^t she hath been sev^l times Exposed to Sale & none would purchase, y^t if she staves here she will be rendered Utterly uncapable for any Service & Considering y^t Sev^l quantities of tob^a is likely to be left in Country for want of freight

Upon the request of Cap^t W^m Passenger his Ex^{cy} & y^e Councill are of Opinion y^t it will be for his Maj^{ties} interest & Service y^t Cap^t Passenger (if he Can Effect it) load her home for England wth tob^a

His Ex^{cy} and y^e hon^{ble} Councill takeing into their serious Consideration y^e Danger y^t y^e merch^{ts} Ships and Vessells may be in at this Juncture in going out to Sea & willing to prevent, detect, and Discover (if possible) all Pyrates Privateers or Sea Rovers w^{ch} may haunt & Infest these Coasts,

His Ex^{cy} by & wth y^e advice & Consent of his Maj^{ties} hon^{ble} Council is pleased to direct & doth hereby require y^t y^e Coll or Comand^r in Cheife of Princess Anne County do forthwth provide one or more sufficient Persons of their County as they see fitt Constantly to look out upon the Sea Coasts, & to Continue p^rforming y^t Service untill further orders w^{ch} Persons appointed to Look out as afores^d, if they see any Ship or Vessell upon y^e Sea Coast they are Diligently to observe her Course motions & actions and Peticularly if any Boate be Sent on Shore and if there appear any Suspecion of their being Pyrates, y^t they do Imediately give Notice thereof to y^e next Comission officer of y^e Militia and he is forthwth to Intimate y^e same to y^e Comand^r in Cheife of the Militia in that County who is hereby Directed to take such Care and give such orders as shall be necessary for the Defence of his County, & for persueing and apprehending such suspicious Persons as shall come on Shore, And also to give notice to y^e Comand^r in Chief of y^e Militia in y^e other Counties Lying on y^e Sea Coasts that they also may be prepared to defend themselves, And every such Comander in chief upon intimation given as aforesaid is forthwith to dispatch an express to his Ex^{cy} wth a particular acco^t thereof, And of what Orders & directions he hath therein given

Ordered that a full Councill be held at his Maj^{ties} Royall Colledge of William & Mary y^e ninth Day of June next Matters of great weight soe requireing, and it is ordered y^t Notice thereof be given to y^e hon^{ble} M^r Auditor Byrd Charles Scarborough and John Custis Esq^{rs} y^t they may be here p^rsent

Whereas his most sacred Maj^{ties} hath been pleas'd to Lay his Royall Commands upon his Ex^{cy} to send a p^rfect and Compleat List of all y^e Militia in this his Maj^{ties} Colony and Dominion of Virg^a both horse and foot and how they are armed & Equipt for Service, and whereas there is a strong Suspecion of a Long and Lasting warr near at hand, and what thereof may fall to our Lotts in these Parts of the world God only Knows—

It is therefore ordered, & his Ex^{cy} by & wth the advice of his Maj^{ties} hon^{ble} Council doth hereby will and require all & Every y^e Colls & Comand^{rs} in Cheife of Each and Every County wth in this his Maj^{ties} Colony and Dominion of Virg^a Imediately to Issue out orders to y^e sev^{ll} officers und^r their Command to return a true and perfect List of y^e sev^{ll} troops of horse & Companies of foot under their respective Commands, & how & in what they are fitted & Equipt wth Armes an Amunition Setting the same down in Distinct Columns & they are hereby further required wth all Speed to return to the Council office three fair Copies of such Lists by Each of them so taken y^t y^e same may be laid before the Council the Ninth of June next & they are further required to take speciall Care y^t y^e Law^s for their appearance at Musters & being armed & Equipt according to Law und^r y^e fines & Penalties therein Contained be put in Due & Effectuall Execution—

Ordered y^t y^e Colls & Comand^{rs} in Cheife of all & every y^e upper frontier Counties wth in this colony do wth all Expedition return an acco^t or List to his Ex^{cy} & his Maj^{ties} Council of such Persons to

y^e Number of twenty wth y^e officers as being of the Lower Inhabitants of Each y^e s^d Counties are fitt and able to Range & guard the frontiers of their respective Counties if any occasion by an Incursion or Invasion of the Indians or any Foreign Enemy by Land Should soe require

Dionisius Wright *Cl: Con:*

[C. O. 5, Vol 1312, N^o 20^{xvii} cont^d—fo. 189 verso.]

Virginia ss

By his Excellency

A Proclamation

Whereas for diverse important and weighty considerations by the advice of his Ma^{ty's} hon^{ble} Council of State it hath been thought necessary to dissolve the General Assembly Therefore I Francis Nicholson Esq^r his Ma^{ty's} Lieu^t and Governor Gen^l of this his colony and Dominion of Virginia do signify to all Persons whatsoever that the Generall Assembly of this Dominion w^{ch} was prorogued to the 23^d day of this instant October shall be and is hereby declared to be dissolved of which I require all Persons to take notice, And accordingly I do hereby discharge all members of the said Assembly and other Persons whatsoever from attending thereupon. And forasmuch as I am desirous upon all occasions for his Ma^{ty's} Service to have the advice and assistance of the General Assembly I do therefore hereby publish and make known unto all his Ma^{ty's} good and Loving Subjects within this Dominion that I have given directions for issuing out writts for a new assembly to begin & be holden at the College of William and Mary in Virginia adjoining to the City of Williamsburgh upon the fifth day of December next. Given under my hand and the Seal of the Colony at the College of William and Mary in Virginia the twenty fifth day of October in the twelfth year of the Reign of our Sovereign Lord William the Third by the grace of God of England Scotland France & Ireland King Defender of the faith &c^a

Fr: Nicholson

A Proclamation to dissolve the General Assembly

E Jenings Dep^{ty} Sec^{ry}

Virginia

By his Excellency

A Proclamation

Whereas his most sacred Majesty and our late gracious Queen Mary of blessed memory by their Royal Letter Patent bearing date at Westminster the 26th day of June in the fifth year of their Reign Did constitute & appoint the hon^{ble} Ralph Wormeley Esq^r Secretary of this his Ma^{ty's} Colony & Dominion of Virginia and the said Ralph Wormeley being now deceased Now to y^e end that all Proceedings at Law may be continued and that y^e Ordinary course of Justice may not be interrupted I Francis Nicholson Esq^r his Ma^{ty's} Lieu^t & Govern^r General of Virginia by and with the advice of his Ma^{ty's} hon^{ble} Council of this Colony have thought fitt in his Ma^{ty's} name to publish and

Declare that all Persons whatsoever who did hold any office by Commission or appointm^t under him the s^d Ralph Wormeley late Secretary Do continue and remain in all & Singualr their offices Powers and authoritys untill further Order to be taken therein Requiring them to proceed in the execution of their several dutys and all his Ma^{ty}s Subjcts within this Colony are to yeild all due obedience to this Proclamation. Given under my hand and the Seal of the Colony this 14th day of March 1700 in the 13th year of his Matys reign

Fr. Nicholson

A Proclamation continuing the late Secretarys Office

[C. O. 5, Vol. 1312, N^o 20^{xvii} cont^d fo. 190.]

Virginia ss

By his Excellency

A Proclamation

Whereas the General Assembly begun at his Ma^{ty}s Royal College of William and Mary adjoining to the City of Williamsburgh the fifth day of December last is prorogued to the 24th day of this instant April and on advice in Council find it most for his Ma^{ty}s and this Colonys Service that the Assembly be prpogued untill further time Therefore I Francis Nicholson Esq^r his Ma^{ty}s Lieu^t and Governor General of Virginia by vertue of the Power & authority to me given by his Maj^{ties} Letters Patent under the great Seal of England bearing date at Westminster the 20th day of July in the 10th year of his Reign do by this Proclamation in his Ma^{ty}s name publish and declare that I have prorogued the said Assembly and it is hereby prorogued to the fourth day of June next At which time I do hereby require every respective member that they fail not in giving their attendance accordingly. Given under my hand and the Seal of the Colony this 15th day of April *Anno Dom* 1701

Fr. Nicholson

A Proclamation proroguing the General Assembly

Virginia ss

By his Excellency

A Proclamation

Francis Nicholson Esq^r his Maty's Lieu^t and Governor General of Virginia To all to whom these Presents shall come Greeting Whereas it hath pleased Almighty God of his infinite mercy and goodness to deliver this Country from the great and raging Plague of Caterpillars with which it was infested, and w^{ch} threatened the destruction not only of the fruit & mast but also of Corn and other grain, In an humble sense & acknowledgm^t of such mercys and for his continued blessings in preserving unanimity betwixt his Majesty and his Parliament, and the Inhabitants of this Country in health, Peace and tranquility. I do hereby with the advice & consent of his Ma^{ty}s hon^{ble} Council Order and appoint that the fifth day of June next be observed

and kept as a day of thanksgiving rejoicing and returning humble and unfeigned thanks to Almighty God for such signal mercies by all and every the Inhabitants of the City of Williamsburg and Parts adjacent, and that the nineteenth day of the same moneth of June be also observed and kept as a day of thanksgiving rejoicing and returning humble and unfeigned thanks to Almighty God for such signal mercys by all and every the Inhabitants in all other Parts of this his Ma^{t^ys} most ancient and great Colony and Dominion of Virginia, and that in all and every Parish and Parishes where there is a Minister there be publick Prayers and a Sermon in the Churches suteable to the Solemnity of the day And that in the other Churches and Chappels where there is no Minister publick Prayers be read by the Clerk or Reader And I do further will and Require that all his Majestys good and Loving Subjects do reverently and religiously observe and keep the aforesaid nineteenth day of June next by abstaining from all servile & bodily Labour and religiously attending the service of the day. And I do further Command & Require the Sheriffs of each and every County of this his Ma^{t^ys} Colony and Dominion to read & publish this my Proclamation or cause the same to be read & published in all Churches Chappels and other publick Places within their Bailiewicks that all his Ma^{t^ys} good and Loving Subjects may have timely notice to performe the Solemnitys of the day. Given under my hand & the Seal of the Colony this 8th day of May 1701 and in the 13th year of his Ma^{t^ys} Reign

Fr: Nicholson.

A Proclamation for a day of publick
thanksgiving

God save the King

[C. O. 5, Vol 1312, N^o 20 ^{xvii} cont^d, or fo. 191.]Virg^a 55By his Excellency
A Proclamation

Whereas the General Assembly begun at his Ma^{t^ys} Royal College of William and Mary adjoining to the City of Williamsburgh the fifth day of December last is prorogued to the 4th day of June next, and on advice in Council find it most for his Ma^{t^ys} and this Colonys Service that the Assembly be prorogued untill further time Therefore I Francis Nicholson Esq^r his Ma^{t^ys} Lieu^t and Governor General of Virginia by vertue of the Power & authority to me given by His Matys Letters Patents under the great Seal of England bearing date at Westminster the 20th day of July in the tenth year of his Reign do by this Proclamation in his Ma^{t^ys} name publish and declare that I have prorogued the said Assembly and it is hereby prorogued to the 4th day of July next at w^{ch} time I do hereby require every respective member that they fail not in giving their attendance accordingly. Given under my hand and the Seal of the Colony this twenty sixth day of May Anno Domini 1701—

Fr: Nicholson

A Proclamation proroguing the General
Assembly

God Save the King

[C. O. 5, 1409 cont^d.]Virg^a

At the Council Chamber

9th June 1701*Present*

His Excellency

W^m Byrd

Matt Page

E^d JeningsBenj^a Harrison

John Lightfoot

and

Char: Scarburgh

Jn^o Custis Esq^{rs}

His Ex^{ty} was pleased to lay before y^e Council his Maj^{ties} royall lett^r of X^{br} 1700 whereby D^r James Blair is nominated & appointed one of y^e memb^{rs} of his Maj^{ties} Hon^{ble} Council of this his most ancient & great Colony and Dominion of Virg^a w^{ch} being read in Council.

Doct^r James Blair being sent for & being come into y^e Council Chamb^r y^e same was againe read in his Presence

Whereupon he haveing taken y^e Oaths appointed by act of Parliam^t to be taken instead of y^e Oath of allegiance & Supremacy subscribed y^e test & association, according to Act of Parliam^t and taken y^e Oath of a Councell^r took his place at board.

Doctor James Blair added

Cap^t Edw^d Nevil Command^r of his Maj^{ties} Ship y^e Lycoln his ord^{rs} & Instructions from y^e Right Hon^{ble} y^e L^{ds} of y^e Admiralty was read in Council & ordered to be recorded and delivered to him againe.

Council adjourned till tomorrow morning 7 of y^e clockJune y^e 10th 1701*Present*

His Excellency

W^m Byrd

Matt Page

Ed: Jenings

Benj^a Harrison

John Lightfoot

John Custis

Cha Scarburgh

James Blair Esq^{rs}

His Ex^{ty} laid before y^e hon^{ble} Council his Maj^{ties} royall Lett^r dated at Kensington 2^d Feb^{ry} 1701 containeing his Maj^{ties} directions concerning the tryall of Pyrates, and how accessories in Case of Pyracy beyond y^e Seas are to be dealt wth as also a Comission und^r y^e great Seall of England for Tryall of Pyrates in Virg^a or Carolina or at Sea Pursuant to an act of Parliam^t made in y^e 11th & 12th year of his Maj^{ties} Reigne Entituled an Act for y^e more effectuall Suppression of Pyracy all w^{ch} being read in Council.

Ordered y^t y^e afores^d Commission, be recorded in y^e Council & Secret^{rs} office and y^t Pursuant to his Maj^{ties} royall lett^r Copies of the afores^d Commission, Act of Parliam^t & Kings Lett^r be sent und^r y^e Colony Seal to y^e Govern^{rs} of South & North Carolina.

Upon reading at y^e Council board Instructions from y^e L^{ds} of y^e Admiralty, to Cap^t W^m Passing^r Comd^r of his Maj^{ties} Shipp Shoreham dated 16th 9^{br} 1699 and Secret^r Burchells lett^r from Admir Office

dated 24th Jan^{ry} 1701 concerning his Maj^{ties} Shipp y^e Southampton, comeing hither to relieve his Maj^{ties} Shipp y^e Shoreham & y^e Southamp^{ton} not being yet arrived.

His Ex^{cy} & y^e Hon^{ble} Council considering w^{ht} method is best to be taken for his Maj^{ties} Service & y^e Interest of this Colony for y^e Security of y^e Ships in their passage for England this present juncture, Ordered y^t it be proposed to Cap^t W^m Passinger Command^r of his Maj^{ties} Ship y^e Shoreham whither he can undertake to convoy y^e sev^{ll} m^{rch}^{ts} Shipp^s now outw^d bound to secure their Passage for Engl^d & y^t y^e s^d Cap^t W^m Passinger return his answer in writing to this Proposall.

Post Meridiem

Cap^t W^m Passinger Command^r of his Maj^{ties} Ship y^e Shoreham put his ans^wr in writing in y^e following words (viz^t)

“In ans^wr to an ord^r of Council this 10th day of June 1701 Relateing “to y^e Conveying sev^{ll} merch^{ts} Ships to England by his Maj^{ties} Ship “y^e Shoreham und^r my Command.

“It being a matt^r of a great Concern, y^t I heartily desire of yr Ex^{cy}, “I may consult my Originall Ord^{rs} for if I am not very much mistaken “there are sev^{ll} Omissions in y^e Copie & desire I may be favored wth “a Copie of y^e Hon^{ble} Secret^{ry} Burchels [sh^d be “ts”] lett^r to y^r Ex^{cy} “giveing Notice his Maj^{ties} Ship Southampton is comeing to relieve me “(and advice & have y^e Opinion of my Officers in y^t matt^r) & shall “send y^r Ex^{cy} o^r opinion by Express or otherwise as shall [be] thought “fitt by y^r Ex^{cy} am and Sr.

Y^r Ex^{cy}^s very humble S^{rv}^t
W^m Passinger

Williamsburgh June y^e 10th 1701

His being thought reasonable is granted & M^r Secretary Burchels Lett^r is given to him by his Ex^{cy}

His Ex^{cy} & y^e Hon^{ble} Council not knowing but the Southampton may speedily arrive here, doe thereupon conceive it Proper (for his Maj^{ties} Service, the Interest of this Country & y^e safety & Security of y^e merc^{hts} Shipp^s) y^t y^e Embargoe be Continued untill y^e twentieth Ins^t to y^e end y^t if y^e Southampton then arrives, y^y may saile out und^r y^e Convoy & Protection of Cap^t W^m Passinger Command^r of his Maj^{ties} Ship y^e Shoreham, but if y^e Southampton do not then arrive, y^t y^y may for theire bett^r Safety & Security go out in one entire fleet, at w^{ch} time also Cap^t Edw^d Nevill Command^r of his Maj^{ties} Ship y^e Lyncolne, will have recruited wth wood & wat^r and hath promised to Convoy this fleet to y^e utmost extent^s of his Cruizeing Coast.

It being proposed to y^e Council by his Ex^{cy} whether it [is] fitt proper & Convenient y^t y^e Clerk of any County Court, should at y^e same time also be Survey^r of y^e same Countys upon Consideration thereof the Council are wholly of Opinion, That it is altogether improper inconvenient & inconsistent wth y^e Rules of Law y^t they should hold and enjoy both Plaees at one & y^e same time.

What is written by S^r Tho: Frankland to his Ex^{cy} concerning y^e Post, & conveying of all Lett^{rs}, and also y^t p^t of Coll Hamilton's lett^r relateing to y^e same Subject is thought Proper to be ref^d to y^e Committee appointed to revise y^e Laws to be laid before y^e Gen^l Assembly—

Upon Reading of a Petition presented to his Ex^{cy} by y^e Committee appointed to revise y^e Laws, wherein they sett forth y^t since y^e death of M^r Fowler, who was by act of Assembly appoint^d one of their Assistants they have made it their Care to provide another Person to supply his Place, & not finding any duly qualified to serve on y^t Occasion y^y pray his Ex^{cy}'s assistance y^t y^e same may be completed in expected time.

His Ex^{cy} asking Advice of y^e Council w^{ht} is best to be done in y^t affaire. And y^y not knowing of any Person capable to und^rtake y^t place, It is thought prop^r y^t notwthstanding such impedim^t they proceed wth w^{ht} expedition y^y can and if it is longer in doing a favourable Constructions may be thereof given

His Ex^{cy} by advice in Council Ordrd a Proclamation to be drawn to Prorogue y^e Gen^l Assembly of this Colony to y^e sixth day of August next w^{ch} was ordrd to lye ready in y^e Office untill it may be seen w^{ht} further offers for his Maj^{ties} Service & yⁿ to be Issued forth as his Ex^{cy} seemes fitt.

It being certaine y^t there will be but few Ships to go out of this Country aft^r y^e Saileing of this fleet, & none of y^m of any force. It is considered by this board y^t to keep y^m here may be much to their prejudice

Therefore Ordrd y^t y^e restraint laid upon y^e sev^l Collect^{rs} & Navall Officers of y^e sev^l districts in this Colony not to clear any Shipp or Vessell out of his or their district aft^r y^e Twelfth of this Ins^t wth out further Ord^{rs} by ord of Council of may y^e 8th be hereby taken off & removed.

Ordrd y^t y^e Clk of y^e Council sent [d] to y^e sev^l Collect^{rs} & Navall Officers wth in this his Maj^{ties} Colony, a Copie of y^t p^t of Cap^t Nevills Instructions relateing to his Saleing & return to England y^t y^y may communicate y^e same to y^e sev^l m^{rs} of Ships & Vessells tradeing in y^e riv^{rs} y^t if y^y think good, y^y may stay till y^t time Convoy und^r him.

The Hon^{ble} W^m Byrd Esq^r laid before his Ex^{cy} & y^e Hon^{ble} Council a report in writing dated y^e 10th & 11th may 1701 setting forth y^e State & Condition of y^e French Protestant Refugees inhabiting at y^e mannikin Town & p^{ts} adjacent.

Comp^{lt} being made unto this Board in behalfe of the Nanzemond Indians, y^t two men of their Nation are forceably taken away by y^e Pomonkey Indians, and in like manner detained

His Ex^{cy} & y^e hon^{ble} Council takeing y^e same into Consideration, desireing y^t Peace & amity may be maintained preserved & Kept amongst all o^r Neighbo^{ing} Indians, and to prev^t All feuds & Animosities do thereupon Ord^r y^t y^e Interpret^r of y^e Pomonkey Indians do forthwth Cause y^e afores^d Indians to be Surrendred & sent to their own Nation y^e Nanzemond Indians.

Information being made to y^e Council Board y^t notwthstanding the Embargo laid upon y^e sev^l M^{rc}hts Shipp in this Country outw^d

bound; sev^{ll} Shippes & Vessells from y^e Province of Maryland do daily go out of y^e Capes in Open View in prosecution of their intended Voyage, And never Come into y^e mouth of James River to Joyne wth the fleett or take Convoy, wth w^{ch} y^e sev^{ll} mast^{rs} here are much dissatisfied y^t y^mselves should be forced to stay whilst others take all Oppertunities to speed away.

The Council upon Consideration thereof conceive y^e same may be very prejudiciall to his Maj^{tie}s Service & Interest at this Juncture, and to y^e Common Safety intended by y^e Embargo because if any of y^m stragling away should chance to be taken they may discover y^e measures now taken and thereby much prejudice y^e fleet.

Whereupon y^e Council do represent y^e same to his Ex^{cy} and desire y^t he will be pleased to represent y^e whole matt^r to his Ex^{cy} Coll Blackistone y^e Gov^{rn}r of Maryland

June y^e 11th 1701

Present

His Excellency

Edm^d Jenings
Joⁿ Lightfoot
Char: Scarburgh

Matt Page
Benj^a Harrison
Jn^o Custis Esq^r

The Hon^{ble} Ed. Jenings Esq^r being required by ord^r of Council of y^e 9th of march last to draw an abstract or short narrative of y^e method of Proceedings upon tryall of Causes in y^e sev^{ll} Courts wthin this Dominion pursuant to an Ord^r of their Ex^{cy} y^e L^{ds} Justices in Council of 18th of July last y^e same so prepared & drawn was presented in Council & being read was approved

Doctor James Blair Added

Sev^{ll} Proposals & representations to y^e Right Hon^{ble} y^e L^{ds} Com^{rs} for trade and Plantation being drawn up pursuant to an Ord^r of Council of y^e 25th of April last laying down sev^{ll} motives & reasons for augmenting y^e yearly Sallary to be allowed to his Maj^{ties} Attorney Gen^{ll} & y^e Clerk of y^e Council y^e same was read & signed by his Ex^{cy} and y^e Hon^{ble} Council.

Upon Reading sev^{ll} Lett^{rs} from New York and other Northern p^{ts} intimating certaine distractions in those Parts, arising amongst y^m upon y^e death of y^e Earle of Bellamont. Upon Consideration of y^e whole matt^r, this Board conceiving y^t y^e same may if not timely prevented tend much to y^e Prejudice of his Majestys interest in those p^{ts} therefore proposed y^t some fitt Person of Sound judgm^t known abilitye & integrity be sought out to go out into those p^{ts}, privately to inquire & find out y^e State of affaires there and to Communicate y^e same to his Ex^{cy}

Upon Consideration at y^e Council board of y^e Lands in y^e maine called or known by y^e name of Govern^r Land.

Ordered y^t y^e Records of James City County be searched & if y^y find any Person seated upon y^e s^d Lands, who have not caused their Lease to be put upon Record, y^t y^e Sheriff of James Citty County, Imediately ord^r every such Person to put his or their Lease upon

Record to y^e end it may be known, how & in w^{ht} manner & und^r what rents & Services y^r hold y^e same. And it is further ordrd y^t y^e Clk of y^e Council desire y^e Ex^r of M^r Jn^o Soane decd late Survey^r of James City County to search y^e s^d Soanes Pap^{rs} for a Gen^l Survey of y^e said Lands & to send y^e same to his Ex^{cy} And it is also Ordrd y^t y^e Clk of y^e Gen^l Court & y^e Clk of James City County Court, take ann Acc^t of y^e sev^l Leases in each of y^e s^d Offices, concerning y^e same Lands, And draw a Scheme thereof in sev^l distinct Columns (viz^t) by whom held, & w^{ht} quantity of acres, time of Comencem^t of y^e Lease, and y^e term, & und^r w^{ht} yearly rent y^t upon Consideration of y^e whole matt^r such further Ord^r & Proceedings thereupon may be had as shall seem Proper.

The Hon^{ble} W^m Byrd Esq^r Pursuant to an Ord^r of Council of July 10th 1700 concerning y^e boundaries of North Carolina this day presented his report to his Ex^{cy} in these following words (viz^t)

“In Obedience to his Ex^{cy} Com^{ds} in Council for asserting his Maj^{ties} Right on y^e bounds between Virg^a & North Carolina, I have given directions to y^e Sheriffs of y^e respective Counties bordering on Carolina, Strictly & Carefully to Collect his Maj^{ties} Quit Rents for all y^e Lands y^t were ever held of this Governm^t And in Case of Opposition or deniall forthwith to give notice (wth Names of such Persons as shall be concerned therein) to his Maj^{ties} Attorney Gen^l y^t such Persons may be prosecuted as y^r shall deserve w^{ch} is humbly Reported By

W^m Byrd Audit^{rs}

Williamsburgh

25th Aprill 1701

An Acco^t of y^e whole Proceedings concerning y^e State of defence of this his Maj^{ties} most Ancient & Great Colony & Dominion of Virg^a as it hath been represented to y^e R^t Hon^{ble} L^{ds} Com^{rs} for Trade & Plantations

At y^e Council Chamber 8th May 1701

His Ex^{cy} In Council

A Lett^r from y^e R^t Hon^{ble} y^e L^{ds} Com^{rs} of Trade and Plantations
[Here follow four paragraphs, printed on p. 141.]

April 25th 1701

Whereas it is found by Experience y^t it is but of very Little use for y^e Service & defence of this his Maj^{ties} Colony & Dominion for any to serve on foot.

It is therefore recomended to y^e Consideration of y^e Comitte appointed to revise y^e Laws, whether it is most for his Maj^{ties} Service & the Intrest of this Colony, y^t y^e Militia should be all horse & Dragoons.

May y^e 9th 1699

Whereas Edw^d Ross Gunn^r at James City & Rich^d Dunbarr
[As this report is the same as printed for that date, it need not be repeated here. Ends:—“give their opinion thereupon”]

June: 2^d: 1699

The Assemblies Proceedings thereupon

To y^e Proceedings of yo^r Excellency in Council concerning y^e fortifications &c^a We are of opinion that y^e sever^l Fortifications in this his Maj^{ty}s Colony, and Dominion are at this time much decayed and very ruinous, and in y^e condition they now are of little use y^e Country and do so farr agree wth y^e advice of y^e Council that at present y^e Country be at no further Charge about them, and that y^e best, and safest way to secure y^e Powder is to distribute it into y^e severall Counties where it will be in a readiness for y^e Service of y^e Militia in y^e Defence of y^e Countrey, and that y^e most proper way to Suppress any Insurrection in y^e Country is by y^e Militia, and in case of Danger of an enemy by water y^e most proper meanes for the defence of y^e Countrey would be by a Navall Force, but that y^e Charge in maintaining such would be altogether insupportable to y^e Countrey To the Proceedings of yo^r Excellency in Council relateing to y^e provideing one, or more Cruising vessells for y^e detecting false Traders. We concurr and agree with the resolutions, & opinion of yo^r Excellency, and the Hon^{ble} Council therein

Dionisius Wright

[See printed "Journals of the House of Burgesses of Virginia, 1695-1696, 1696-1697, 1698, 1699, 1700-1702, p. 189. But there are one or two variations.]

Virg^a 55

At a Council held at James City

Feb^r 25th 1698:His Ex^{cy} in Council

Ordered that W^m Byrd and Edw: Hill Esq^{rs} do view the fortifications at James City and that Edm: Jenings & Mathew Page Esq^{rs} do view y^e fortifications at York & Tindals Point & examine y^e sev^l Gunners acc^{ts} thereof whether they be exactly taken & report y^e same to y^e next Council

B: Harrison

Virg^a 55

In obedience to an order of his Excellency in Council beareing date y^e 25th feb^r last directing us to view y^e fortifications at James City & examine y^e Gunners acco^t thereof humbly report that (to o^r Judgm^{ts}) the acco^t given to his Ex^{cy} the first of feb^r last by Edw: Ross Gunn^r is exactly taken as to y^e Condition of y^e Gunns Carriages & Stores therein mentioned since w^{ch} there appears by his further Acco^t to be expended about two barrells & a halfe of Powder which is humbly submitted.

By:

William Byrd
Edw: Hillthe 5th of May 1699

Virg^a ss

An Acco^t of Stores in his Maj^{ty}s Magazeen in James City taken this first day of Feb^r 1698/9
 Powder in Barrels of w^{ch} there wants to be hoopt ten barrels 115
 Match 8^{ll} weight Culverin Shott 1840
 Culverin Demerin d^o 1000
 Ladles & Spunges for d^o 10: 10:
 ditto for demi Culverin 8: 8:
 funnels of plate 3
 Sheet Lead: 4^{ll} weight Forelockeyes 32: per
 Iron Crowes 51: tan'd Hides 7: Budg barrels 2
 Hand Crow Leavers of w^{ch} five are brok 60
 Spikes 300 Cartridge Paper Rhm: 6:
 Lanthorn dark: 1: Lanthorn Ordinary: 2:
 Muscovy Lights: 3: formers: 10: Powder hornes: 20:
 Baskets of w^{ch} 4 broke in bringing burnt Locks from y^e State house :20:
 Linstocks 10: Wadhookes :8: Marlin 12^{ll}
 Twine :3^{ll}: Wire :6^{ll}: Hand Screws of w^{ch} one broke 2
 Thread 4^{ll} Needles 6 doz Nails: 20^d 200
 Nails: 10^d: 300: 6^d: 100 2^d 1200
 Burnt Snaphance Match lock & Carabine barrels from Middle Plan-
 tation 270
 Burnt Locks for d^o from Middleplantation: 336
 Old broke Muskets 135: old Swords :18: Cutlesses :12:
 Old Pistolls 8:
 Culverin on field carriages of w^{ch} Axletree two & wheeles broke quite
 down y^e other tenn y^e wheeles broke one pair being Crampt & one
 Carridge bolted wth an Iron bolt, but all unfitt for Service by reason
 they stand on a line of loose ground only pieces of old Plank under
 y^e wheeles to keep them from sinking haveing no Platform nor
 breast work 12
 Demi Culverin on D^o of w^{ch} two broke down y^e wheeles of y^e other
 two being broke & standing as aboves^d are altogether unfit for
 Service 4
 Minion on Old Shipp Carriages wthout trucks & standing as aboves^d
 are alike also 4
 Faul^{tt} on Ditto & standing as Ditt^o are also alike 2
 Aprons of Lead :10: Granado Shells 200
 Mortar Piece Shells 117 Seeker Shott: 80
 Small barrel, Musket, Carabine & Pistol Shott: 21:
 Loose ball pickt up & in boxes about barrels 4
 Good muskets: 3: pick Axes: 65: Crosscut saws 24
 Conduct^{rs} for Culverine Cartridges: 14: D^o for demi Culv^r 13
 Old hand sawes 3: old hand bills 24:
 four Inch hauser fatho^m 30: D^o old Junk Fathom 25
 burnt barrels of Musket at y^e State house 197
 burnt locks from d^o 180: burnt byonet blades 97
 burnt Lead of barrels of musket 18:
 burnt hammer hatchets 77 burnt hoops swivel & springs of Granado
 powches 99. burnt speares of Halberts 3: burnt speares of sweed
 feathers 445

Iron bolts for Carridges 15

The Magazeen house in James City the vault of we^h being digged between two flashes & so near to y^e water is y^e only Occasion not so much y^e Hooping y^e barrels of Powder yearly but likewise a meanes to impair the Strength thereof

Er^{rs} Excepted by—Gunner
Edward Ross - Virg^a

Copa

Dionisius Wright

Virg^a 1699

An Acco^t of what Powder hath been Expended & delivered since y^e first day of Feb^r last

March: 3 ^d		Gunn ^s fired
	To Cap ^t Rowe going down.....	1
	to Cap ^t Beames going up.....	1
	7. to Cap ^t Harrison going down.....	5
	24: to Cap ^t Braine going up.....	6
	26: to Cap ^t Greenway going down.....	6
	Ult: to Cap ^t Biswick going down.....	3
	Id to Cap ^t Withington going down.....	1
	Id to Cap ^t Daves going down.....	3
	to y ^e Perry & Lane going down.....	6
	To Cap ^t Turner going up.....	6
	to a barrel of Powder to Middleplantation	
May: 2:	to when M ^r Speaker & y ^e house of Burgesses came to y ^e Gov ^r & Council.....	21
	4: to when y ^e Carolina Gent went over.....	7
		66

& one barrel

May 5th 1699

Er^{rs} Excepted

Ed: Ross Gunner

The 66: gunns as nominated on y^e other side did burn & consume about one barrel & a halfe of corn powder, besides two large Cartridges gave to y^e Indians May: 2^o of about 10 pounds of Powder

Errours Excepted by
Edward Ross Gunn^{rs}

May: 4th 1699

Copa Dionisius Wright *Cl Con:*

[C. O. 5, Vol 1312, N^o 20^{xvii} cont^d or fo 191.]

Virginia Sr

By his Excellency

A Proclamation

Whereas the General Assembly begun at his Ma^{ty}s Royal Colledge of William and Mary adjoining to the City of Williamsburgh the fifth day of December last is prorogued to the 4th day of July next, and on advice in Council find it most for his Ma^{ty}s and this Colonys Service

that the Assembly be prorogued untill further Therefore I Francis Nicholson Esq^r his Ma^{ty}s Lieuten^t and Governor General of Virginia by vertue of the Power and authority to me given by his Ma^{ty}s Royal Letters Patents under the great Seal of England bearing date at Westminster the 20th day of July in the tenth year of his Reign Do by this Proclamation in his Ma^{ty}s name publish and declare that I have prorogued the said Assembly and it is hereby prorogued to the sixth day of August next at w^{ch} time I do hereby require every respective member that they fail not in giving their attendance accordingly Given under my hand and the Seal of the Colony this 11th day of June *Anna Dom* 1701

Fr: Nicholson

A Proclamation proroguing the Gen^l Assembly

God Save the King

[C. O. 5, Vol. 1312, N^o 21^{xix} or fo. 342.]

Virginia S^t

A list of the Criminalls that have been tryed in the Generall Court since the time of the Accession of his Excellency Francis Nicholson Esq^r to this Government when they received their tryalls—for what Offence & whether Condemned or Acquitted. In Aprill Generall Court 1699 the first Court after his Excellency came.
None

In October Generall Court 1699

Samuell Bray of Charles City County Condemned for y^e Murther of his wife Sarah Bray, and was afterwards Executed.

Peter an Indian man late belonging to Cap^t Giles Webb. Condemned for y^e Murder of one John Crostick of Henrico County. and was afterwards Executed

In Aprill Generall Court 1700

Thomas Day of Essex County for y^e Murder of his wife. Acquitted & discharged

John Ide for y^e Murder of Thomas Bage of Sury County. Condemned. and was afterwards executed.

In October Generall Court 1700

Sarah Swan of Middlesex County for Concealing the death of her bastard Child. Acquitted & Discharged.

John Smith for felony & y^e Murder of Eliz^a Day late wife of Thomas Day of Essex County. found Guilty. Condemned and was Executed.

In Aprill Gen^l Court 1701

Mary Anne Dowton for felony found Guilty. and was pardoned

Richard Rowton & Jane his wife for felony. Acquitted & discharged

In October Gen^l Court 1701

Evan Roberts for y^e Murder of Alice Evans. found Guilty of Manslaughter and had Judgm^t of death past against him

upon his Confession that he could not read. but afterwards prayed that he might be transported w^{ch} was granted

John Quidley & Edward Crowder for Steeleing Goods out of houses. Condemned. but afterwards prayed for transportation which was granted

Derby Collnon for y^e murder of his Mistress Jane Ford of King & Queen County Condemned. and is to be Executed in the Parish where y^e Murder was Comitted On fryday next being y^e 7th of this Instant November 1701

Taken

per C-C-Thacker *Cl Gen Cur*
this 4th Novb^r 1701

[C. O. 5, Vol. 1312, N^o 20. ^{liv} or fo. 404.]

Virginia S^{ct}

An Account of the Proceedings of the Hon^{ble} the Generall Court in October 1700 upon Navigation bonds in Suit.

Att Genll
vs
Willis Wilson
of Eliza City
County Gent

Debt for 1000^{li} sterl. by bond for y^e discharge of y^e Loading of y^e Brigantine Speedwell in y^e yeare 1696. referred for that y^e Def^t alledged that y^e s^d Vessell had delivered her s^d loading in London but he had not yet rec^d Certificate thereof

Att Genll
vs
Christop Robinson
Esq his Excert

Debt for 1000^{li} sterl. by bond for the discharge of y^e Loading of y^e Pink John & Sarah of London. referred.

Att Genll
vs
Gawin Corbin
Gent late of
Westmord
County

Debt for 1000^l sterl. by bond for the discharge of y^e Loading of y^e Brigantine W^m & Mary of Virg^a in y^e yeare 1693 referred. for the Defend^t to make appear that y^e penny per pound was paid in y^e Country for y^e Tob^o carried out in y^e s^d Brigantine in y^e afores^d year

Our Sovereign
Lord ye King
vs
Andrew Gregg

Debt for 1000^{li} sterl. by bond under y^e hands & Seales of y^e Def^t & one John Scott of his Maj^{ty}s Province of Maryland dated 16th Feb^ry 1688 the Def^t haveing y^e last Gen^{ll} Court pleaded Non est factum. It was referred 'till this Court for y^e Att^r Gen^{ll} to prove y^e s^d bond but he now failinge to do y^e same the Suit was therefore Dism^t.

Our Sovereign
Lord ye King
vs
Cha: Ashbon &
Anne his wife sur-
viving exrx of
ye last will & Tes-
tant of Jno Wash-
ington deed

Scire facias—to renew a judgm^t dated 20th October 1697. for One thousand pounds sterl referred for y^e Def^{ts} to bring an Acco^t of their Administration

Truely taken from the Record
per C-C-Thacker *Cl Gen Cur*

Virginia S^{ct}

Proceedings of the Generall Court held in Aprill 1701 upon Navigation bonds &c^a

Attorney Genll

vs
Willis Wilson
of Eliza City
County Gent

Debt for 1000^l sterl. by bond for the discharge of y^e Loading of y^e Brigantine Speedwell in y^e yeare 1696. the Defend^t making Oath that he was charged in his Acco^t from England for Obtaining a Letter from y^e Comm^{rs} of his Maj^{ty}s Customes in discharge of y^e s^d bond which Letter not being come to hand. Suit referred 'till next Court

Att Genll

vs
Chr Robinson Esq
his Executors

Debt for 1000^l sterl. by bond for y^e discharge of y^e Loading of y^e Pink John & Sarah of London. Dismist. p^lt not prosecuting

Att Genll

vs
Gawin Corbin
late of
Westworld County

Debt for 1000^l sterl. by bond for y^e discharge of y^e Loading of y^e Brigantine W^m & Mary of Virginia in y^e yeare 1693. further referred for y^e Defend^t to make appear that y^e penny per pound was paid in y^e Country for y^e Tobacco carryed out in y^e s^d Brigantine in y^e s^d yeare

Our Sovereign
Lord the King

vs
John Washingtons
Executors

Scire facias. to renew a judgm^t dated 20th 8^{ber} 1697 for 1000^l sterl. & Costs . referred 'till next Court for Defend^{ts} to bring in an account of their Administration.

Truely taken from y^e Records of y^e s^d Court
per C-C-Thacker *Cl Gen Cur*

[C. O. 5, Vol. 1312, N^o. 21^{iv}, or 406]

Virginia S^{ct}

Proceedings of the Generall Court held in October 1701 upon Navigation Bonds &c

Att Genll

vs
Gawin Corbin
Gent late of
Westmoreland
County

Debt for 1000^l sterl. by bond for the discharge of y^e Loading of y^e Brigantine W^m & Mary of Virginia in y^e yeare 1693. referred

for y^e Defend^t to make appear that y^e penny per pound &c^a is paid.

The King

vs
John Washingtons
Executrise

Scire facias to renew a judgment of y^e s^d Court for 1000^l sterl Continued for y^e Defends to bring an Account of their administration

Att Genll

vs
Willis Wilson
of Eliza City
County Gent.

Debt for 1000^l sterl. by bond for y^e discharge of y^e Loading of y^e Brigantine Speedwell in y^e yeare 1696 referred 'till next Court

Taken

per C-C-Thacker *Cl Gen Cur*

[C. O. 5, 1409 cont^d]May it please yo^r Excellency

Wee whose Names are hereunto subscribed Comand^{rs} of the Ships Trading to Maryland and Virg^a take Leave to offer up o^r verry humble Acknowledgm^{ts} to yo^r Ex^{cy} for the great care you have taken for o^r Safety & welfare & shall not fail (God sending us safe home) to represent the same to the Gent. we are Concerned wth, wee beg Leave further to offer to yo^r Ex^{cy}s Consideration the Season of the year w^{ch} layes us under great danger of the worme and also Calls us home y^t wee may be in time for the next years Cropp wee are y^e more bold wth yo^r Ex^{cy} in this as being highly sensible of the Indefatigable Care and Vigilance yo^r Ex^{cy} has ever had of and over Trade wth unusuall Success wee therefore humbly begg y^t yo^r Ex^{cy} will please to dispatch us if possible with a Convoy wee having had too many Experiences that Merch^{ts} Ships are seldom of much Importence to Each other through their Independancy and Devisions but in Case a Convoy Cannot be Obtain'd wee begg Leave to Sail under yo^r Ex^{cy}s good fortunes w^{ch} we hope will Cary us home in Safety in assurance of yo^r Ex^{cy}s Favours and good wishes wth the profoundest Respects imaginable we Subscribe our Selves.

Yo^r Excell^a most humble & most obedient ServantsKiquotan June y^e 10th 1701

Eben ^s Cook	Edw ^d Burford	Tho: Graves
Sam ^l Harwood	I Bezeley	Rob ^t Tayloe
John Blenkern	Deane Cock	Mich ^l Staple
Nich ^o Humphry	Jo ⁿ Burford	Jo ⁿ Boyd
Peter Bonamy	Fra: Whiteside	John Tanner
Stephen Robins	Rich ^d Sprackling	Rich ^d Haukins
John Lowden	Peter Blackstone	John Cotterell
Sam ^l Bowman	Rich ^d Scott	

May it please your Excellency

Wee whose Names are hereunto subscribed Comand^{rs} of the Ships Trading to Maryland and Virg^a under yo^r Ex^{cy}s Embargo at Kiquotan humbly offer to yo^r Ex^{cy} y^t wee was Informed y^t you designed to be here the 12th ins^t and accordingly agreed to the address w^{ch} accompanys this under our hands hoping and Expecting yo^r Ex^{cy} Favour therein but to our great Sorrow are this day given to understand by Cap^t Passinger y^t we are furth^r Imbargo^d till y^e 20th Ins^t & y^t wthout any assurance, nay wthout any Probability as we Conceive of any Convoy. wee therefore humbly begg Leave to represent to yo^r Ex^{cy} y^e apparent damage it will be to us & the Gent. Concerned wth us to be longer detained, first because y^e Season of the the year and the heat of the weather makes us Extreemly unEasy for Fear of the wormes Secondly we lye at above one hundred pounds Charge a day, thirdly wee are under Continuall fear of o^r mens falling into the Seasoning, fourthly wee [are] und^r great apprehensions we shall lye here while a warr is proclaimed and Consequently fall into the mouths of our

Enemies whereas wee might possibly have been at home before the warr broke out if we had mett wth no delay, 5^{thly} wee are assured to a demonstration that a Fleet of Merch^{ts} Ships wth out a man of warr are no Safety at all nor of any Importance to Each other wherefore wee humbly Begg yo^r Ex^{cy} by all that Vallue you have for Trade not longer to detaine us and wee shall Ever acknowledge our Selves yo^r Ex^{cies} most humbly [humble] and most obedient Serv^t

Kiquotan June the 14th 1701

Peter Bonamy	Jo ⁿ Blenker	Edw ^d Burford
Rich ^d Scott	Jo ⁿ Burford	Fra: Whiteside
Stephen Robins	Rich ^d Biswick	John Cotterell
Mich ^l Staple	J Bezeley	Tho: Graves
John Boyd	Rich ^d Haukins	Deane Cock
Nath ^l Tingcombe	Nich ^l Humphry	John Tannar
Sam ^l Bowman	Peter Blackstone	John Sowder
Rich ^d Sprackling		

At a Council held on Board his Maj^{ties} Ship the Shoreham Cap^t William Passinger Comand^r Rideing at Anchor at y^e Mouth of James River the 20th June 1701

Present

His Ex^{cy} & c^a

Edm^d Jennings

Matt: Page

James Blair Esq^{rs}

Two Addresses from sever^l Masters and Comand^{rs} of the sev^l Ships and Vessells Rideing at anchor at y^e mouth of James River dated y^e one y^e 10th y^e other 14th Ins^t in folio 1st & 2^d wherein they Pray and Supplicate his Ex^{cy} that they may be dispatched away, the same being read his Ex^{cy} Informing y^e hon^{ble} Council that as soone as he had received y^e afores^d addresses he Came down & gave y^m Copic of what had been done in the like case in the Province of Maryland wⁿ he was Gover^r there *anno* 1695. y^t if they thought Good they also might Petition for y^e like favour

Upon Reading of a Letter from Cap^t W^m Passenger Com^{dr} of his Maj^{ties} Ship the Shoreham dated June y^e 14th 1701 in these words
Shoreham June the 14th 1701

May it please yo^r Ex^{cy}

I have here Inclosed sent you the result and oppinion of my self and officers y^t I cann^t wthout a Breach of ord^{rs} Leave this Colony till Relived by the Right honer^{ble} my Lords of the admiralty otherwise I should have been very Glad to Embrast this opertunity of going for Engl: and Especially at this Juncture Not y^t I prefer or Mix any private Busines or Interest of my own further then agrees wth his Maj^{ties} Services and the publick Interest and Trust Imposed on me on y^t behalf

I hope the Southampton will arive wth orders for me to Returne for England by y^t time the Imbargo is out & yⁿ I shall wth all the Faith and Zeal Imaginable take under my Care and Protection all the Merch^{ts} Ships bound for England and Defend them from any

Pirates Rebell or oppen Enemy w^{ht} in Power lies to y^e Last Minute of my Life

And I hope my behaviour dureing my Stay in this Colony (have) and may bespeak me no other Caracto^r and am wth True Respects.

Yo^r Ex^{ci^{es}} most faithfull humble Serv^t

W Passenger

and the Result of the afores^d Cap^t W^m Passenger & his Commission & warr^t officers of the afores^d Dated in these Following words

On board his Maj^{ties} Ship Shoreham June: 14th 1701: An answer to an order of Council of June 10th 1701 His Ex^{cy} in Council to me directed

Whether I Cann take under my Convoy those sever^{ll} Merch^{ts} Shipp^s now outward bound & Secure their Passage for England upon w^{ch} I called my Com. and warr^t officers & Read my ord^{rs} from the right honer^{ble} the L^{ds} of the admiralty & the hon^{ble} Sacret^{ry} Burchetts Lett^r of the 24th Jan^{ry} 1701 to yo^r Ex^{cy} y^t Informe you the Southampton a Ship of the forth Rate is Coming wth orders to me & to Relieve his Maj^{ties} Ship y^e Shoreham now attending on y^e Colony of Virg^a

On w^{ch} its Considered and unanimously agreed by myself and officers that I can't be Safe in goeing for England and Leaveing this Colony Exposed and unguarded, y^t my orders derect me to gaurd till such time as I am releived and have the right hon^{ble} the Lords Com^{rs} of the Admiraltys ord^{rs} for soe doing.

W Passinger

Wm Robinson Lieu^t

W Hutchinson M^r

Pat Keir Chyrrurgeon

John Brisco Boatsw:

Jos: Cample Purser

His Excellency & y^e hon^{ble} Council are verry well satisfied and assured of the Zeal of the afores^d Cap^t W^m Passinger^r for the Interest and Service of his most sacred Maj^{ties} to w^{ch} he hath made manifest in his Courage and Conduct ag^t the late Pyrates & other Instances

Cap^t Edward Nevill Comand^r of his Maj^{ties} Ship y^e Lincoln and Cap^t W^m Passenger Comand^r of his Maj^{ties} Ship the Shoreham being Sent for & attending his Ex^{cy} and y^e Council in the great Cabin his Ex^{cy} askt Cap^t Edward Nevill Comand^r of his Maj^{ties} Ship the Lincoln y^t since it did appear by Cap^t Passengers Lett^r & y^e Result and opinion of himself the afores^d Cap^t W^m Passinger & his Commission and warr^t officers dated the 14th Ins^t that y^e Southampton not being arrived to releive him he could not wthout breach of ord^{rs} under take to Convoy this fleet for England whether the Case being so he the s^d Cap^t Edward Nevill Could not Convoy this Fleet 20 Leagues wthout the Capes of Virg^a to which he answer'd he would willingly do it, and thought it might be requisite for his Ex^{cy} to give him ord^{rs} therein

Ordered y^t Ord^{rs} be drawn accordingly and Signed by his Ex^{cy} which was done in these Following words

Virg^a S^s:

On board his Maj^{ties} Ship the Shoreham Cap^t W^m Passenger rideing at anchor at y^e mouth of Ja: River 20 June 1701

By his Ex^{oy} Fra: Nicholson Esq^r his Maj^{ties} Lt & Gover^r Gener^{ll} of Virg^a & vice admiral of the same in Council

Whereas sever^{ll} Merch^{ts} Ships & Vessells are verry shortly designed (God willing) to Sale for England in a Fleet and haveing at Present none of his Maj^{ties} Ships of Warr to Convoy & protect them in their Intended Voyage

Therefore I by and wth the advice of his maj^{ties} honorable Council of State Conceiving it verry much for his Maj^{ties} Service and Interest and the Safety and Security of the afores^d Ships and Vessells and the advantage of their sever^{ll} owners of the Ships and Chargoes that some Care be taken to Convoy them in this time of Emin^t danger as far as possible may be do recomend it unto you Cap^t Edward Nevill Comand^r of his Maj^{ties} Ship Lincoln Now rideing at anchor by the Capes of Virg^a y^t you give Convoy and Protection to all Ships and Vessells in this Fleet (God willng) bound for England in their way theither twenty Leagues from his Maj^{ties} Colony and Dominion of Virg^a pursuant to y^e ord^{rs} of the right hon^{ble} the Lords Com^{rs} for Executing the Office of Lord high admiral of England Ireland &c to you bareing date and Directing yo^r Cruseing on and about these Coats and y^t you Cause all the afores^d Ships and Vessells & y^e masters and Comand^{rs} of all & Every of them to observe and obey all such ord^{rs} and Instructions as you think proper and necessary for their Safety & defence dureing yo^r Sailing and accompanying wth them And whereas sever^{ll} masters of Ships and Vessells in y^e Road at y^e mouth of James River have made humble Suite to my self in Council where yo^r self was present that Cap^t Edward Whitakar Comand^r of the Ship Indian King may be Comissionated and appointed in the Nature of a Comadore and Cap^t Deane Cock Comand^r of the Ship James and Eliz^a and Cap^t Nicho: Humphry Comand^r of the Ship Hartwell may be appointed and Commissioned his Seconds to Convoy and protect y^m in their Intended voyage w^{ch} Commissions are accordingly prepared to the End therefore that after yo^r departure from them they have and observe some Regular Method and ord^r for their Mutuall defence in their Sailing for England

You are therefore at yo^r departure from them to give unto the s^d Cap^t Edw^d Whitakar Cap^t Deane Cock and Cap^t Nich^o Hump^{ry} such Sailing orders and Instructions together wth a Line of Battle as shall by you be thought to Conduce most to his Maj^{ties} Service and Interest and the Safety and advantage of the sever^{ll} Merch^{ts} Ships and Vessells afores^d Given under my hand and the Seal of this his Maj^{ties} most ancient & great Colony and Dominion of the afores^d 20th day of June Anno Dom 1701 and in the 13th year of the Raigne of our Sovereign Lord King William the 3^d over Engl &c^a

To Cap^t Edward Nevill Com^{d^r} of his
Maj^{ties} Ship Lincoln Now Rideing
anchor by the Capes of Virg^a

His Excellency and the Council order'd the sever^{ll} Masters of
y^e Ships and Vessells now rideing at anchor at the mouth of James
River to be sent for who attending Secretaries Burchetts Letter of
Jan^{r^y} 24th 1700/1 abo^t the Southamtons Coming to Relive y^e Shore-
ham and Cap^t Passenger Lere & Resolve of him and his officers of
the 14th Instant and their own two addresses of the 10th and 14th
Ins^t was ordered to be Read unto them w^{ch} being done his Ex^{cy} told
them that if they had anything further to offer himself and the Council
was Ready to here it and give such answer there unto as might seeme
Necessary for his Maj^{ties} Service and Interest there Safety and Security
and the advantage of the owners of the Ships and Cargoes

Whereupon two Petition were p^resented signed by sever^{ll} Masters
and Comd^{rs} of seve^{ll} Ships and Vessells rideing at anchor at Kiquotan
Road wherein they pray that Cap^t Edward Whitaker Comand^r of the
Ship Indian King may be Commissionated and be appointed Com-
madore and Comand^r in Cheif and Cap^t Deane Cock Comand^r of the
Ship James and Elizth and Cap^t Nich^o Humph^{ry} Comand^r of the Ship
Hartwell be Commissionated and appointed his Seconds which Petition
are in these Following words

To his Excellency Francis Nicholson Esq^r his Maj^{ties} Lieut^t and
Goer^t Gen^{ll} of his Colony and Dominion of Virg^a and vice admirall
of the same

The humble Petition of sever^{ll} Masters and Com^{d^{rs}} of Ships
Now Rideing at anchor wth their Ships & Vessells at Kiquotan Road
Humbly Sheweth

That whereas yo^r Peticon^{rs} being wthout Convoy and are very
desirous to sail from hence to England in some Regular Method &
maner and to be Invested wth some Power Offensive and Defensive
do become humble Suiters to yo^r Ex^{cy} that you will Favourably be
pleased to grant them such Commissions accordingly and that Cap^t
Edward Whitakar Comand^r of the Indian King 20 Guns about 500
Tuns 32 men may therein be appointed and Constituted Comand^r in
Cheif for to give such Sailing ord^{rs} and Instructions as in such Case
is usual and yo^r Peticon^{rs} as in duty bound—shall Ever pray

Dated the 20th June 1701

Edw^d Burford
John Burford
John Goar
John Walker
Hum^{ry} Bellow
Sam^l Bowman
Ja: Norman
Joshua Whiting
Fra: Whiteside
Rich: Franklin
Jo: Jeffryes

Rich^d Tregian
Ric: Wilkinson
Rob^t Bayley
Dan^l Dunlop
Tho: Graves
Ralph Beamy
Mich^l Staple
Jos: Bezeley
Tho: Opy
Joⁿ Boyd
Bellengham West

Steph: Atkinson
Fra: Whiteside
Pe^r Senhouse
Benj: Selvester
Abra: Carter
Edw^d Ellis
Nicho: Hump^{ry}
Tho: Prceson
Deane Cock
W^m Braded

Tho: Longman per W ^m Guy	Peter Bonamy Hugh Rockett	J. Bezeley Jo ⁿ Banbury
Jo ⁿ Blenkern	Jo ⁿ Jane	Fra: Jackson
Jo ⁿ Souden [or Louden]	Rich ^d Scott	Jo ⁿ Paniter [Painter]
Jo ⁿ Cotterill	Natt: Tincomb	Hen: Brown
Sam ^l Ellett	Rich ^d Biswick	W ^m Scott
Jo ⁿ Thomas	Pet ^r Blackstone	Rich ^d Haukin
W ^m Selwood	John Turner	[Hawkins]
Steph. Robins	[Tanner elsewhere]	

The Seconds in these Following words
Cap^t Deane Cock Cap^t Nich^o Humphry

Wee whose names are under Written do become humble Suiters
to yo^r Ex^{ty} to appoint the above Mentioned Comand^{rs} to be Seconds
to the Comd^r in Chief

Jo ⁿ Taner	Mich ^l Stapell	John Tanner
Mich ^l Staple	Hump ^{ry} Bellow	John Boyd
Hump ^{ry} Bellow	Rich ^d Spracling	Bellingham West
Rich Spracklin	Peter Blackstone	Fra: Whiteside
Pet ^r Blackston	Ste: Robins	Fra: Jackson
Ste. Robins	John Burford	Pet ^r Senhouse
John Cotterill	John Cottrill	Edward Burford
Rich ^d Haukins	Rich ^d Haukins	Jo ⁿ Jane
Jos Bezeley	Jos: Bezeley	John Goar
Peter Bonamy	Pet ^r Bonamy	Tho Preeson
Tho: Opie	Tho: Opie	Sam ^l Bowman
John Walker	John Walker	W ^m Broaded
Tho: Graves	Tho: Graves	James Norman
Da: Dunlop	Da: Dunlop	Jos: Whiting
Ste: Atkinson	Ste: Atkinson	John Banbury
Rich ^d Scott	Rich ^d Scott	Sam ^l Ellis
Hen: Brown	Hen: Brown	John Thomas
Rich ^d Biswick	Rich ^d Biswick	Rich ^d Tregian
Ralph Beams	Ralph Beams	Hugh Rockitt
Jo ⁿ Bleckern	John Bleckern	W ^m Selwood
Natt Tincombe	Nath ^l Tincomb	John Painter
Tho Longman	John Lowden	Benj: Sillvester
per W ^m Guy	Abra: Carter	Rich ^d Wilkinson
John Burford	John Drew	Robert Bayley
John Lowden	Jos: Royall	W ^m Scott
Edward Ellis		

Which Petitions being thought for his Maj^{ties} Imediate Service
ordered that Commissions Issue to the s^d Cap^{ts} at the Joynt Consent
and Request of the Subscribers thereto as they have pray^d

Rough Draughts of the Commissions being prepared the same
were Referred to Cap^t Edward Nevill Comand^r of his Maj^{ties} [Ship]
Lincoln and Cap^t W^m Passenger Comand^r of his Maj^{ties} [Ship] Shore-

ham and they desired to Insert w^{ht} they think Necessary Material and Essential

Cap^t Nevill and Cap^t Passenger Reports y^t they found Nothing in the Commissions but w^{ht} was verry Material only y^t it be Inserted that they take Instructions from Cap^t Nevill at his departure from them ordered that the same be Inserted w^{ch} was done as Followeth Virginia S^a

Francis Nicholson Esq^r his Maj^{ties} Lieu^{tt} and Governor Gen^{ll} of this his Maj^{ties} Most ancient and Great Colony and Dominion of Virg^a in america and Vice admirall of the same To Cap^t Edward Whitakar Comd^r of the Ship Indian King Cap^t Deane Cock Comd^r of the Ship James and Eliz^a and to Cap^t Nich^o Humphry Com^r of the Ship Hartwell and to Every of them Greeting—

Whereas sever^{ll} Masters and Comand^{rs} of Ships and Vessells now Rideing at anchor wth there sever^{ll} Ships and Vessells in the Road at y^e mouth of James River w^{hin} this his Maj^{ties} afores^d Colony and Dominion have by their humble Petition this day set forth unto me and his Maj^{ties} honer^{ble} Council of State they being verry desirous to goe for England and this being a time of Eminent Danger to the End that their Sailing might be in some Regular Method & ord^r and y^t they may be Invested wth some Power Offensive & Defensive and haveing none of his Maj^{ties} Ships of Warr to proceed wth them the voyage for England therefore become humble suiters that the above-named Edw^d Whitaker Comand^r of the Ship Indian King may [have] Power and authority to him granted in the nature of a Comadore to Comand the rest of the Ships Sailing out in this fleet and that the bovenamed Cap^t Deane Cock and Cap^t Nich^o Humphry may be Commission^d and appointed his Seconds; Now I the s^d Francis Nicholson Esq^r &c^a findeing the s^d Petition to be for advancem^t of his Maj^{ties} Interest and the Comon Safety of the s^d Fleet in this time of Danger & being verry desirous ready and willing to gratify the s^d Masters Request do therefore by vetrue of his Maj^{ties} Royall Commission unto me the s^d Fra: Nicholson Esq^r under the broad Seal of England granted bareing Date the 20th day of July in the Tenth yeare of his Maj^{ties} Reign, for the Govern^t of this his Maj^{ties} Colony and Dominion of Virg^a afores^d and by and wth the advice of his Maj^{ties} honer^{bl} Council of State think fitt for the Reasons afores^d to Constitute and appoint you the afores^d Cap^t Edward Whitakar Comand^r of the Ship Indian King haveing special trust and Confidence in yo^r Loyalty Currage Care Conduct and Cercumspection to Comand in Cheif and Convoy for England all such Ships and Vessells as being now Ready to go out shall freely Consent to Come under yo^r Convoy by vertue of this Commission granted unto you and haveing the Like Special Trust and Confidence in y^e Loyalty Currage Care Conduct and Sur-cumspection of you Cap^t Deane Cock Comand^r of the Ship James and Elizth and you Cap^t Nich^o Humphry Comand^r of the Ship Hartwell do hereby and by vertue of the afores^d Commission & wth the advice afores^d Constitute and appoint you and Each of you Cap^t Deane Cock and Cap^t Nich^o Humphry to be Seconds or Convoyes next under

him the afores^d Cap^t Edward Whitakar hereby Giveing and granting unto the s^d Cap^t Edw^d Whitakar Cap^t Deane Cock & Cap^t Nich^o Humphry full Power and authority to Encounter fight burne & destroy as also to size [seize] apprehend and take any his Maj^{ties} Enemies in the voyage home for England and do hereby will and require you and Every of you and the sev^{ll} Masters and Comand^{rs} of all Ships & Vessells in this Fleet wth you to observe and obey all ord^{rs} and Instructions w^{ch} you shall receive from Cap^t Edward Nevill Comand^r of his Maj^{ties} Ship Lincoln dureing his Sailing in Compⁿ wth you and likewise give such Sailing ord^{rs} and Instructions wth a line of Battle to the sever^{ll} Masters and Comand^{rs} of Ships and Vessells under yo^r said Convoy as you & Every of you shal receive from the afores^d Cap^t Edward Nevill Comand^r of his Maj^{ties} Ship Lincoln at his departure from you and in Case of the Death of the s^d Cap^t Edward Whitakar or that by Tempest or other Casualty the s^d Fleet should happen to be scatered or dispersed I do hereby Constitute and appoint you the afores^d Cap^t Deane Cock and Cap^t Nich^o Humphry in all matters and things before Expressed to act and do for the Security Safety and Defence of all such Ships and Vessells as shall be in Compⁿ wth you and further that you and Every of you the s^d Cap^t Edward Whitakar Cap^t Deane Cock and Cap^t Nich^o Humphry shall generally act and Do in all things for the Service of his Maj^{tie} and the good of this Fleet Comitted to yo^r Charge as fully and amply as any Comand^r ought or should do provided you Sursease this Power and authority at all time and times as you shall happen to Come under the protection or in Compⁿ of any of his Maj^{ties} Ships of Warr dureing this voyage at y^e End whereof this Commission shall Cease Given under my hand and the Seal of this Colony and Dominion afores^d on board the Ship Indian King lying at anchor by old Point Comfort at y^e mouth of James River this 21th day of June 1701 and the 13th year of the Reign of our Sovereign Lord W^m the third of England Scotland France and Ireland King Defend^r of the Faith & c^a

A Commission for Cap^t Edward Whitakar Comand^r of the Ship Indian King to be Comadore to a Fleet of Merch^{ts} Ships and Vessells now (God willing) bound for England

The same Commission for Cap^t Deane Cock Comd^r of the Ship James and Eliz^a one of y^e Convoyes

The same Commission for Cap^t Nich^o Humphry Comd^r of the Ship Hartwell one other of the Convoyes

Sever^{ll} Masters and Comand^{rs} of Ships and Vessells Not haveing as yett signed and Consent [ed] to take & Sail under the Convoy proposed the same being Considered by his Ex^{ty} and the Council ordered y^t the Papers thereunto relateing be Carried to all the Masters & Comand^{rs} now riding in the Road to be by them signed to be conformable

And it is further ordered that upon any of their refusal the same being of verry dangerous Consequence of Stragling from the Fleet they should be taken by an Enemy and Discover the State and Condition of the Fleet and the Measures here taken, therefore ordered that Cap^t W^m Passenger Comand^r of his Maj^{ties} Ship Shoreham suffer

no Ship nor Vessell wthsoever bound for England to Sail out of the Capes till tenn dayes after the Fleet is gone

Which order was in y^e following words

Virg^a By His Ex^{cy} Francis Nicholson Esq^r his Maj^{ties} Lieu^t and Gover^r Gen^{ll} of Virg^a and vice admiral of the same in Council

Whereas sever^{ll} Masters and Comand^{rs} of M^{rch}^{ts} Ships and Vessells now rideing at Anchor wth their Ships and Vessells in the Road at y^e mouth of James River and shortly designed (God willing) to Sale for England have made humble Suite unto me in Council where yo^r selfe was also present

That they being verry desirous to sail for England in one Intire Fleet and haveing at this p^{sent} none of his Maj^{ties} Ships of warr to Convoy and protect them in their Intended voyage for England and y^t they may have and observe some regular Method and ord^r in their Sailing and have some Power Offensive and Defensive in this time of Eminent danger therefore praying y^t Cap^t Edw^d Whitakar Comand^r of the Ship Indian King may be Commissionated and appointed in the nature of Commodore & Cap^t Deane Cock Comand^r of Ship James and Eliz^a and Cap^t Nich^o Humphry Comand^r of the Ship Hartwell may be appointed and Commissionated his Seconds [to] Convoy them in their Intended voyage w^{ch} Commissions are accordingly prepared and whereas sever^{ll} Masters & Comand^{rs} of Merch^{ts} Ships and Vessells lying at Anchor in the afores^d Road have obliged themselves by Subscription to observe and obey such ord^{rs} and Instructions as from time to time dureing the s^d voyage they shall Receive from them the s^d Cap^t Edward Whitakar Cap^t Deane Cock and Cap^t Nich^o Humfrey pursuant and according to the before Mentioned Commissions and have Received Reciprocal Obligacons from the afores^d Whitakar Cock and Humfrey by their Subscriptions to Stand by aid and assist them if any Enemy (w^{ch} God forbid) should attack them or any of them and sever^{ll} masters and Comd^{rs} of Ships Now bound for England haveing not yett Subscribed such Writeing

My self & the honer^{ble} Council of this his Maj^{ties} most ancient & great Colony and Dominion of Virg^a takeing the same into Mature Consideration and findeing y^t It may be of Dangerous Consequence therefore I wth the advice of his Maj^{ties} honer^{ble} Council yo^r selfe and Cap^t Edw^d Nevill being all the time p^{sent} do Recomend it unto you Cap^t W^m Passenger Comand^r of his Maj^{ties} [Ship] Shoreham now rideing at anchor at y^e Mouth of James River y^t you take an acco^t from the sever^{ll} Masters and Comand^{rs} of Ships and Vessells now bound for Engl^d of the names of all such Masters as have signed such agreem^t and that you Nither Suffer them Nor any other stragling Ship or Vessell bound for England to go out of the Fleet [Capes] Till Ten dayes after y^e Fleet is gone because [if] such Ship or Vessell Straying from the Fleet should happen to be taken by Enemies they may discover the measures here taken and so discovering the State and Condition of the Fleet may by that Means much prejudice y^m and you are hereby required at y^e Sailing out of this Fleet to goe into Lin Haven Bay or

such conv^t place where you may the better put a Stop to such Vessells as afores^d Given under my hand and the Seale of this his Maj^{ties} most ancient & grate Colony & Dominion of Virg^a the afores^d 20th day of June *anno Dom* 1701 and in the thirteenth year of y^e reigne of Sovereign Lord King W^m y^e third over England &c^a

To Cap^t W^m Passenger Comd^r of his Maj^{ties} Ship Shoreham Now rideing at anchor at y^e mouth of James River in Virg^a

Sever^{ll} Masters and Comd^{rs} of Ships and Vessells now (God willing) bound for Eng^d having obliged them selves by Subscription to sail und^r the Convoy and Protection of Cap^t Edw^d Whitakar Cap^t Deane Cock Cap^t N. Humfry thought proper that y^e afores^d Whitakar Cock and Humfrey signe a Reciprocal Paper to them

Whereas there is no man of warr now ready to Convoy and Carry this Fleet for England and Cap^t Edw^d Nevill Comand^r of his Maj^{ties} Ship Lincoln not being to return for Engl^d till Sep^r next, His Ex^{ty} thereupon proposed to the honer^{ble} Council whether it might be proper and Conv^t to send all y^e Journalls of the Council and assembly for Engl. by this Fleet, the Council are of opinion they ought not to be sent because the whole State and Condition of the whole Country in Gen^{ll} may be thereby discovered and they Cann^t finde nor think of any in whose Fidelity they may repose to Carry a short abstract of it

Ordered that they be left behinde till safer oportunity

Upon Petition of Cap^t W^m Passenger of the 19th inst^t praying to be Excused from paying the duties of abo^t 200 hh^{ds} Tobacco on board the Ship La Paix Shortly bound for Engl his Ex^{ty} and the Council are of opinion y^t in respect she was taken condemned and registered here & in regard of the s^d Passengers Good and faithfull Service he may be accounted a Virg^a owner and have like privilege

A Copie of the writinge whereby the sever^{ll} Masters & Comd^{rs} of Ships and Vessells bound for England have Obliged them selves to sail under the Convoy of Cap^t Edw^d Whitakar

Virg^a S^s: Dated on Board his Maj^{ties} Ship Shoreham Cap^t W^m Passenger Comand^r in Kiquotan Road this 20th June 1701

Wee whose names are underwritten have petitioned his Ex^{ty} Fra: Nicholson Esq^r his Maj^{ties} L^t and Gover^r Gen^{ll} of Virg^a and vice admirall of the same y^t wee might sail for Engl: in a Fleet and y^t Cap^t Edw^d Whitakar Comand^r of the Ship Indian King might be Commissionated to be Comand^r in Cheif & Cap^t Deane Cock Command^r of the James and Eliz^a and Cap^t Nich^o Humfrey Comand^r of y^e Hartwell might likewise be Commissioned to be his Seconds the w^{ch} Petitions being readily granted and Com^a given to the s^d Cap^{ts} wee doe hereby ackn^o the s^d Cap^t Whitakar to be our Comand^r and the s^d Cap^t Denae Cocke Cap^t Nich^o Humfry to be his Seconds & whereas Cap^t Ed: Nevill Comd^r of his Maj^{ties} Ship Lincoln is to go to Convoy us ab^t 20 Leagues wee do hereby promise to Observe and obey all such ord^{rs} and Instructions as wee shall receive from the s^d Cap^t Edw^d Nevill dureing his Convoying of us & at his departure from the Fleet to receive and take sailing ord^{rs} & Instructions wth a Line of Battle from the afores^d Cap^t Edw^d Nevill to be by him Delivered & Given to our Comodore Cap^t Edw^d Whitakar & doe promise to be observ^t thereunto

and do further promise that wee will strictly Charge and Command our men y^t in case wee meet wth an Enemy and any of us fall into their hands (w^{ch} God forbid) that neither wee nor they shall not make any Discovery of the Condition of the Fleet Except forced thereunto by the Enemy and in Case of the death or absences of the s^d Comadore wee oblige our selves to Receive the Elder of his Seconds as our Comadore and obey him accordingly and in Case of his Death or absence to receive the other as our Comadore and obey him accordingly

Sam ^l Bowman	Peter Blackstone	Mich ^l Stapell
John Jane	John Walker	Tho: Graves
John Boyd	Rich ^d Scott	John Burford
Edw ^d Burford	Ste: Robins	John Tanner
Hen: Brown	Fra: Whiteside	John Blenkern
Pet ^r Bonamy	Ste: Atkinson	Natt: Tincombe
Tho: Longman	Rich ^d Biswick	Rich ^d Haukin
Peter Senhouse	Ralph Beams	Humph ^{ry} Bellow
John Goar	John Cotterill	W ^m Broaded
Tho: Preeson	Da: Dunlop	John Louden
Bolling: West	Jos: Jeffryes	Rich ^d Spracling
Jos: Bezeley	James Norman	Fra: Jackson
Tho: Opie	Josua Whiting	John Banbury
Sam ^l Ellis	John Thomas	Rich ^d Tregian
Hugh Rockett	W ^m Selwood	Benj: Silvester
Jo ⁿ Painter	Natt: Milner	Benj Reed
Rich ^d Wilkinson	Abra: Carter	Robert Bayly
John Draue	Jos: Royall	Edw ^d Ellis
		W ^m Scott

Wee whose names are hereunto subscribed haveing Received Commission From his Ex^{ty} Fra: Nicholson Esq^r his Maj^{ty}'s Lieu^t and Govern^r Gen^l of this his Colony & Dominion of Virg^a and vice Admiral of the same doe oblige our selves to take Our utmost Care of such Ships as have signed to Sail under our Convoy and y^t wee will Exert our greatest Industry in keeping them Comp^s and in Case of any Attack will Endeavour to Defend them from the Enemy as God shall Enable us.

Edw^d Whitakar
Dean Cocke
Nich^o Humfry

Upon Saturday the 21st Ins^t towards the Evening the Commissions and all other Papers being prepared his Ex^{ty} went on board the Ship Indian King Cap^t Edw^d Whitakar Comand^r and a Signal was given to Call all the Masters and Comand^{rs} of the sever^l Ships and Vessells to come on board but being very Dark and rainy wether w^{ch} hindered there Coming his Ex^{ty} return'd on Shore

And on the 22^d Ins^t in the after Noone he againe went on board and Delivered the afores^d Commissions unto Cap^t Edward Whitakar Comand^r of the Ship Indian King to Cap^t Dean Cocke Comand^r of the Ship James and Eliz^a and to Cap^t Nicholas Humfry Comand^r of the Ship Hartwell together wth the Following ord^{rs} and Instructions to Each & Every of them (Viz^t)

Virginia S^e:

By his Excellency

Whereas a Commission under the Seal of this his Maj^{ties} most ancient and great Colony and Dominion of Virg^a hath Issued Commissionateing and appointing you Cap^t Edward Whitakar Comand^r of the Ship Indian King to be Comadore or Cheif Comand^r of the Fleet of sever^{ll} March^t Ships now (God willing) bound for England and you Cap^t Deane Cock Comand^r of the Ship James and Elizabeth and Cap^t Nich^o Humfrey Comand^r the Ship Hartwell to be his Seconds or Convoys to the afores^d Fleet, therefore you the afores^d Cap^t Edward Whitakar Cap^t Deane Cock and Cap^t Nich^o Humfrey and Every of you are hereby Required to observe these Following Directions (to wit) That Imediately upon yo^r or any of yo^r arrival by the Permission of the Almighty in any part of England Scotland Ireland or Wales you are Imediately by the way of Letter to acquaint the Right honer^{ble} James Vernon Esq^r his Maj^{ties} Principal Secretary of State at his office in Whitehall the right honer^{ble} the L^{ds} Comission^{rs} of Trade and Plantations at their Office in Whitehall the right honer^{ble} the L^{ds} Com^{rs} for Executing the office of L^d High Admir^{ll} of England Ireland &c^a at their office near whitehall and to the honer^{ble} the Com^{rs} of the Customs at the Custom house London wth yo^r arrival there the time of yo^r Sailing from hence in w^t State and Condition in all respects you Left this Co^{try} w^t Method was used for getting yo^r Fleet together w^{ht} Ships you Left behinde and w^{ht} quantities of Tobacco you think may be Remaining here w^{ht} Liklyhood of Crops this year how you have proceeded in yo^r voyage w^{ht} Ships are arrived wth you and in w^{ht} State and Condition you are

And you are also to send unto them a True and perfect Copie of your Commission together wth an Exact List of the sever^{ll} Ships and Vessells under yo^r Convoy according to the Copie herewth given you and you shall take a Recept^t from under the Cheif officers or Post masters of any such Port where you arrive of Every such Letter so as afores^d by you Sent Given under my hand and Seal the 21^e day of June 1701 and in the 13th year of the Raigue of our Sovereign Lord W^m the 3^d of England Scotland France and Ireland King Defend^r of the Faith &c^a

Orders and Instructions Given unto Cap^t
Edward Whitakar Comd^r of Ship
Indian King Cap^t Deane Cock Com-
and^r of the Ship Ja: & Eliz^a and Cap^t
Nich^o Humfry Comand^r of the Ship
Hartwell abo^t Convoying y^e Merch^{ts}
Ships & Vessells to England &c

Virg^a S^t;

Wee the Subscribers do hereby ackn^o to have Received of his Excellency Fra: Nicholson Esq^r &c^a under his hand and Seal ord^{rs} and Instructions to Each of us directed whereof the above Written is a

True Copie and wee do faithfully on our parts (by Gods Permission) promise punctually to observe the same Dated on board the Ship Indian King the day and year abovewritten

Edw^d Whitakar
Deane Cocke
Nich^o Humfry

After w^h his Excellency asked the sever^{ll} Masters & Comd^{rs} if they had anything further to offer for him to do in their behalf, They Answered his Ex^{cy} had already taken such Care that they had nothing further to offer and then presented his Ex^{cy} wth the Following Address May itt please yo^r Excellency

Wee the Subscribers Comand^{rs} of the Ships rideing at Kiquotan and yo^r Ex^{cies} Most humble & most obliged Serv^{ts} begg Leave wth the highest Presentm^{ts} to offer up our unfeigned thanks for y^e indefatigable Pains you have taken for o^r Safety indeed while we behold wth w^t Care wth w^{ht} Applycation and Address yo^r Ex^{cy} has Negotiated the affaires of this Fleet it have made us Stand in a Silent admiration of yo^r Illustrus Actions had it not been Impossible for us to have Left this yo^r Colony wthout these our most humble & Just Acknowledgem^{ts} wee have great S^r alwayes before our Eyes the many unwearied howers that you passed night and Day in this affair and are Convinced that if the ardeny of yo^r zeal for his Maj^{ties} Service y^e Pecular for Trade and Love to yo^r Country had not Supported you must Infallibly have Languished under that totall neglect of yo^r self you have manifested to us on that occasion w^{ht} therefore remaines but for us to wish y^t you may alwayes Live under the bright Rayes of his Maj^{ties} Favour & in y^e full fruition of all yo^r desires may heaven give yo^r Ex^{cy} many happy years & us many occasions of approving o^r selves, yo^r Ex^{cy} most humble Obliged and Devoted Serv^{ts}

Mich ^{ell} Staple	Pet ^r Blackstone	Edward Whitaker
Edw ^d Burford	Tho: Longman	Deane Cocke
Ralph Beams	per W ^m Guy	Nich ^o Humfrey
[Beamy elsewhere]	Pet ^r Bonamy	Jos: Jeffryes
John Burford	Hump ^r Pellow	Da: Dunton
Step: Atkinson	[Bellow elsewhere]	John Boyd
John Cotterill	Rich ^d Wilkinson	W ^m Broaded
Rich ^d Haukins	Abra. Carter	John Banbury
Ste: Robins	John Drewe	Sam ^l Ellis
Rich ^d Spracling	Jos: Royall	Henry Brown
Benj: Silvester	W ^m Scott	James Norman
John Sowder	Fra: Jackson	Rich ^d Holt
Fra: Whiteside	Tho: Graves	John Goar
John Tanner	Natt: Tincomb	John Blenkern
Pet ^r Senhouse	Rich ^d Tregian	Bellingham West
John Jane	J Bezeley	John Thomas
John Walker	Sam ^l Bowman	Robert Bayley
Rich ^d Biswick		

Sailing Instructions for the better keeping Comp^a wth his Maj^{ties}
Ship Lincoln under my Command as followeth (viz^t)

If I weigh in the day I'lle hall home my foretop Sail Sheets and fire a Gun if in y^e Night a light in y^e Maine top mast Shrewd [Shrouds] and a Gun

If tack in y^e night two lights on y^e Ensign Staff and a Gun and you are to answer by hanging out one light w^{ch} is to be kept out till I take in mine

What soever I do in the day you are to do y^e like when I part wth you if it be in y^e day I'lle spread an Ensigne in the Maine top Mast Shrowds and fire a Gun if in the night I'lle hang a Lite at the main top mast head & fire a Gun If I would Speake wth all the masters of the march^{ts} Ships I'lle spread an Ensigne in the Missin Shrouds and fire a Gun

Dated on Board his Maj^{ties} Ship Lincoln in Linhaven Bay
this 23^d June 1701

E Nevill

Sailing Instructions for the Better keeping Comp^a with his Maj^{ties}
Ship Lincoln under my Comand and as Followeth to witt

If I weigh in the day Ile hall home my foretop Sail Sheets and fire a Gun if in the night a light in the maine top mast Shrouds and a Gun

If I anchor in y^e night Ile fire Two Guns Distinctly and you are to answer by Shewing two Lights

If I tacked in the night two lights on y^e Ensigne Staff and a Gun & you are to answer by hanging out one lite w^{ch} is to be kept out till I take in mine

If I lye by in the night Ile hang out four Lights of Equall height in the maine shroud and fire two Guns

When I make Saile againe I'lle put out three Lights in the maine Shrouds one over the other and fire two Guns

If I alter my Course I'lle fire one Gun wthout alteration of Light

In Case you Spring a Leake by day or any other disaster that disables you from keeping Comp^a hall up yo^r Fore Sails & fire two Guns if by night fire two Guns & hang out Lights till you are Relieved

If it proves fogg I'lle make y^e same Sail I had before the Fogg Came on & fire a Gun Every hower and you are Every Glass to Ring Bells fire Musketts &c^a

If Necessitated to make Sail I'lle fire a Gun Every Glass and keep Ringing my Bell

If I tack I'lle fire a Gun

If I ly by in a Fogg, wth a Starboard tack Six Guns, with the Larboard light

If wee loose Comp^a and meete againe in the night he who hails first shall ask w^t Ship is y^t he who is hailed shall Reply Berkeley then he y^t hails shall answer Prosper

To Speake wth y^e Mast^{ts} under my Convoy an Insign in y^e Mizon Shrouds & fire a Gun

You are to observe & give way one to each other in taking and Sailing y^t no Prejudice may happen by y^t means to any of the Fleet & you are not to go ahead of me day or night

Dated on board y^e Lincoln this 29th June 1701

E Nevill

A List of Merch^t Men who have Rec^d Instructions from Cap^t Nevill Comand^r of his Maj^{ties} Ship Lincoln as followeth (Viz^t)

Ships Names	Mast ^r Names
Eliz ^a & Judy	Ste: Atkinson
York Merch ^t	Rob ^t Beames
Hopewell	Rich ^d Scott
Francis	John Walker
Young James	Ste: Robins
W ^m & Mary	Peter Boraby
Chichester	Jo ⁿ Boyd
Ann	Benj Silvester
Supply	Pet ^r Blackstone
Mary	D Dunlop
America	Tho: Graves
John	Rich ^d Biswick
Batchelours Endavour	Hump ^r Pellow
	[Bellow elsewhere]
Harriss	Rich ^d Haukin
Eliz ^a & Mary	John Burford
Sarah Mary Hopewell	Mic ^l Stapell
John	John Tanner
Industry	John Blenkern
Providence	Jos: Bezeley
Deptford	Rich ^d Spracling
Hope	Abra: Carter
Brittania	John Drewe
Damond	John Banbury
Daniel	W ^m Selwood
Gloster	Edw ^d Ellis
Edw ^d & Mary	John Corterill
W ^m & Anne	Natt: Tincombe
Josia	John Sowden
	[possibly Lowden]
Mount Joy	W ^m Guy
Sarah	Jos: Jeffryes
Trasby	John Jane
Nassau	Rich ^d Tregian
Bristol	Bellingham West
Martha Sloop	John Painter
Bristol Pink	John Thomas
Indian King	Edw ^d Whitakar
James and Elizabeth	Deane Cock

Ships Names	Mast ^{rs} Names
Hartwell.....	Nich ^o Humfrey
Marygold.....	Benj: Read
Adventure.....	Tho: Opie
Chatherine.....	Hugh Rockett
John Baptist.....	John Goar
Augustine.....	Ri: Wilkinson
America.....	W ^m Broaded
Lyon.....	Rob ^t Bayley
Integrity.....	Ja: Norman
Providence.....	Jos: Royall
Ben & Hester.....	Jos: Whiting
Through good [probably 'Thoroughgood].....	W ^m Scott

Virg^a S^s;

A List of the sev^{ll} Merch^{ts} Ships and Now riding at anchor in the Road of the Mouth of James River and bound (God willing) for England in one Fleet under the Convoy of et^a [rest of page blank] Honer^{ble} S^r

This is to Acquaint yo^r Ex^{cy} that the 27th of the last month being 20 Leagues to the Eastward of the Capes of Virg^a and in the Latitude of 36:25: I parted wth the Fleet the Winde then at North West a Fresh Gail; afterwards I went to the Southward and a Fryday night Last Anchored here Mett wth Nothing in my Cruize wth [worth] yo^r Excellencies Notice

I am yo^r Ex^{cy}'s Most humble Servant

E Nevill

Lincoln in Lyn haven Bay July the 6th 1701

At y^e Council Chamber at his maj^{ties} Royal College of W^m and Mary
July 3^d & 4th 1701

Present

His Excellency

Edm^d Jenings

Robert Carter

John Lightfoot

and

Matt: Page

James Blair Esq^{rs}

His Excell: Laid before the Council a Letter from his most sacred Maj^{ty} Dated 19th Jan^r 1700/1 Concerning Matters Relateing to New York and of Certaine Auxiliaries to be thither sent to Strengthen y^e Frontiers w^{ch} Letter Came by the Way of Maryland

Also a Quota of men for y^t Service

As also a Letter L^t Gov^r Nanfans from New York dated 20th May 1701

Upon the Reading whereof it is the opinion of y^e Council that it is very much for his Maj^{ties} Service that his Maj^{ties} afores^d Letter of 19th Jan^r 1701 & the quota of men therewth sent be laid before y^e Gen^{ll} Assem^{bly} of this Colony at their Next Session

His Ex^{cy} also laid before the Council a Letter from his Ex^{cy} Coll^s Blackiston Gover^r of Maryland Dated 20th June 1701

His Ex^{cy} and the Council upon Reading of a Letter from y^e right hon^{ble} James Vernon Esq^r principal Secre^{ty} of State Intimateing y^t y^e French had fitted out a Squadron of Men of Warr to be sent to y^e Spanish West Indies und^r the Comand of Mons^r Decoetlogoone & therein signifying his Maj^{ties} Comand^s to his Ex^{cy} to be upon his Guard, & to take Care to do all y^t may be necessary for the Security of this Colony in Case there Should be any attempt made ag^t it

Upon Consideration thereof Maturely had It is ord^d as Followeth—

That a Proclamation be drawn & prepared Commanding the Comand^{rs} in Chief of Each and Every Countie & Counties w^{thin} this his Maj^{ties} most ancient & great Colony & Dom: of Virg^a that they make strict and publick Enquiry of all ancient officers & all others w^{thin} their respective Counties w^{ht} publick armes or ammunition is in their severall Counties and in whose Custody and y^t an acco^t of the same be forthwth returned to the Council office y^t no armes Nor ammunition upon any Pretence w^t soever be Exported or Carried out of this Country that all merch^{ts} and Dealers in this Colony give an acco^t to the Comd^r in Chief of that County where they Inhabitt w^{ht} Guns Carabines Swords Pistolls and Ammunition they have to dispose of And at w^{ht} rates they will dispose thereof to the End y^t y^e same may be purchased and bought up for the Necessary defence of this Colony in time of Eminent danger & lastly, y^t (for our better defence) all & Every the militia horse & foot be alwaies in readynes at an hours warning well armed and Equipt for warr

His Ex^{cy} laid before y^e council a Copy of his Lett^r to y^e right hon^{ble} y^e Lords Com^{rs} of trade &c^a laying down y^e reasons for not sending all y^e Journals as is menconed in y^e ord^r of council of 20th of June last & for giving a compendious relation of y^e State of this country w^{ch} being read was approved of by y^e honourable Council

The Proclamation being prepared and Read the Colony Seal was ord^d to be thereunto affixed

Whereas sever^{ll} advices from England Informing y^t the French King hath fitted out a Squadron of Ships & men of warr to be sent to the Spanish West Indies und^r the Comand of Mons^r De Cotoelagoon w^{ch} it is feared may make some attempts upon his Maj^{ties} Plantations & Dom: of Virg^a for the Prevention whereof and y^t all Necessary orders may be taken for putting all things in the best Posture of defence

His Ex^{cy} by and wth the advice of his Maj^{ties} honer^{ble} Council doth hereby strictly Charge and Comand all & Every the Colls and Comd^{rs} in Chief of Each and every Co^{ty} w^{thin} this Colony and Dominion y^t they Cause Each & Every Troope of horse and Comp^s of Foot und^r their Respective Comand to be duly Muster'd & Exercised once every fortnight and y^t they take especial Care y^t all and Every Person belonging to their sever^{ll} Troopes and foot Comp^s do personally appear and perform their duty w^{thout} Exemption or Priviledge and all and every Coll^s and Comand^{rs} in Chief are hereby Required

and enjoyned to take Especiall Care that at Every such time of must^{rs} y^t all & Every Respective Souldier appear well armed and equipt for warr and that all and Every the Laws in y^t Case made and provided have their due observance and be put in Effectuall Execution by punishing the delinquents as the Law Enjoynes

His Excellency and his Maj^{ties} Honer^{ble} Council taking into their serious Consideration the dangers w^{ch} surrounds and Threatens this his Maj^{ties} Most ancient & great Colony & Dominion of Virg^a being an open defenses Co^{try} and subject to the Innvasions & Incur-sions of our Inveterate Enemies to y^e End wee may not be altogether surprized upon the suden approach or an attempt of an Enemy nor altogether unprepared to make Just & Necessary Defence upon all occasions do hereby ord^r & appoint will require and Comand all and every the Coll^s & Comad^{rs} in Cheife of Each Respective County wthin this Colony that they Issue out ord^{rs} to the severall Cap^{ts} and other Inferi^r Officers of the sev^{ll} Troopes & Comp^{as} of foot in their Respective Regm^{ts} Comanding them & Every of them to returne to him the s^d Coll^s or Comd^r in Cheife a List of the names of Every fifth man wthin their respective Troopes and foot Comp^{as} being Persons young, brisk, fit, & able (upon any Emerg^t occasion) to go out to warr and y^e respective Coll^s and Comd^{rs} in Cheif are hereby required upon such returne made to forme the same into Distinct Troopes and foot Comp^{as} Each Troope not to Exceed thirty able men well mounted armed and Equipt and Each foot Comp^a not to Exceed fifty able men well armed and equipt w^{ch} Troopes & foot Companies so as afores^d Formed the s^d Coll^s & Comand^{rs} in Cheif are hereby required to make Choyce of such officers as they shall think proper to Com^d these select Comp^{as} & forces & they are further required to send a true & perfect acco^t of there proceedings therein unto his Ex^{cy} y^e Gove^r

Whereas sever^{ll} Advices from England and other parts informes y^t y^e French King hath fitted out a Squadron of men of Warr to go to y^e West Indies & it not being Known but y^t they may make some Attempt upon this Country, to the End that wee may in some measure be Enabled to make o^r Just defence and not be surprized by their too sudden and unexpected Approach—

His Ex^{cy} by and wth the advice of his Maj^{ties} honer^{ble} Council is pleased to direct and Doth hereby in his Maj^{ties} Name strictl^y Charge & require the Comand^{rs} in Cheife of the Militia of the Co^{ties} of Eliz^a City Norfolk Princess Anne Accomack and Northampton and Every of them y^t according to a former ord^r of May 7th 1701 they doe provide & appo^t sufficient Persons in Each of the s^d Counties respectively to look out by night & by day upon y^e Sea Coasts (untill furth^r ord^{rs} shalbe given therein) in Manner Following to witt, on Point Comfort one man or more as to them shall seem Meet to go forwards and back-wards between Cape Henry and Lin haven River one man or more as they shall think fitt between Cape Henry and Curry Tuck Inlett one man upon Smiths Iseland or Mockon Island and along the Sea board Shore of Northampton County one man or more & upon the board Shore of Accomack County one man or more w^{ch} Persons appointed to Look out as afores^d if they see any Ship or Vessell upon

the Sea They are diligently to Observe there Courses motions & actions and particularly if any Boat be sent on Shore & if there appear any Suspition of their being Pirates or other Enemyes that they do Imediately give notice thereof to the next Com officer of the Militia and he is forthwth to Intimate the same to the Comand^r in Cheif of the Militia in that County who is hereby Directed to take such Care & give such ord^{rs} as shalbe Necessary for the defence of this Country and for pursuing & apprehending any such Suspicious Persons as shall come on Shore & also to give Imediate Notice to the Comd^{rs} in Cheif of the Militia in y^e other Counties lying on the Sea Coasts y^t they also may be prepared to defend y^m selves & pursue and apprehend such Suspicious Persons as afores^d & Every such Comd^r in Cheif upon Intimation given as afores^d is forthwth to dispatch an Express to his Ex^{cy} wth a particular acco^t thereof & of w^{ht} ord^{rs} & directions he hath given therein and (if possible) to give Intimation of y^e same to Cap^t W^m Passenger Comd^r of his Maj^{ties} Ship Shoreham or any other Ship of warr Attending to gaurd this Colony wth the best Information & advice he Can of the most probable meanes of Either takeing or destroying such Ship or Vessel as afores^d

By his Ex^{cy} and the honer^{ble} Council of State, it is thought fitt and Necessary for his Maj^{ties} Service & the sev^{ll} Navall officers & Collect^{rs} of the Virg^a Duties are hereby required and Enjoyn'd to make up their acc^{ts} wth M^r Treasurer upon the 6th Augst Next at the opening of the Next Session of Assembly to the End y^t y^e same so stated & perfected may be laid before the assembly

A Gener^{ll} Assembly being appointed to be held at his Maj^{ties} Royal College of W^m & Mary upon the 6th day of Augst Next at w^{ch} time the publick Levy will be laid as in such Cases is usual It is thereupon ordered for the better Effecting thereof that the Clk or Clks of Every respective Co^{ty} Court or Courts wthin this his Maj^{ties} Colony and Dominion of Virg^a do send down to the assembly a True and Perfect List of their County Tithables this p^{rsent} yeare 1701

Whereas it is thought very Requisite and Necessary for his Mat^{ies} Service & the Interest Safety & Security of this his Maj^{ties} Colony and Dominion of Virg^a that the Gen^{ll} Assem^{bley} of this Colony w^{ch} is prorogued to the 6th Augst next should then sitt, to Consult the more weighty affaires of the Colony Therefore Ordered that y^e Sheriff of Each respective County & Counties wthin this Dominion Do give Notice thereof to there Respective Burgesses that they may meet precisely at y^e day and they are hereby further Required to Proclaim & appoint a Court of Claimes (as the Law Enjoynes) to be held in their County some Conv^t time before y^e s^d Session of Assembly and to give Notices y^t y^a the Burgesses will receive all such aggrievances & Propositions as shalbe given them by the Inhabitants of their County to lay before the Assembly

Whereas sever^{ll} Advices from England and other parts Informing that a most Dangerous Warr is drawing on & that y^e French King hath sent out a Squadron of Ships for all the Spanish West Indies w^{ch} in all Probability may attempt our Coasts His Ex^{cy} and the honer^{ble} Council takeing the same into their serious Consideration and Con-

sidering that it may be of Dangerous Consequence for any Persons w^{ht}soever in these times of warr to go on board any ship or other Vessell coming into any Bay Heaven, River, or Creek, in this Country before the s^d Ship or Vessell have sent on Shore, & make y^m Selves Known w^{ht} they are His Ex^{ty} doth therefore (By and wth the advice of his Maj^{ties} Honer^{ble} Council for the Security of this his Maj^{ties} most ancient & great Colony and Dominion of Virg^a and the Subjects here Inhabiting) hereby strictly Charge & Comand all Persons w^{ht}soever not to go on board any Ship or other Vessell before the s^d Ship or Vessell have sent on Shore as afores^d as they will answer the Contempt & all & Every Sheriff and Sheriffs wthin this Colony are hereby required to Cause this ord^r to be read at their Repsective County Courts and at Every Church & Chap^l Within the County as the will answer the Contrary at their utmost perill

Ordered by his Ex^{ty} and his Maj^{ties} Hon^{ble} Council y^t a Letter from the right honer^{ble} James Vernon Esq^r his Maj^{ties} principal Secrat^{ry} of State Dated the 4th of March 1700/01 be recommended to the Committee appointed to revise the Laws

And the State and Condition of the Militia of this Country wherein they are to Consider

1 Whether it is most proper for [that] Every Foot Comp^a should have their fire armes all alike

2 Whether it would not be most for his Maj^{ties} Service & the Security of this Country that they should be all horse or dragoone y^e foot being of Little use

3 Whether a pub: Magazeen of armes and ammunition would not be verry Conv^t to be kept in Each County by sev^{ll} Cheif Officers to w^{ch} they may have Recourse in any time of Danger for public defence and upon the death or removal of any of the afores^d officers that the same be Imediately secured by the succeeding officers.

4 Whether to Encourage all to Enure them selves to feats of armes or deeds of Chivalry it would not be very proper to have public Prizes in Each County for Shooting wresling and back Sword

5 In Case of an Invasion or approach of an Enemy by Sea or Land (w^{ch} God forbid) how and by w^{ht} Means Alarms may be most speedily given

6 Whether for the better knowledge of the Strength and forces of the Country at all times & upon all Occasions it would not be verry Requisite to have Every Neck betwixt the four great Rivers to be divided into sev^{ll} Precincts in Each of w^{ch} some able Judicious Person may be appointed Must^r M^r who from time to time shall rend^r a true and Exact List of the sev^{ll} Troopes of horse and Comp^{as} of foot wthin such Precincts how they are armed & equipt for warr w^{ch} List is to be Lodged in a peculiar place to which wee may at all times resort And for the better Encouragem^t of able Loyall and Judicious men to perform that Service some vallueable Recompence may be annually allowed to such And for the better Maintaining the Peace & Tranquility of this Country they are desired to take under their Consideration the dangerous Consequence of Negros and Serv^{ts} runing away and lying out and to Consult the best way to prevent remeday and redress it Least

if an Enemy should attack us they Either willingly Joyn wth y^m or being taken by them should Discover the State of the Country

Ordered that the Result of [the order of] his Ex^{cy} and the honer^{ble} Council of State and the Gen^l Assembly of this Colony heretofore had and given Concerning the Fortifications and Defence of this Colony be Communicated to the Com^{tee} appointed to Revise the Laws, to see w^{ht} further or other Expedient they Can finde.

Which is as followeth

May the 9th 1699

Whereas Edward Ross Gunner

[This order has already been printed: see page 432 of Vol. 1.]

That an address be made to his most sacred Maj^{ties} [Majesty] that two fire mast^{rs} well skilled in managing mortar peices grandoes [grenades] and all fire works for fire Ships may be sent heither and all materials for y^t purpose wth grandeers [grenadiers] & Dragoones armes and all materialls for making fire Ships

Augst the 6th 1701

His Ex^{cy} in Council

It is the opinion of his Ex^{cy} and the hon^{ble} Council y^t y^e Occasion of Calling this Assembly & w^{ht} his Ex^{cy} hath thereupon to Deliver to the house of Burgesses for there Consideration be referred till tomorrow morning being now verry late and in hopes then there will be a fuller Council and that yⁿ [then] his Maj^{ties} Letter of the 19th Jan^r Concerning Assistance to be given to his Maj^{ties} Province of New York, Gover^r Nanfans Letter of the 20th of May & M^r Secre^{ry} Vernons Letter of the 4th March last be all Laid before y^e house of Burgesses.

Thursday Augst y^e 7th 1701

His Excellency in Councill

Whereas by sev^{ll} advices from England a Gen^l warr is Threatned Wherein his Maj^{ties} o^r Dread Sovereigne and his Kingdoms and Dominions are likely to be deeply Engaged & y^e Gen^l Assembly of this his Maj^{ties} Colony being now Mett and assembled to gather to advice and Consult w^{ht} may best Tend to y^e advancem^t of Religion and Piety the Interest of his most sacred Maj^{ties} and the defence Safety and Security of this his Maj^{ties} Dominion and Subjects here Inhabiting

Therefore ordered that a Proclamation be drawn Enjoying [enjoining] a day of fasting and humiliation be kept & Observed by this present Gen^l Assembly The Inhabitan^{ts} of y^e City of W^ms burgh and parts adjacent upon Wednesday y^e 13th this Instant Augst and upon Wednesday y^e 27 of this Ins^t Augst in all and Every Parish and Parishes within this his Maj^{ties} Colony and Dominion of Virg^a to Employe the Blessing of almighty God for the Preservation of the Protestant Religion his Maj^{ties} Royall Person a prosperous Success upon the Consultation of this p^rsent Gen^l Assembly and the Peace and quiet of this Country

Fryday 8th Augst 1701

His Ex^{cy} in Council

A Proclamation appointing a day of fasting and humiliation being prepared y^e same was read & y^e Colonies Seal ordrd to be thereto affixed

Tho: Holt of the County of Surry Gent presenting a Petition to this board and therein Praying y^t since y^e Clk^s Place for the Com^{tee} of Propositions & aggreivances by the Death of M^r Bath^o Fowler is become Vacant and he being desirous to Officiate in his Place

It being Considered by his Ex^{cy} and the Council y^t y^e s^d Holt being Sher: of the County of Surry & not knowing how long the Assembly may sitt, it is not for his Maj^{ties} Service y^t he should be absent from his County he being the Chief Officer therein and therefore ordrd it be Rejected

The Representation of the Com^{tee} for Revisall of y^e Laws to the hon^{ble} Gen^{ll} Assembly Concerning an assistant To be referred to the Consideration of the house of Burgesses

Saturday 9th Augst 1701

His Ex^{cy} in Council

The Clk of the Council Informing his Ex^{cy} that y^e house of Burgesses was adjourned Ordered

That the Council adjourn till tomorrow morning Nine of the Clock

Munday 11th Augst 1701

His Excellency in Council

Upon Reading at the Council Board a Petition p^{resented} by M^r Theod: Bland Survey^r of Charles City County whercin he sets forth that pursuant to sev^{ll} ord^{rs} of the Court appoint^d to Examine Claimes to Land on the south side of Blackwater he had made sever^{ll} Surveyes for sev^{ll} Persons

But for sev^{ll} Reasons there laid Down could not returne the same to y^e last Court for that Purpose and praying that the s^d Surveyes may be Examined and Returned to y^e Sacreta^{rys} office for Pattents thereupon to Issue
Ordered

That when the returns Comes from the Court of Claimes for Blackwater Land it be then further Considered and laid before the Assembly

Tuesday: 12th Aug^t 1701

His Excellency in Council

His Ex^{cy} laid before y^e Council his Maj^{ties} Royal Letter of the 19th may 1701 Concerning Divers Protestants Now lately arrived in this Colony in the W^m & Eliz^a Cap^t John Rogers Comand^r and sever^{ll}

other Letters and Papers Relateing to that Subject, whereupon It is the opinion & advice of the Council that the same and all Papers Relateing thereto be laid before the house of Burgesses for their Consideration & advice thereupon to be had, Two silver Bowles being sent heither by the Bishop of London one to M^r Dejoux Minister of the French at Manakin Town Now Called King W^ms Parish & the other to M^r La Tannee the other Minister the s^d La Tannee [Latane] being gone to Rapp^a to officiate there in the Ministerial Function

It is the opinion of his Ex^{cy} and the honer^{ble} Council and Accordingly ordered

That both the afores^d Cupps or Silver Bowles to be by the hon^{ble} W^m Byrd Esq^r Delivered to M^r De Joux for the use of the French Church in Manikin Town in the afores^d Parish & That he take a Recep^t for the same

William Clay Mast^r of the Briganteen y^e Endeavour made oath before his Ex^{cy} and the Council as Follows William Clay Mast^r of the Briganteen Endeavour aged thirty five years Sworn saith

That I Saw a man named Tho Welsh in Carolina who gave an acco^t he came down from y^e Chickasass & had been at Michisipy [Mississippi] where he s^d the French are settled & have a strong Fort upon an Island in y^e middle of y^t River and also Store of Cows Mares hoggs and Sheep he thinks there are Two hundred men and if the Gover^r of Carolina would Give him leave he would go down wth some Indians and hinder y^m from Settling and Tradeing

And I do farther make oath that I Saw a French man of warr of 60 Guns at Statem [Staten] Island near New York the 10th of July 1700 haveing a great many Cows Mares hoggs and Sheep on board The Cap^t Told me he came from Mechippy and was going theither againe

And he further Told me y^t he was supplyd by his Country men there, and I do further depose That on y^e first or second of June last Twenty French men Came down Carolina in Indian dress to Look for Trade and promised to bring down a great deal of Beaver in three months time & that y^e Gover^r of Carolina Gave them Leave to go back againe

Lastly I depose and say that in Carolina they are provided if warrs breaks out wth five Sail they Intend to fitt out and four Perreaugers [Piraguas (small boats)] and two hundred men by water and by Land four hundred Indians & a hundred horse to tack S^t Augustine

W^m Clay

Ordered

That the French Certificate be left here that it may be transmitted for England

Thursday 14th Augst 1701

His Excellency in Council

Maj^r W^m Buckner Returning his Report in y^e deferrence between James Chappman & others his Fellow Seamen and James Westmore Mast^r of the Affrica Gally & it appearing by the s^d Report that y^e

Compl^t is groundles it is the opinion of the Council y^t Nothing further is therein to be done

But the Clerk of the Council is ordered forthwth to Send the three who was the first Sturers up of this Mutenig [mutiny] (Viz^t) Allen Macdougle Michael Copland and John Steward on board of his maj^{ties} Ship Shoreham Cap^t W^m Passenger Comand^r to be Eutered into his Maj^{ties} Service

Hancock Custis Gent takeing the oaths appointed by Act of Parliam^t to be taken instead of the Oaths of Allegiance and Supremacy and ascribed [subscribed] the Test and association took the oathes of Navall officer of the Eastern Shore district in Virg^a The oath of Collector of y^e Virg^a duties and the Oath of Notary Public for the afores^d District & had three Commissions Delivered him for y^e afores^d offices

Hancock Custis and John Custis Esq^{rs}, signed & Delivered there bonds for the Performance of y^e abov^{sd} Trust

Fryday 15th Aug^t 1701

Ordrd

That the Proceedings of his Ex^{cy} and the Council heretofore had Concerning fortifications & the Security & defence of this his Maj^{ties} Colony be laid before the house of Burgesses and that they Consider the busines of y^e Rangers upon the Frontiers at y^e heads of the Rivers and whether it may not be proper (upon any Emergent Occasion) that the same be vested in his Ex^{cy} & y^e Council now in the time of Eminent danger

Whereas it is thought verry conv^t for y^e better Strengthening our Frontiers & Discovering the approaches of an [enemy] and Saveing y^e Expence of Continuing Rangers—that Encouragem^t may be given to all such as will goe out and seat in a body upon our Frontiers at y^e head of the Rivers

Ordered

That the honer^{ble} W^m Byrd Esq^r Benj: Harrison Esq^r & Rob^t Carter Esq^r three of his Maj^{ties} honer^{ble} Council do Consider of drawing a Proposition how the same shalbe Effected and wth w^{ht} Number of Men at ye first Scituation [Situation] in w^{ht} manner and w^{ht} Encouragm^{ts} shalbe to them given that y^e same may be laid before the Gen^{ll} Assembly

Saturday 16th Augst 1701

His Excellency in Council

Maj^r W^m Buckner haveing taken the oaths appointed by Act of Parliam^t to be taken instead of the oaths of allegiance & Supremacy & Subscribed the Test and association is by vertue of a deputation from the right honer^{ble} the Lds Com^{rs} for Manageing and Causeing to be Levied & Collected his Maj^{ties} Customs Subsidies & other duties admitted Collector of York River District & ordered To give in his bond to y^e Clk of the Council who is thereupon hereby ordered to Deliver him y^e Deputation

Ordered

That y^e Deputation of the Right honer^{ble} y^e Com^{rs} of the Customs to Maj^r W^m Buckner to be Collecto^r of York River district and their Letter of the 6th of May 1701 to his Ex^{cy} thereto relating be Recorded

Tuesday 19th Augst 1701

His Excellency in Council

The Honer^{ble} M^r Auditor Byrd laid before his Ex^{cy} and the Council the State of his Maj^{ties} Revinue upon quitrents Anno 1700 and also the State of his Maj^{ties} revenue upon the 2^e per hh^d & c^a from the 25th October 1701 [should be 1700] to ye 10th of June 1701

Tuesday: 26th Aug^t 1701

His Ex^{cy} in Council

Ordered that these Following Proposals be drawn out fair and laid before the house of Burgesses by ord^r of his Ex^{cy}

Whereas severall Parishes in this Country are not able of y^m selves to maintaine a Minister to preach weekly [because of] w^{ch} Menns Piety decays y^e Sabboth is prophaned & y^e Inhabitants thereby Encouraged in a Loose Lisentious and Desolute Course of Life

1 That therefore Care be taken to make the Parishes Equall by Consolidateing them that they may be Enabled to maintaine a Minister

2 That some Effectual Care be taken for y^e Safety and Security of this his Maj^{ties} Most ancient & great Colony & Subjects here inhabiting to furnish y^e Inhabitants wth armes and ammunition & all habiliments of warr for their necessary defence upon any Sudden attempt ag^t them

3 That a due Consideracon be had to all the Subject Matters & Proceedings in Concil the 3: & 4th July last past and w^t was then laid before y^e Com^{tee} appointed to revise the Laws for puting the Country into a Posture and State of defence in Case of an Invasion Either by Sea or Land (w^{ch} God forbid)

4 Whether it is not most Proper in Regulateing the Militia that Every Comp^a Consisting [should consist] only of fifty Souldiers & Every Troope thirty

5 That an Address be made to his most sacred Maj^{ties} y^t two Ingeneers and fire mast^{rs} well skilled in managing mortar pieces granadoes and all fire workes for warr may be sent heither and all materials for y^t Purpose wth granadees and Dragoone armes

6 That Care be taken for speedy Conveying of all public Letters w^{ht} shalbe accounted such how and by whome to be superscribed and y^t all delinquents therein be punished

7 And for y^e better speedy Dispatch of all publick busines Consideration be had y^t publick Ferries be well & Sufficiently kept & maintained in all Conv^t Places & y^t all great Bridges from County to County or otherwise be strongly made and sufficiently Repared

8 That sever^{ll} Particular Places be appointed in Each Co^{ty} for Expresses to [be] sent to

9 That Care be taken to restrain Seamen from deserting there Service w^{ch} is verry often to y^e Loss & ruine of the voyages & great Prejudices of the owners

10 That Especial Care be taken to restraine Seamen belonging to any of the Kings Ships in this Colony from diserting their Service

11 That Seveer Penalties be Inflicted upon all such y^t harbour or Entertain y^m knowingly or willingly & y^t all y^t harbour Entertaine truck trade or deale wth any Serv^{ts} or Slaves belonging to y^e Inhabitants of the Country & all such as shall Encourage aid or abett any Serv^{ts} or Slaves in Evill disolute Practices be Severely Punished

12 Whereas when Embargoes are Laid sever^l Ships Notwthstanding such Embargo steal away from y^e Fleet w^{ch} may be of verry dangerous Consequence y^t some Care be taken to prevent y^e same that it answer the End for w^{ch} It was laid

13 That fore {for} the more Especial Suppressing of Sin & vice & obtaineing due Conformity & Obedience to y^e Laws one Act be Established & made to reinforce the due observation of all penal Laws now in force puting y^e same in Execution

14 That some speedy Care be taken to make all y^e Counties in the Colony & especially these between James River & York River from the head to the Mouth thereof more Compact then Now they are by devideing them in some other manner

15 That if it may be Effected no one County be Less then Eight Hundred Tithables and no one Parish less then four hundred Tithables

16 That one and the same County and one and the same Parish shall not be devided by a River where it may conv^{ly} be done wthout

17 That if they Cannot agree for devideing y^e Counties y^t Care be taken Concerning y^e City of W^msb^{urgh} it being seated in the two Counties y^t the Sher^s Power may Extend itself into Each Co^{ty} y^t Jurors may be taken to attend y^e Gen^l Court

18 That they Revise the Imposition Acts

19 Some acc^{ts} of Disbursm^{ts} for publick Char^s: amount to £ 146-8-3

20 That Regard be had to the representations of the direct^{rs} and Trustees of the City of W^msb^{urgh} Concerning paym^{ts} to be made to y^e sev^l Proprieto^{rs} for y^e Land assigned.

21 That you take Care that a house be Erected for y^e Gover^r of this Colony to make his Residence at y^e afores^d City of W^msb^{urgh} according to his most sacred Maj^{ties} Royall Instructions therein given & the Instructions thereupon of the right honer^{ble} the L^ds Com^{rs} of Trade and Plantations w^{ch} I now give you; And in yo^r whole Proceedings I pray God direct you

Fr: Nicholson

Wednesday: 27th Aug^t 1701

His Excellency in Council

The Conferrance appointed to be held this day by five members of the Council wth a Certaine Number of y^e house of Burgesses to Consider y^e best and properest methods to settle all matters Relate [relating] to y^e Indian affairs & Concludeing all Busines relating to

Pomonkey Neck and Black water Lands and their Courts, Coming Now under Consideration the Hon^{ble} Robert Carter Esq^r one of the Members of Council appointed to mannage that Conferance being now absent the hon^{ble} John Custis Esq^r is by the hon^{ble} Council appointed in his Stead

Dion^a Wright appointed to assist as Clk: at y^e Conferance

Saturday Aug^t 30th 1701

His Excellency in Council

Upon Reading a representation from Cap^t W^m Passenger Comand^r of his Maj^{ties} Ship Shoreham that y^e afores^d Ship is verry foul and stands in great Need of being Carreened this fall

It is the opinion of his Ex^{cy} and The honer^{bl} Council y^t y^e afores^d Cap^t W^m Passinger haveing the absolute Comand of the afores^d Ship Shoreham if he finds it proper & Necessary to be done y^t y^e same be done wth all Conv^t Expedition and that y^e Cik of the Council write to Maj^r Sawyer Concerning the oth^r part of Passengers Letter y^e charge seeming unreasonable

Thursday 4th Sep^r 1701

His Excellency in Council

Whereas by an ord^r of Council dated the 25th Ap^l 1701 it was ordered and appointed that a small Parcell of Land belonging to M^r Hen. Tilar of the County of York Gent. Adjoynd to the Lotts assigned in the City of W^m^sburgh a house to be built for y^e Residence of y^e Gover^r of this his Maj^{ties} Colony and Dominion should be survey^d and lay^d out by the Survey^r of the County and purchased of y^e s^d Tyler at y^e rate of 20 shill^s per acre a Survey thereof being returned whereby it appeares to be sixty three acres
Ordered

That the honer^{ble} W^m Byrd Esq^r his Maj^{ties} audit^r pay unto the s^d Henry Tyler the Sume of sixty three pounds sterling in Consideration of the afores^d Land

Fryday 5th Sep^r 1701

His Excellency in Council

His Ex^{cy} laid before the Council a Letter from Maj^r Peter Field. Dated 3^d Sep^r Ins^t Concerning two strang Indians taken somewhere upon Swift Creek & brought hither Prison^{rs} upon Consideration whereof It is the opinion and advice of the Council that y^e whole matter be laid before y^e house of Burgesses.

Tuesday 9th Sep^r 1701

His Excellency in Council

The Question being put by his Ex^{cy} whether he may not if he thinks fitt be p^rsent together wth the Council when they are debating

of bills to return to the house of Burgesses and to hear & to debate the matter wth them he haveing found y^e Custom & Practice to be such at his first Coming to this Governm^t & Continued so till this p^rsent time

Upon Consideration whereof the same being it self a verry nice Intricate question of great weight and moment y^e Council only desires time to Consider their answer thereupon

His Ex^{cy} desired the Council to Deliver him their Opinion and Advice Concerning Christian Serv^{ts} being Musterd & the Council are of opinion that they ought Not to be Mustered

Wednesday 10th Sep^r 1701

His Excellency in Council

His Ex^{cy} laying before y^e Council y^e whole Proceedings had ag^t the two strange Indian Prison^{rs} wth a Copy of a warrant for their Transportation

It is the opinion of the Council that y^e same & all Papers thereto relateing and Charges thereupon be laid before the house of Burgesses

Thursday 11th Sep^r 1701

His Ex^{cy} in Council

The Honer^{ble} Robert Carter Esq^r made Oath to his Acc^{ts} of the one penny per li [pound] and Serv^{ts} & Slaves

Saturday Sep^r 13th 1701

His Ex^{cy} in Council

His Ex^{cy} laid before the hon^{ble} Council a Letter from Edw^d Durley Lt of his Maj^{ties} Ship Lincoln giveing an acco^t of the Death of Cap^t Edw^d Nevill Comd^r of his Maj^{ties} afores^d Ship w^{ch} Letter is Dated y^e 12th Instant

Also ord^{rs} and Instructions from the Lords of the admiralty Dated y^e 1st Feb^r 1700/1 wherein y^e s^d Edw^d Durley upon y^e Death of the s^d Nevill is appointed to take upon him y^e Comand of the s^d Ship Lincoln

His Ex^{cy} laid before the Council a Letter from Maj^r Sam^l Swan from North Carolina 9th Sep^r 1701 Concerning Dan^l Cox Esq^r his Claime to North Carolina

Ordered

That the hon^{ble} W^m Byrd Esq^r write to W^m Penn Esq^r Proprietor of Pensellvenia Concerning y^e Charges of an Indian Called Jack w^{ch} he sent from New Castle about y^e begining of November Last & w^{ch} by his Letter of 31st Decem^r 1700 he saith he at his own Charge Cloathed him, y^t he may send an acc^t w^t Costs and Charge he was at to y^e End same may be allowed and payed by M^r auditor Byrd

Munday 15th Sep^r 1701

His Excellency in Council

His Ex^{cy} laid before y^e Council a Letter from Burchett Secret^{ry} to the R^t Hon^{ble} the L^ds of the Admiralty dated the 25th June 1701 et^a w^{ch} Came by Cap^t James Moody Comd^r of his Maj^{ties} Ship Shouthton [Southampton] also Instructions Concerning Cap^t Passenger Dated *Die D^o* [same day]

Also Instructions to Cap^t Passinger abo^t his Sailing for England et^a Dated D^o

A Letter from Cap^t Passinger abo^t Westmore Dated 12th Ins^t Ordered

A Copie of that part of the Letter Relateing to Westmore to be sent to Maj^r Buckner and he to go on board and ord^r Westmore forthwth to returne his answer to his Excell: and the Council

Orlando Jones Petition for permission to go out wth a small Number of Men to see w^{ht} a further discovery they can make

It is the opinion of the Council that y^e same be Referred to the Consideration of the house of Burges

Upon Petition of Charles Evans in behalf of his Master John Woodson for charges dureing the time he was writing for his Maj^{ties} Service at James Town, Its the Opinion of the Council and accordingly Ordered

That M^r Auditor pay to M^r Chichley Corbin Thacker the Summe of three pounds sterling who paid the same to M^r Broadnax for the accommodations of the s^d Char Evans

Wednesday Sep^r 17th 1701

His Ex^{cy} in Council

A Resolve of the house of Burgesses being prepared to his Excell: and the Council by Coll^o W^m Leigh & oth^{rs} Wherein the house are of opinion that it will be for his Maj^{ties} Service and the Interest of this Colony that his Maj^{ties} Ship Lincoln & his Maj^{ties} Ship Shoreham be Joyned together and to go In one Fleet

Whereas it is thought very Dangerous for any Ship or Vessell bound for England to go out to Sea Unles in fleets or under Convoy his Ex^{cy} and the honer^{ble} Council being verry desirous as much as in y^m lyes to provide for their Safety and Security Cap^t Edw^d Dureley Comd^r of his Maj^{ties} Ship Lincoln & Cap^t W^m Passenger Comand^r of his Maj^{ties} Ship Shoreham being both bound for Engl: wth his Maj^{ties} afores^d Ships and they being Directed by the right honer^{ble} the L^ds of the Admiralty to take und^r their Convoy & Protection all such Ships and Vessells as shall be in a Readiness to sail out

And Whereas the house of Burgesses of this his Maj^{ties} Colony & Dominion of Virg^a Now Sitting have this day presented to his Ex^{cy} & y^e honer^{ble} Council a Resolve of the house wherein they declare it is for his Maj^{ties} Service and y^e Interest of this Colony that his Maj^{ties} Ship Lincoln and his Maj^{ties} Ship Shoreham be Joyned togeather & to goe in one Fleet

Ordered

That the Collect^{rs} and navall officers of y^e sev^{ll} Districts be and are herby Enjoynd and required y^t w^{ht} Ship or Vessells they Cleare wthin their sever^{ll} districts bound for England they shall Enjoyne and oblige them to Come into the mouth of James River at y^e usual place for making up fleets and there remaine till y^e 15th day of octo^r Next in ord^r to Sail und^r the Convoy & Protection of his Maj^{ties} afores^d Ships

Thursday 18th 7^{br} 1701

His Ex^{cy} in Council

His Ex^{cy} laid before y^e Council the address of the house of Burge^{ss} to him self Sep^r 16th 1701 upon the whole asked y^e advice of the hon^{ble} Council whether y^t was a full absolute & sufficient answer to his Maj^{ties} Royall Letter dayed 19th Jan^{ry} 1701

The same being Read & duly Considered y^e Council are of Opinion that whereas they say in y^e Address y^t [it] was Obteind by falls [false] Suggestion & misrepresentation these Expressions are too harsh and Severe & w^{ch} the Council are doubtfull they Can't prove

Whereas they say these misrepresentations were Meerly to gaine a Contribution y^e better to Enable them to build forts for the Security of their Indian Trade y^e Council Conceives that to be to [too] severe a reflection there being No ground for the same Sett forth in his Maj^{ties} Letter of 19th Jan^{ry} 1701 Delivered to y^e Speaker

That as to the Forts being no Secur^y to this Colny &c^a it would have been much better to have s^d y^t forts on y^e Frontiers of y^t Governm^t can be of no Security to this Colony to keep of [off] y^e French & there Indians from Invadeing us

As to y^e Clause Concerning the Nine hundred Pounds it would be well to add in y^e close of it, haveing such large Frontiers both by Sea and Land to be defended by our men at our own Charges

His Excell: Acquainted the Councill y^t Sence it was Resolved by the house of Burgesses that they could Send no money to New York his Ex^{cy} Considering the fatall Consequence Might thereupon Follow should y^e French Come to understand y^t N: York could not Expect any aid from Virg^a Either for men or mony y^t therefore his Ex^{cy} thought him selfe in duty bound to Disposet [deposit] and lay down the Sum of Nine hundred pounds sterling pursuant to his Maj^{ties} Royall Com^{ds}

That y^e Burgesses in their address have not lay'd down reasons sufficient for his Ex^{cy} to dispence wth the Kings order of sending a quota of men to N: York if Demanded thereupon his Ex^{cy} desired y^e opinion and advice of y^e Council

Referred till tomorrow morning for y^e Council to Consider upon an answer to our Proposalls

Friday 19th Sep^r 1701

His Excellency in Council

His Ex^{cy} laid before y^e Council a Letter from Cap^t Ja: Moody Comd^r of his Maj^{ties} Ship Southampton Dated 18th 7^{br} 1701 also Instructions from y^e right hon^{ble} y^e Lords of y^e Adm^{ty}

To Cap: Ja: Moody Comand^r of the s^d Ship Shouthampton

His x^{ev} having yesterday acquainted y^e Council y^t y^e Burg^s in their address of y^e 16th Ins^t had not offered Reasons Sufficient to dispence wth his Maj^{ties} ord^r for sending a quota of men for y^e Assistance of New York if the same should be Required upon an Invasion & thereupon desireing the opinion & advice of y^e Council w^{ch} was Referred till this morning for y^e Council to Consider & answer

The Council having Maturely Considered y^e same are of opinion y^t it will not consist wth his Maj^{ties} Interest and the Peace & Safety of this Colony to Send y^e s^d quota of men to N: York for y^e Following reasons

1 That Every man sent out of this Govern^t will be at least 20^l sterl: Costs to his Maj^{ties} [Majesty] in his Customs of Toba: in England tho absent but three months in a yeare

2 That Considering y^e Circumstances of y^e Country y^e quota of men desired can't be had or raised as Vullunteers y^e Gen^{lly} being freehold^{rs} & Mast^{rs} of Families so y^t if y^e s^d quota be exacted for N: York it must be by a detachm^t out of the Militia Consisting for y^e most p^{rt} of the s^d Freeholders & house Keepers

3 That y^e s^d Detachm^t will be attended by other Consequences very Prejudicial particularly y^t as soone as it is under stood such a thing is Intended most of the single or poorer Sort of house keepers will remove y^m selves to y^e Neighbouring Colony of Carolina the Place to w^{ch} our Runaway Serv^{ts} & Desperate Debt^{rs} do now dayly resort as being most accessable both by Land & water & where no quota is required or where So Ever Else they can Escape the s^d Detachm^t w^{ch} Improbability will Lessen y^e Number in this Country that will actually be made use of in the s^d Service

4 That if the quota of Men be sent Mony must be found for their Transportation Subsistance & Pay & we know of no mony to be Employed for such uses

5 That Considering y^e Large open Frontiers this Country hath to defend both by Sea and Land & the Emin^t dangers of an Empending warr, and Scarcity of Freeman who only are to be Trusted on such occasions & y^e remotenes of our Plantations one from another together wth the feare of an Insurrection from our Serv^{ts} and Slaves who don't [doubtless] will be ready in Case of an Invasion to Joyn y^e Inemy we are of Opinion y^t y^e Country Rather w^{ts} men & arms for its own defence then has to Spare for assistance of others

Wee are Likewise in y^e way of all Fleets Coming through y^e Gulf from y^e West Indies and in Regard of our defenceles Country and the vast Damage his Maj^{ties} [Majesty] would sustaine by our disturbance not only by the Distruction of one yeares Crop but also by Ruining our Plantations & Consequently the Trade & Custome of Toba: for divers yeares to come wee have Reason to fear it may be our Lotts to be attacked as soone as if not before our Neibours

As to that Clause of the Assemblies Address relateing to my Raiseing men by advice in Council upon any Emergency and that they shalbe paid by the publick I propose y^t it would do much better if the Pay was Ascertained (Viz^t) w^{ht} for a Cap^t a Lt a Corn^{tt} an

Ensign a Drum^r a Trumpeter a Serj^t a Corp^l and a private Centinel And y^t the same should be past into a Law agreed to by y^e Council I also lay before you an abstract of all the Militia horse and foot in this Country together wth an abstract of Every 5th man part of w^{ch} is not well disciplined armed & Equipt for warr nither Guns nor Swords fitt for actions

And if this County [Country] should be Invaded by a thousand French (w^{ch} God forbid) I am affraid I shall not be able to raise a Like number to attack y^m wth a Suitable Reserve well provided wth armes & amunition proper for such an Occasion to be ready to march ag^t y^m in less then 12 or fourteen daies in w^{ch} time it is to be feared they will do Considerable damge and perhaps Infort [fortify] or Intrinch themselves & before I Can raise y^m [the] men to oppose y^m I must be forced to raise all y^e Militia of the adjacent Counties Drawn together to draw out those men to march ag^t y^m and to render it more difcult by y^e 4th act of Assembly made y^e 16th Ap^l 1684 it is provided y^t no mans armes nor amunition shalbe Impressed from him by w^{ch} means if I wa^t [were] to draw out a hundred men, if they are not Compeatly armed y^m selves I am disabled from arming y^m amongst y^e Rest therefore in some measure to Redress this Inconveniency I propose that the afores^d Law be amended and y^t a muster Master be appointed in Each Neck to Exercise y^e men & see y^t their armes are well fixed and themselves furnished wth amunition and thereof to render an acc^t from time to time

And y^t these armes and amunition and an acco^t whereof [thereof] is to be Returned by the Coll^s & Comand^r in Cheif of Each County to be sold be Purchased and Lodged in suitable & Conv^t Places

And y^t mony may be raised to purchase y^e same and more from England I propose y^t six pence duty be laid upon Each hh^d Tobacco Exported out of this Country for one yeare, In his Maj^{ties} Province of Maryland there was once p^d half a Crown a hh^d and now it is two shillings and three pence if not more

And if such Act now be passed I will Lend y^e Country 6 or 7 hundrd pounds w^{thout} Interest & give 50; and finding y^t this yeares Levy is not Like to Exceed 4 or 5 ^l Tob: per Pole, I propose further y^t 15^l per Pole be Now Levied or Raised for buying Armes & ammuni- tion and if this act passeth I propose to give fifty pounds more

All w^{ch} armes and ammunition shalbe Lodged in Suitable and Conv^t Places to be made use of only in Case of Invasion or Insurrection (w^{ch} God forbid)

And his Maj^{ties} Ship Lincoln and Shoreham being (God willing) designed to Sail for England by 15th October next I propose the s^d Tobacco so raised may be Either Sould here or in Each County for bills of Exchange w^{ch} may be sent by his Maj^{ties} afores^d Ships and soe the armes and ammunition may be here (God willing) by may next

His Excellency upon the foregoeing Proposetions desiring the Hon^{ble} Councils advice they prayed time till tomorrow-ing [morning] to Consult y^e Matters it being of very weighty Concerne and now very Late in y^e night

Saturday 20th Sep^r 1701

His Excellency in Council

The Council having this morning Considered his Ex^{cy} Proposition designed for the house of Burgesses for y^e more speedy Supplying the Country wth armes and amunition Concerning w^{ch} his Excellency Desires our opinion whether wee will advise him to make the s^d Proposition or not;

After Mature deliberation Returned this answer

As to y^e first Clause of the s^d Proposition Relateing to y^e amending of y^e Law prohibiting y^e Empressing of armes and amunition wee are of opinion y^t the Resolve of the house of Burg^s giving Power to his Ex^{cy} &c^a be changed into a Law wth this Addition that in the Cases and in y^e times mentioned in y^e s^d Resolve y^e Gover^r wth the afores^d advice have Power to Empress all y^e armes & amunition y^t shall at all those times be found in y^e Country notwthstanding the s^d Law prohibiting y^e Impressing of Armes & that the s^d armes and amunition shalbe paid for by y^e publick and after y^e Service is over for w^{ch} they were Impressed shall if then in being and not seized by y^e Enemy be put in to some of the Magazines for y^e Countryes Service

As to all y^e Rest of the Propositions relateing to y^e Raising 6^d per hh^d and 15^{ll} per Pole for y^e further Suply of armes & amunition wee are of opinion y^t Considering y^e p^rsent necessity of y^e Country Occasioned by the danger of an Invasion & y^e want of armes and amunition & y^e good handle y^e house of Burg^s have given by Instructing y^r Ex^{cy} and y^e Council wth a Power of Raising a Competent Number of men y^t it may be very proper for yo^r Ex^{cy} to take notice to y^e house of Burg^s y^t in ord^r to y^e making of y^t Power & Trust more Effectual for answering y^e End for defending y^e Country it will be necessary for y^m to finde out proper wayes and Means to buy up w^t soever armes & amunition is at p^rsent in y^e hands of y^e Merch^{ts} of y^e Country according to y^e Returnes made by y^e sever^{ll} Collectors of y^e respective Counties & likewise to make further speedy Supply of armes and amunition from England, but wee are Likewise of opinion y^t it is more proper for y^e particular wayes & means for y^t Effect to have it rise from y^e members of y^e s^d house of Burges as being more agreeable to y^e Customs in Parliam^t & Assemblies and more likely to take Effect then if it were proposed to y^m by yo^r Ex^{cy} and y^e Council

His Ex^{cy} further proposed to y^e Council whether upon laying this before y^e house of Burg^s they finde out no ways or Means for raising a suitable refund [fund] to purchase armes & amunition whether for y^e Service & Interest of his Maj^{tye} & y^e Security of this Colony [he] shall not then prose [propose] these two first Mentioned ways of raising it (Viz^t) by laying 6^d per hh^d duty for Every hh^d of tobacco Exported out of this Country for one yeare & laying 15^{ll} Toba: per Pole because y^t he think[s] him selfe bound in Conscience and Duty to God y^e King and y^e Country and Discharging y^e Trust reposed in him to do [so]

In answer whereunto y^e Council are of opinion y^t w^{ht} they have before s^d Cannot debarr his Ex^{cy} from proposeing and laying before y^e house of Burgesses the two afores^d wayes to raise a fund in Case y^e house Burgesses themselves do not finde a Suitable way to raise one for y^t Purpose

Present

His Excellency

His Ex^{cy} laid before y^e Council a Letter from Cap^t N: Bostock Comand^r of his Maj^{ties} Advice boat y^e Eagle of his arrival and want of a Pilot

Ordered; y^t it is for his Maj^{ties} Service y^t a warr^t be drawn Impowering to Impress a Pilot to Cary him up to Maryland he paying him at y^e accustomed rate w^{ch} ord^r is as followeth

Virg^a S[;]

At y^e Council Chamber at his Maj^{ties} Royall College of W^m & Mary 20th Sep^r 1701

Present

His Excellency in Council

Whereas Cap^t N: Bostock Comand^r of his Maj^{ties} advice Boat y^e Eagle by his Letter Read in Council have Comunicated to his Ex^{cy} the time of his Arrival here his great want of a Pilot to Cary him up to his Maj^{ties} Province of Maryland and y^t he Can by no means procure one praying his Ex^{cy}s assistance therein w^{ch} Letter being laid before this board upon Consideration thereupon had & the same being for his Maj^{ties} Imediate Service,

Ordered,

That a warrant be prepared and Drawn Impowering the s^d Cap^t N: Bostock to Impress a man professing himself a Pilote or otherwise a well skilled Marriner or Sea fareing man to Conduct and Pilote him up to his Maj^{ties} afores^d Province of Maryland or if there is any one on board his Maj^{ties} Ship Shouthampton or on board his Maj^{ties} Ship Shoreham Capable or Knowing in Piloting a Ship that he take one of them to perform y^t office he the s^d Cap^t N: Bostock paying and satisfying them for such Service done According to the accustomed rates.

Dionisious Wright

Virginia S[;]

By his Excellency Francis Nicholson Esq^r his Maj^{ties} Lieu^t and Gover^r Gener^l of Virginia and Vice Admiral of y^e same

Whereas Cap^t N: Bostock Comand^r of his Maj^{ties} adviceBoate y^e Eagle hath represented unto me y^t by ord^r & Instruction from y^e Right honer^{ble} the L^{ds} Com^{rs} for Executing y^e office of L^d high Admiral of England Ireland et^a being bound to his Maj^{ties} Province of Maryland and that for want of a Pilot to Conduct his afores^d Ship and not finding

one to be procured he Cannot make dispatch thither Therefore I the afores^d Francis Nicholson Esq^r et^a do Impower and authorize you the afores^d N: Bostock Comand^r of his Maj^{ties} afores^d Advice Boate y^e Eagle to Empress one man professing himself a Pilot or otherwise as [a] well skilled marriner or Sea faring man to conduct or Pilot up to his Maj^{ties} Province of Maryland to y^e Town or Port of Annapolis his Maj^{ties} s^d advice Boat y^e Eagle and if you finde none such then if there be any one on board his Maj^{ties} Ship Southampton or on board his Maj^{ties} Ship Shoreham that you take one of them to perform that office provided alwaies that you sattisfy him or them for such Service according to y^e accustomed rates and for yo^r so doing this shalbe yo^r warrent Dated at his Maj^{ties} Royall College of W^m and Mary this 20th Sep^r 1701

Fr: Nicholson

To N: Bostock Comd. of his Maj^{ties}

Advice Boat y^e Eagle

Also Cap^t Bostocks Instructions from y^e Right honer^{ble} y^e Lords of the Admiralty

Ordered

That Cap^t James Moody Comand^t of his Maj^{ties} Ship Shouthampton Deliver on board his Maj^{ties} Advice Boate y^e Eagle Cap^t N: Bostock Comd^r the Ministers sent by ord^r of the L^d B^{pp} of London to y^e Province of Maryland together wth their Necessaries and thirty five boxes of Books in ord^r to be Transported to his Maj^{ties} afores^d Province

Virginia S^a

By his Excellency Francis Nicholson Esq^r his Maj^{ties} Lieu^t and Govern^r Gen^l of Virg^a and vice admiral of the same

Whereas Mast^r Rob^t Keith M^r John Sharp M^r W^m Tibbs and M^r Joⁿ Edwards appointed by y^e L^d B^{pp} of London Missionaries for Maryland and M^r Hugh Jones and one man Serv^t M^r Gabriell D'Emilian and his Sone Charle D'Emelian are by ord^r of the right honer^{ble} the L^{ds} of the Admiralty Transported hither in his Maj^{ties} Ship Shouthampton und^r your Comand

You are therefore hereby Required and Directed to Deliver the afores^d Persons on board his Maj^{ties} Advice Boate the Eagle Cap^t N: Bostock Comand^r together wth their other Necessaries and thirty five boxes of bookes if so many were put on board yo^r Ship that he may Transport them to his Maj^{ties} afores^d Province of Mary Land Dated at his Maj^{ties} Royall College of W^m & Mary this 20th Sep^r

Fr: Nicholson

To Cap^t James Moody Comand^r of his

Maj^{ties} Ship Shouthampton

Also an ord^r for Cap^t Bostock to receive y^m on board and Transport y^m as afores^d w^h is as Followth

Virg^a S^s;

At y^e Council Chamber at his Maj^{ties} Royall College of W^m & Mary
20th Sep^r 1701

His Ex^{cy} in Council

Ordered,

That Cap^t N: Bostock Comand^r of his Maj^{ties} Advice Boate y^e Eagle Receive on board his afores^d Ship from Cap^t James Moody Comand^r of his Maj^{ties} Ship Shouthampton the Minist^{rs} sent by ord^r of the L^d B^{pp} of London to his Maj^{ties} Province of Maryland together wth thirty five boxes of Bookes and other things to them belonging in ord^r to be Transported to his Maj^{ties} afores^d Province of Maryland

Dionisius Wright

Virginia S^s;

By his Ex^{cy} Fr: Nicholson Esq^r his Maj^{ties} L^t & Govr^r Gen^{ll} of Virg^a
& Vice Adm^{ll} of y^e same

Whereas Cap^t James Moody Com^{dr} of his Maj^{ties} Ship Shouthampton was by ord^r of the Right hon^{ble} y^e L^d Com^{rs} of y^e Admiralty Required and Directed to receive on board his Maj^{ties} afores^d Ship M^r Rob^t Keith M^r Joⁿ Sharp M^r W^m Tibbs & M^r Joⁿ Edwards appointed by y^e L^d B^{pp} of Lond^o Missionaries for Maryland together wth other Necessaries and thirty five boxes of bookes and M^r Hugh Jones and one man Serv^t M^r Gabriel D'Emilian and his Sone Charles D'Emelian and to Transport y^m hither in order to their being Transported to his Maj^{ties} afores^d Province of Maryland

You are therefore hereby Required and directed to receive the s^d Persons on board y^e Ship you Comand and Transport them to the afores^d Province of Maryland to y^e Town and Port of Anopolis Allowing them Victuall & w^{ht} accomodations the Ship will Conv^{ly} aford and you are Likewise to Recive and Transport thither their oth^r Necessaries together wth thirty five boxes of Bookes or a Lesser Number and upon yo^r Arrival at y^e afores^d Town & Port of Anopolis you are to Follow such Instructions & Directions for disposall of the afores^d Minist^{rs} an bookes as you shall Receive from his Ex^{cy} Natt: Blackstone Esq^r his Maj^{ties} Cap^t Gen^{ll} and Governor in Cheif of his Maj^{ties} afores^d Province of Maryland and vice Adm^{ll} of the same Dated at his Maj^{ties} Royall College of W^m and Mary this 20th Sep^r 1701

Francis Nicholson

To Cap^t Bostock Comd^r of his Maj^{ties}
Advice Boate y^e Eagle

An ord^r for Cap^t Passenger to Deliver up y^e Sloop (Viz^t)

Virginia S^s;

At y^e Council Chamber at his Maj^{ties} Royall College of W^m & Mary
20th Sep^r 1701

Wheras Cap^t James Moodie Comd^r of his Maj^{ties} Ship Shouthampton is by ord^r & Instructions from y^e right hon^{ble} y^e L^{ds} of y^e

Adm^{ty} appointed to attend this Colony in y^e Roome of his Maj^{ties} Ship Shoreham it is the opinion of his Ex^{cy} & y^e hon^{ble} Council y^t it is for his Maj^{ties} Service & accordingly, Ordered, That y^e Sloop heretofore purchased to Attend his Maj^{ties} afores^d Ship Shoreham w^{ch} is Now under y^e Comand of Cap^t W^m Passenger be forthwth Delivered to Cap^t James Moodie Comand^r of his Maj^{ties} Ship Southamton wth all her Tackle furniture & apparill to attend his afores^d Ship Shouthamton in his Maj^{ties} Service

Dion Wright

Virginia S^s

By his Ex^{cy} Fr: Nicholson Esq^r his Maj^{ties} L^t & Gover^r Gen^{ll} of Virg^a & Vice Admiral of y^e same

Whereas his Maj^{ties} Ship Southamton Cap^t James Moody Comd^r is by ord^r and Instructions from y^e Right honer^{ble} y^e L^{ds} of y^e Adm^{ty} appointed to attend this Colony in y^e Roome of his Maj^{ties} Ship Shoreham to the end he may be y^e better Enabled to do w^{ht} soever his Place & Duty Requires

I do hereby will and require you Cap^t W^m Passenger Comd^r of his Maj^{ties} Ship Shoreham forthwth to fit and prepare y^e Sloop heretofore purchased to attend the Ship you Com^d for his Maj^{ties} Service & she being so fitted & prepared wth all her Tackle furniture & apparill to Deliver into y^e Custody & possion [possession] of Cap^t James Moody Comand^r of his Maj^{ties} Ship Shouthampton to attend his Maj^{ties} Service and for yo^r so doing this shalbe yo^r warrent Dated at his Maj^{ties} Royall College of W^m and Mary this 20th Sep^r 1701

Fr: Nicholson

To Cap^t W^m Passenger Comd^r of his Maj^{ties}
Ship Shoreham

Virginia S^s;

Att y^e Council Chamber at his Maj^{ties} Royall College of W^m & Mary
20th Sep^r 1701

His Excellency in Council

Whereas his Maj^{ties} Ship Southamton Cap^t James Moodie Comand^r by ord^r and Instructions from y^e Right honer^{ble} y^e L^{ds} of y^e Adm^{ty} appointed to attend this Colony in y^e Roome of his Maj^{ties} Ship Shoreham It is y^e Oppinion of his Ex^{cy} & y^e honer^{ble} Council that it is for his Maj^{ties} Service and Accordingly ordered

That y^e afores^d Cap^t James Moodie Com^d of his Maj^{ties} afores^d Ship Shouthampton Imediately Receive and take into his Custody & Possession from y^e hands of Cap^t W^m Passenger Comand^r of his Maj^{ties} afores^d Ship Shoreham one Sloop wth all her Tackle furniture and apparrell w^{ch} was lately purchased to attend his Maj^{ties} afores^d Ship Shoreham and y^t he fitt and prepare y^e same to be ready upon all occasions for his Maj^{ties} Service to Attend his Maj^{ties} Ship Shouthampton under his Com^d

Dion: Wright

Virg^a S⁶;

By his Ex^{cy} Fr: Nicholson Esq^r his Maj^{ties} Lt & Gover^r Gen^{ll} of
Virg^a & Vice Adm^{ll} of y^e same

Whereas his Maj^{ties} Ship Southampton und^r y^e Com^d of you
Cap^t James Moody is by y^e ord^{rs} and Instructions of y^e R^t Hon^{ble}
y^e L^{ds} of y^e Adm^{ty} appointed to attend this Colony in y^e Roome of
his Maj^{ties} Ship Shoreham to y^e End you may be y^e better Enabled
to do w^{ht} Service & Duty yo^r Place requires

And whereas by y^e afores^d ord^{rs} & Instructions when you arrive
you are to Follow such orders as you shall receive from y^e Gover^r
thereof

I do therefore hereby in his Maj^{ties} Name will and require you
Immediately to receive & take into yo^r Possession from Cap^t W^m Passen-
ger Comand^r of his Maj^{ties} Ship Shoreham one Sloop heretofore pur-
chased to attend his Maj^{ties} afores^d Ship Shoreham together wth all
her Tackle furniture and apparrill and y^t you fitt & prepare the afores^d
Sloope wth w^{ht} Necessaries you can out of the Kings Store und^r yo^r
Com^d and y^t you keep her well man^d that she may be Ready upon all
Occasions to Cruse in y^e Bay for y^e detecting and discovering Illegal
Traders or other wise as you shall see Occasion for his Maj^{ties} Service
Dated at his Maj^{ties} Royall College of W^m & Mary y^e 20th Sep^r 1701

Fr: Nicholson

To Cap^t James Moodie Com^{d^r} of his Maj^{ties}
Ship Southampton

Virg^a S⁶

By his Ex^{cy} Fr: Nicholson Esq^r his Maj^{ties} Lt and Gover^r Gen^{ll} of
Virg^a & vice adm^{ll} of y^e same

Whercas you Cap^t James Moody Comd^r of his Maj^{ties} Ship Shouth-
ampton have made Applycation unto me for a warrent to Impress
Seamen for y^e full maning of his Maj^{ties} Ship under yo^r Com^d

I do therefore in his Maj^{ties} name Impow^r & authorize you the
s^d Cap^t James Moody or any of yo^r officers wⁿ and as often as Occasion
shall require to Impress & take one able Seamen out of any Ship or
Vessell who hath 12 Seamen or upwards and who shall arrive w^{thin}
the Capes of Virg^a and all officers both Civill or military w^{thin} this his
Maj^{ties} Colony and Dominion of Virg^a are hereby authorized required
and Comd^d to be aiding and assisting to y^e Impressing of the s^d Seamen
and all Persons Concerned for y^e due Execution of this my warrent
are hereby in his Maj^{ties} Name Comanded and required to give due
obedience hereto as they will answer y^e Contrary at their Perrill Given
under my hand and Seal at his Maj^{ties} Royall College of W^m & Mary
this 20th of Sep^r 1701

Fr Nicholson

To Cap^t James Moodie Comd^r of his
Maj^{ty}'s Ship Shouthampton

Munday 22^d Sep^r 1701

His Ex^{cy} in Council

His Ex^{cy} Speech & Propositions Read in Council & ordrd y^t the C^{lk} of the Gen^l Assembly go to the house of Burg^s and Comand their attendance upon his Ex^{cy} in Council. [For this paper see "Journals of the House of Burgesses of Virginia, 1695-1696, 1696-1697, 1698, 1699, 1700-1702," pp. 304, 305.]

Tuesday: 23^d September 1701

His Excellency in Council

John Harris of the County of Westmoreland upon Potomack River this day did agree to Transport Lett^{rs} from Maryland to y^e City of Williamsburgh for y^e Consideration hereafter Mentioned that for Every Journy hither made upon y^t Service he should be paid thirty Shillings sterling and if his stay here should be above one day his Expence here should be discharged and for Every Packet he Carried over Potomack River he is to have ten shillings

John Harriss of the County of Westmoreland being sent hither wth an Express from the honer^{ble} Richard Lee Esq^r and Continuing here from y^e 4th to y^e 24th Ins^t his Expence here amounting to y^e Sume of three pounds thirteen shill: & nine pence, Ordered That y^e hon^{ble} M^r Audit^r Byrd pay unto y^e s^d John Harris for this p^{re}sent Journey & his Expences here Included the Sume of five pounds three shill: & nine p^d

Wednesday 24th Sep^r 1701

His Ex^{cy} in Council

His Ex^{cy} Laid before y^e Council a Letter from Cap^t James Moody Comand^r of his Maj^{ty}'s Ship Shouthampton w^{ch} is as Follows

This Comes to Ackn^o the Receipt of yo^r Ex^{cy}'s wth the Inclosed orders Cap^t Bostock is gone, I have Received y^e Sloop from Cap^t Passenger but Nither anchor nor Cable and w^{ht} Rigging is, Is almost worn out and unservicable her hull is Likewise very bad and will Require time & Charge to reaire her as for ground Tackle & Sails I know not w^{ht} to say I can wth Difficulty Supply her for y^e present wth one of the Ships Anchors but No more and Sails I may mend them if that will serve but am Informed that they are not worth the Charge I shall Endavour w^{ht} possibly can be but to gitt her Ready to go to Maryland if Materialls can be found it Cannot be Expected therefore It is my humble Opinion that yo^r Ex^{cy} send to Gover^r Blackistone to send y^e Spy Boate for these Ministers & indeed if she was Ready there is things of y^t Bulk y^t this small Sloop Cannot Receive them I have perused my Gen^l Instructions wherein I finde I Cannot bare any Supeneries [supernumeraries] or Passengers Longer then my

arrivall at y^e respective Port where I am ordered and accordingly have Discharged them I likewise herewth send yo^r Ex^{cy} an Inventory of y^e Sloop she being so verry defective that she must be halled into y^e Creek and Remaine there till yo^r Ex^{cy} further order to
yo^r most humble & most obedient Serv^t

J Modie

Southampton 23^d Sep^r 1701

An Acco^t of the Survey on board y^e Eliz^a Sloop W^m Webb M^r of the s^d Sloop and Mast^r Mate on board his Maj^{ties} Ship Shoreham (Viz^t)

Mast boome & Bowsplitt [Bowsprit] Servicable

Shrowds two thirds worn

Lanyards unservicable

Maine halliards & Topping lift unservicable

Maine Sheets two thirds worn

Tack runner & Tackle unservicable

Horses for y^e Bowlspreet two thirds worn

Jibb Stay two thirds worne

Fore Sheets unserviceable

Jibb Sheets unservicable

Maine Sale fore Sale & Jibb unservicable

Straps blocks & Pump unservicable

the Hull out of repair very much

Dated this 22^d Sep^r 1701 on board his Maj^{ties} Ship Southampton

Rob^t Marsterton Lieu^t

Joⁿ Churchman Boat Swain

It being Represented to this board by Cap^t Ja: Moodie Comand^r of his Maj^{ties} Ship Southampton y^t Cap^t N: Bostock Comd^r of his Maj^{ties} Advice Boate y^e Eagle is Sailed to Maryland before y^e Recp^t of his Ex^{cy} Letter & orders

It is y^e opinion of the Council y^t his Ex^{cy} if he thinks fitt to write to his Ex^{cy} Natt: Blackistone Esq^r Gover^r of Maryland to request him to send y^e advice boat y^e Eagle to Transport y^e minsters and w^{ht} belongs to y^m to his Maj^{ties} Province of Maryland whether they are assigned Also a Letter from Cap^t W^m Passenger Dated y^e 23^d Ins^t 1701

Thursday 25th Sep^r 1701

His Ex^{cy} in Council

His Ex^{cy} propose [s] to y^e hon^{ble} Council y^t as to y^e Matters Men tioned in y^e address made to him by y^e house of Burg^s Concerning an agent to address his Maj^{ties} [Majesty] in y^e matter of N: York he could by no means Consent to lay down any way to ascertain pay for his agency and therefore would have y^m Consider y^t at y^e same time that they address his Maj^{ties} [Majesty] for an agent they must also address how & by w^{ht} Means he must be paid &c^a

It is the opinion of the Council y^t if his Ex^{cy} has any thing to offer to y^e house of Burgesses as to y^e Address Concerning y^e agent since they are now to proceed upon a Conferance wth y^e house upon y^t

Subject it is best for his Ex^{cy} to Speak to y^e house first before y^e Council Enter upon that Conferance

Also to y^t Part of y^e Address to his Ex^{cy} where they say y^t it is not probable men can be sent from hence to New York in such time as to be Servicable to y^t Province upon an Invasion y^e Council are of opinion y^t Clause might better have been Omitted

His Ex^{cy} propose [s] w^{ht} he shall say to y^e house in y^e Matter Relateing to y^e agent

The Council say y^t They Cannot direct his Ex^{cy} in y^e Subject Matter thereof but that his Ex^{cy} may ask the house of Burg^s to see y^e address to his Maj^{ties} [Majesty] in y^e s^d address Mentioned Concerning y^e agent & his Instructions

The house of Burg^s in their address saying that they had passed a bill abo^t Regulateing y^e militia the Council are of opinion y^t the house haveing quashed y^t bill y^m selves & made another his Ex^{cy} Need say nothing of that Matter

As to y^t Part of the address Relateing to building a house for y^e Gover^r his Ex^{cy} Considering it hath been so often pessed [pressed] asks the Councils Advice whether it would not be Conv^t that y^e paying for Land purchased of M^r Tiler whereon to build the same may not be Now laid before y^e house of Burg^s the Council are of opinion it ought

In the Last Clause for one hundred forty six Pounds Eight shillings and three pence his Ex^{cy} Cannot agree wth the house in their opinion y^t it is no Country Charge but that some way ought to be found out to sattisfy it, It is the opinion of the Council that it be Inserted to [in] y^e book of Claimes as also sixty three pounds paid to M^r Henry Tyler for y^e Land purchased of him whereon to build a house for y^e Govr^r

Upon Representation of Cap^t James Moodie Comand^r of his Maj^{ties} Ship Southampton and Cap^t W^m Passenger Comand^r of his Maj^{ties} Ship Shoreham Concerning y^e Sloop Eliz^a It is the opinion of the Council y^t the s^d Sloop being purchased upon y^e Representation of Cap^t W^m Passinger made x^{br} 1700 no absolute Necessity that she be Fitted but Coll^o Byrd to order some one to Receive her and y^t he dispose of her to y^e best advantage

Monday y^e 29th Sep^r 1701

Present

His Excellency in Council

W^mByrd

Robert Carter

James Blair Esq^{rs}

His Ex^{cy}s Speech to the house of Burg^s this Instant & a Copy of A Clause of the Instructions from their Ex^{ties} the Lords Justices bareing Date at White hall the 13th Sep^r 1698 in y^e 10th yeare of his Maj^{ties} Reign read in Council

Tuesday ult^o Sep^r 1701

His Excellency in Council

His Ex^{cy} asked the honer^{ble} Council w^t answer he should return to the Gover^r of N: Yorke Relateing to his Maj^{ties} Letter of the 19th

Jan^{ry} 1700/1 It is the opinion of the Council that they think it more Proper & Convenient that his Ex^{cy} signify by Letter to Gover^r of N: York y^t he hath laid before y^e house of Burg^s his Maj^{ties} afores^d Letter & also as much of the Substance of the Resolve of the house of Burgesses and their Reasons for y^e same as may be thought proper and hath Relation to y^t Subject

Wednesday Primo 8th 1701

His Ex^{cy} in Council

His Ex^{cy} proposed to the honer^{ble} Council whether they thought It might be proper to represent to his most sacred Maj^{ties} for to send in two fire Masters with all materialls of fire workes and fire Ships and some hand morters & Grandoes suitable and fitt for them (Viz^t) Granadeers and Draggoone armes Pistoll Powd^r and Bullets y^e Council are of opinion y^t y^e same be Represented to his Maj^{ties} as by their Former Resolves of Councils

His Ex^{cy} proposed to y^e honer^{ble} Council whether there is any thing further to be offered by his Ex^{cy} to y^e house of Burgesses Concerning his Maj^{ties} Letter Relateing to y^e Affaires of N: York or any thing to y^e Safety & Security of this his Maj^{ties} Colony

Upon Consideration whereof the Council are of opinion that his Ex^{cy} has done w^{ht} is Proper and y^t tis Not for his Maj^{ties} Service to urge it any further this time

His Ex^{cy} laid before y^e honer^{ble} Council a Specimen how the Militia must be returned in y^e List

His Ex^{cy} proposes to know of the Council unto w^{ht} time y^e Assembly may be prorogued and Proposes to y^e 12th of November next to w^{ch} the Council agrees

Thursday the 2^d October 1701

Present

His Ex^{cy} in Council

W^m Byrd

Robert Carter

James Blair Esq^{rs}

His Ex^{cy}'s Letter of this Instant to Govern^r Nanfan Read in Council

His Ex^{cy} signed the sever^{ll} Commissions to the sever^{ll} Coll^s and Comand^{rs} in Chief

October 15th 1701

Present

His Ex^{cy} in Council

Edm^d Jenings

Matt: Page

John Lightfoot

James Blair Esq^{rs}

His Excellency Laid before y^e Council that sever^{ll} Matters to be dispatched for England to his most sacred Maj^{ties} [Majesty] are not yett Ready and an acco^t of the Militia not yett Returned from y^e sever^{ll} Countes [Counties] and not haveing as yett any Certaine Intelligence of a warr being proclaimed & that all y^e Inhabitants may have

Opportunity to send for England to furnish them selves wth armes suitable for their Necessary Defence and thereupon asked their advice whether it would not be for his Maj^{ties} and y^e Interest & Safety of this Colony that his Maj^{ties} Ship Lincoln and his Maj^{ties} Ship Shoreham be stayed for some time Longer

It is the opinion & advice of the Council y^t it is for his Maj^{ties} Service y^t all y^e before Rehersed Matt^{rs} be prepared in Readyness to Transmitt for England—. And that therefore his Maj^{ties} Ship Lincoln be stayd till y^e 21^o Inst & that his Maj^{ties} Ship Shoreham do not Sail till y^e 4th November Next—

Where upon y^e Following Orders were Read in Council and approved

Whereas sever^{ll} Matters of great weight & Moment Tending much to the Service of his most sacred Maj^{ties} and y^e Interest Safety & Security of this his Maj^{ties} Colony Cannot be dispatched wth such Expedition as might be wished in ord^r to be Transmitted to his most sacred Maj^{ty} it is the opinion of the honer^{ble} Council that it is for his Maj^{ties} Service that his Maj^{ties} Ship Shoreham Cap^t William Passenger Comand^r may not sail out of this Colony till Tuesday y^e 4th of Novemb^r Next that all things being then in a Readiness may be Transmitted by [him] and it is thereupon

Ordered that After Cap^t Edward Durley Comd^r of his Maj^{ties} Ship Lincoln is gonn out wth the sever^{ll} Ships and Vess^{lls} under his Convoy the Collecto^{rs} and Naval officers of the sever^{ll} Districts w^{thin} this Colony give Notice to y^e sever^{ll} M^{rs} and Comand^{rs} of Ships and Vessells then w^{thin} their Respective Districts that they prepare them selves ag^t the afores^d 4th day of Novemb^r Next and Come into y^e mouth of James River to y^e usual Place of makeing up fleets and their Remain to Sail und^r the Convoy and Protection of his Maj^{ties} afores^d Ship Shoreham.

Virg^a S^a

By his Ex^{cy} Fr: Nicholson Esq^r his Maj^{ties} L^t & Gover^r Gen^{ll} of Virg^a & vice Adm^{ll} of y^e same

Whereas sever^{ll} Matters of great weight & Moment (Tending much to his Maj^{ties} Service and y^e Interest Safety and Security of this his Maj^{ties} Colony and Dominion of Virg^a and Subjects here Inhabiting) Cannot be dispatched wth such Expedition as might be wished in ord^r to Transmitt to his most sacred Maj^{ty} I doe by and wth the advice and Consent of his Maj^{ties} honer^{ble} Council of State strictly Charge require and Comand you Cap^t Edward Durley Comand^r of his Maj^{ties} Ship Lincoln that you doe Not Sail out of his Maj^{ties} Colony wth his Maj^{ties} afores^d Ship under your Comand untill Tuesday next being the Twenty first of this Instant to y^e End y^t all things then in a Readines may be Transmitted by you and you are then to take under your Convoy and Protection all such Ships and Vessell as shalbe Ready to Sail under yo^r Protection Dated at his Maj^{ties} Royall College of W^m & Mary this 14th day of October *anno Dom*: 1701 and in y^e thirteenth yeare of the Raigne of our Soveraign Lord William

the third, (By the grace of God) of England Scotland France & Ireland
King Defend^r of the Faith et^e

Fr: Nicholson

To Cap^t Edward Durley Comand^r of his
Maj^{ties} Ship Lincoln

Virginia S^s;

By his Ex^{cy} Francis Nicholson Esq^r his Maj^{ties} Lieu^t & Govern^r Gener^{ll}
of Virginia & Vice Admir^{ll} of y^e same

Whereas sever^{ll} Matters of great weight & Moment (Tending
Much to his Maj^{ties} Service and y^e Interest Safety & Security of this
his Maj^{ties} Colony & Dominion of Virginia and Subjects here Inhabit-
ing) Cannot be dispatched wth such Expedition as might be wished
in ord^r to be Transmitted to his most sacread Maj^{ty}

I do by and with y^e advice of his Maj^{ties} honorable Council f
State in his Maj^{ties} Name strictly Charge Require and Comand you
Cap^t W^m Passenger Command^r of his Maj^{ties} Ship Shoreham that you
do not Sail out of this Colony with his Majesties afores^d Ship under
your Comand untill Tuesday the 4th November Next the same being
thought by my self and his Maj^{ties} honorable Council to be very much
for his Maj^{ties} Service to the End that all things being then in a readi-
nes may be Transmitted by you

And you are to take under yo^r Convoy all such Ships and Vessells
as shall be then in y^e Country and Ready to sail under yo^r Protection
of which particular notice will be given in^d Each Respective County
within this his Maj^{ties} Colony and Dominion of Virg^a Dated at his
Maj^{ties} Royall College of W^m & Mary this 14th day of 8^{br} Anno Dom
1701 and in y^e 13th year of y^e Raigh of our Sovereign Lord W^m y^e 3^d
By the Grace of God of England Scotland France and Ireland King
Defend^r of the Faith &c^a

Fr: Nicholson

To Cap^t W^m Passinger Command^r of his
Maj^{ties} Ship Shoreham

Virg^a S^s

By his Ex^{cy} Fr: Nicholson Esq^r his Maj^{ties} Lt & Govern^r Gen^{ll} of
Virginia and Vice Admir^{ll} of y^e same

Whereas severall Matters of great weight and Mom^t Tending
Much to his Maj^{ties} Service & y^e Interest Safety & Security of this
his Maj^{ties} Colony and Dominion of Virg^a & Subjects here Inhabiting
Can't be dispatched wth such Expedition as might be wished in order
to be Transmitted for his most sacread Maj^{ty} I have therefore thought
fitt by and wth the advice of his Maj^{ties} honor^{ble} Council of State that
his Maj^{ties} Ship the Shoreham Cap^t W^m Passenger Comand^r shall not
sail out of this Colony untill y^e 4th of November Next and that all
things May then be in a Readines to be Transmitted as afores^d I do
hereby in his Maj^{ties} Name strictly Charge require & Comand all
and Every Coll^o and Comd^{rs} in Cheif of Each Respective County
wthin this his Maj^{ties} Dominion that they and Every of them do

forthwth Transmitt to the Clerk of his Maj^{ties} honer^{ble} Council at his Maj^{ties} Royal College of W^m & Mary that y^e same May be there the 29th Instant three fair Copies of Each particular Troope of horse or Dragoons and Comp^a of Foot in their Respective Countys According to y^e Late ord^{rs} & Specimen of Muster Rolls to them sent Dated y^e first Octo^r 1701 and y^t pursuant thereunto to take Care that all Persons (wthout Exemption or Priviledge) be Entered in y^e afores^d Lists as they will answer y^e Contrary at their Perrill & to y^e End that all Persons not already sufficiently provided wth armes and amunition & all habiliments of warr for their Just and Necessary defence According to Law may have and Embrace this opertunity of sending by his Maj^{ties} afores^d Ship Shoreham to furnish them selves therewth I do further Command & require that y^e afores^d Coll^{os} and Comd^{rs} in Cheif Cause Publication hereof to be made in all Churches and Chappells & other Publick Places wthin their Counties Dated at his Maj^{ties} Royall College of W^m & Mary this :14th day of October 1701

Fr: Nicholson

To Coll^o and Com^{dr} in Cheif of
all y^e Militia horse & Foot in y^e
County of

17th October 1701His Ex^{cy} in Council

Upon Reading at y^e Council Board a Resolve of y^e house of Burgesses of y^e 2^d 8^{br} 1701 wherein they desire y^e hon^{ble} W^m Byrd Esq^r to Transmitt to his Sone M^r W^m Byrd Jun^r their agent the two addresses to y^e King signed by the Members of the Council & the house & also a Copy of the Proceedings this Session and of the Assembly 1693 and of the Assembly 1695 w^{ch} relate to y^e address Stateing y^e Case between this Governm^t and New Yorke all w^{ch} they desire M^r W^m Randolph their Clerk to give Copies of, His Excellency askt Coll^o W^m Randolph who was then p^rsent if Coll^o Byrd sent to him for y^m he answered no but y^t he had sent to him the afores^d Addresses and y^t Coll^o Byrd had signified his Recep^t of them and did hope y^e rest of the Papers would be ready in due time

His Ex^{cy} ask't him w^{ht} he understood by the P^rceeding & Pap^{rs}. mentioned in y^e afores^d Resolve he answered all y^e Journalls of this Session of assembly & understood it his duty so to do.

To w^{ch} it was answered by his Ex^{cy} y^t he might by y^e same Reason send all y^e Journalls of y^e Assembly in 1693 & 1695 but he answered to y^t he understood y^e Proceedings in 1693 & 1695 only Relating to N: York

His Ex^{cy} thereupon [on] this occasion offered sev^{ll} Matters to be Considered by y^e Council & ask't their advice therein w^{ch} are at Large Expressed in y^e Proceedings Following of 24th Ins^t

It is the opinion of y^e Council & accordingly ordered y^t the Clk of the house of Burgesses prepare Ready for his Ex^{cy} two fair copies of all y^e Proceedings & Papers he gives to Coll^o Byrd to Transmitt to M^r W^m Byrd pursuant to y^e afores^d Resolve y^t his Ex^{cy} May Transmitt

y^e same y^e one to y^e Right honer^{ble} his Maj^{ties} Principal Secret^{ry} of State and y^e other to the R^t honer^{ble} y^e L^{ds} Com^{rs} of Trade and Plantation.

George Luke Esq^r Colecto^r of the Low^r District of Ja: River made oath to his Acco^t of one penny per^{ll} [per lb.]

18th October 1701

His Ex^{cy} in Councill

Upon Reading a Letter from Cap^t Edw^d Durley Com^{dr} of his Maj^{ties} Ship y^e Lincoln of y^e 17th ins^t wherein he sets forth y^t he is in great want of Bread & prayes a Supply of his w^{ts} therein upon this occasion

It is Considered by his Ex^{cy} and y^e Council y^t since they have thought fitt to stop him till Tuesday next for his Maj^{ties} Service it is thereupon ordered y^t Cap^t James Moodie Com^{dr} of his Maj^{ties} Ship Southampton furnish him wth y^e Complym^t of two thousand pounds of Bread, (and if Cap^t Moodie by reason of spareing so much to Cap^t Durly) should be in want he speak to some of the Inhabitants in those p^{ts} to furnish him therewth

Virg^a S^a;

By his Ex^{cy} Francis Nicholson Esq^r his Maj^{ties} L^t & Gover^r Gener^{ll} of Virg^a & Vice Adm^{ll} of the Same

Whereas Cap^t Edw^d Durly Comad^r of his Maj^{ties} Ship Lincoln by his Letter of the 17th ins^t hath represented unto me that he is very Short of Provisions for his Complym^t of men (Viz^d) only at half allowance for fifty daies and Provisions of all other Species of two thirds of allowance for ten weeks and thereupon desireing that ord^{rs} May be given to Cap^t James Moodie Comand^r of his Maj^{ties} Ship Southampton to spare him two thousand weight of Bread

I therefore takinge the same into Serious Consideration do by and wth the advice of his Maj^{ties} honer^{ble} Council require & ord^r you Cap^t James Moodie Com^{dr} of his Maj^{ties} Ship Southampton y^t Immediately upon sight hereof you furnish the afores^d Cap^t Edw^d Durely Comand^r of his Maj^{ties} afores^d Ship the Lincoln wth two thousand pounds of Bread out of yo^r Store on board his Maj^{ties} afores^d Ship and if it should so happen y^t by so doeing you should be in want you are hereby desired to furnish yo^r self therewth among y^e Inhabitants of those Parts and w^{ht} you are forced to give more than the King Allows to make up the Complym^t of the two thousand weight you furnish Cap^t Durly wth shall be allowed you Dated at his Maj^{ties} Royall College of W^m & Mary this 18th day of October *Anno Dom* 1701 & in y^e 13th yeare of the Raigh of our Sovereign L^d. W^m y^e third by y^e grace of God of England Scotland France & Ireland King Defend^r of the Faith &c^a

Fr Nicholson

To Cap^t James Moodie Comd^r of his
Maj^{ties} Ship y^e Southampton

23^d October 1701

His Excellency in Council

Upon Reading this day at y^e Council Board an Address of the Council and y^e house of Burgesses of this Gen^l Assembly to lay open y^e Lands on y^e south side of Black water Swamp and in Pomonkey Neck to y^e End they may be seated and his Maj^{ties} Revenue of quitrents Improved

His Ex^{ty} thereupon acquainted y^e Council that he was very willing to Comply therewth but y^t to him it seemed y^e same at this time would be very prejudicial to y^e act for Seating y^e Frontiers wth Cohabitations and Complying therewth & Consequently a Prejudice to his Maj^{ties} Interest w^{ch} Consists as well in secureing and provideing for y^e defence of this Colony by strengthening the Frontiers as in his quitrents and therefore proposes for a further Incouragem^t in Seating the Frontiers y^t who so goes & seats there pursuant to the s^d act shall have y^e Preferance in Taking up Land in Pomonkey Neck or on y^e south side Blackwater Swamp w^{thout} w^{ch} his Ex^{ty} Conceives it will be prejudicial to his Maj^{ties} Interest and Cannot Consent to lay it open because y^e act for Seating y^e Frontiers provideing for y^e quitrents if these be Laid open Now will go to seat y^e Frontiers and so that act Not take any Effect

To w^{ch} the Council agrees and it is thereupon ordered

That y^e Honer^{ble} Benj^a Harrison Esq^r see to y^e Frontiers to y^e southward of James River the Hon^{ble} W^m Byrd Esq^r for y^e head of James River the hon^{ble} Matt: Page Esq^r for y^e head of James River the hon^{ble} Matt: Page Esq^r betwixt y^e heads of Matopony & Pomonkey River and it is ord^d that Each and Every of them Employ such Persons as they think fitt to goe out & search to discover Lands fitt & Proper for such Cohabitations and Endavour as Neer as may be to make y^e sever^l Scituations in a direct Line and y^t all Charge of Discoveries and Surveys for Laying y^e same out be allowed and y^e same being so done wth all Expidition to be returned into y^e Secret^{ry} Office that publick Notice may be thereof given in Each Respective County and it is also further ordered y^t y^e Clk of the house of Burgesses send a Copy of the afores^d act to Each of the Gent above Named

Ordered, that Publication be made in Each Respective County wthin this his Maj^{ties} Colony and Dominion y^t y^e Lands in Pomonkey Neck & on Blackwater Swamp will not be laid open to any other Nor under any other Condition then the afores^d Cohabitations & y^t all his Maj^{ties} Subjects in this Colony Repair to y^e sev^l Gent: Nominated and appointed to put y^e same in Execution as afores^d to have further directions therein

Dionisius Wright Clk: of the Council here and of y^e Gen^l Assembly and M^r W^m Randolph Clk: of y^e house of Burgesses Representing to this Board y^t y^e Gen^l Assembly of this his Maj^{ties} Colony and Dominion hath had such a Long Continuance this last Session y^t y^e sev^l Journalls and Proceedings therein Could not by them be Fitted and prepared to send and Transmitt to his most sacred Maj^{ties} by his maj^{ties} Ship y^e Lincoln and Considering y^e difficulty of procuring men quallified

to Transcribe y^e same it being a work Requireing great Circumspection to be done in a Rite [right] method and they being put to a Vast Trouble Charge and Expencc to procure y^e same to be done they are much affraid upon these Considerations that they shall not be able (tho: they work Night & day) wth all their Industry to Effect y^e same in time to be Transmitted by his Maj^{ties} Ship y^e Shoreham in so short time as Now app^{td} for her to sail

And thereupon humbly praying y^t the same may be taken into Mature Consideration and y^t his Maj^{ties} afores^d Ship the Shoreham may be stay'd till y^e 14th 9^b: Next humbly Conceiveing y^t is Absolute Necessary y^t all y^e afores^d Matters should be transmitted by her she being Gone No Ships will be left to take Charge of y^e same

Upon Consideration whereof his Ex^{ey} & y^e Council being really Sencible of y^e truth of all the Above Matters of fact and y^e Setting of y^e Gen^{ll} Court of this Collony Adding one Impediment more it is y^e Oppinion of his Ex^{ey} & y^e Council y^t y^e s^d Petition be Granted, And that his Maj^{ties} afores^d Ship Shoreham sail not out of this Colony till y^e 14th of November Next.

His Ex^{ey} laid before y^e Council a Lett^r from Cap^t James Moodie Comand^r of his Maj^{ties} Ship Southampton wherein he sett^s forth.

That he had received y^e Sloop Eliz^a wth y^e Rigging and Sailes w^{ch} is worth Little w^{ch} he hath fitted & Rigged her According to former Orders & Proposes.

That it is Absolutely Necessary y^t there be a Sloop to attend his Maj^{ties} Ship upon all Ocasions

That there be a Sloop of 50 or 60 Tunns provided capable to receive & Lodge a Considerable Numb^r of Men, And 6, or 8 of y^e Ships small Gunns.

That if his Ex^{ey} please to give orders he will Build such one.

That his Bread is Short & w^t remaines is very bad and defective, & prayes Credit to provide a Supply of Provisions

That orders may be Given to Carreen, when and where most Convenient, & Credit to provide for what Stores he shall want for that use.

That Care be taken for what Sick men shall happen on board.

That he may have Orders to ride in some more Convenient place then Kiquotan.

Orders to Impress men Upon Occasion

Whereupon y^e Council are of Oppinion that y^e Sloop Eliz^a is supposed sufficient to performe y^e Service this Winter & that he make use of her Accordingly pursuant to an Order of y^e 20th Sep^t last.

As to y^e Other Proposall for y^e Building a new Sloop of 50, or 60 Tunns, his Ex^{ey} & y^e Council are very sorry that they cannot Answer it haveing noe perticular Instructions from his Maj^{ties} Concerning it

As to his Proposall of haveing Creditt Given For a Supply of Provisions, his Ex^{ey} informed y^e said Cap^t James Moodie being then p^rsent that he had formerly given Creditt to Cap^t John Aldred Com^{dr} of His Maj^{ties} Ship Essex Prize upon y^e Like Ocasion to y^e Sum of one hundred and forty pounds and that y^e last Acco^t he had from M^r

Micajah Perry M^rch^t In London his Correspondent they were not paid, w^h being Consid^d his Ex^{cy} could not tell how he should be Supplied, but such was his Duty to his most sacred Maj^{ties} that rather then his Maj^{ties} Interest should suffer any Prejudice—himself would give Credit.

As to y^e Proposall About y^e Sick men his Ex^{cy} gives y^e same answer & that sev^{ll} Other People had Credited them upon these sev^{ll} Ocasions heretofore and Could not be repaid, And desired him to represent y^e same to y^e R^t Honb^{le} y^e Lords Com^{rs} of y^e Admralty Com^{rs} of y^e Navy & Victualers, w^h he y^e said Cap^t James Moodie promised he would do.

As to his Carrening his Maj^{ties} Ship under his Com^d when & as Often as Occasion requires, It is y^e Oppinion of his Ex^{cy} & y^e Hon^{ble} Council that he y^e s^d Cap^t James Moodie haveing y^e Absolute Com^d and Managem^t of y^e afores^d Ship Southampton that he Cause y^e same to be done, when & as often as he thinks Proper & most Convenient Place for that Purpose.

As to y^t Part of his Lett^r wherein he desires y^t he may ride in some other more safer Place the rapid Tydes & Other dangers being attendant Upon his Ryding at Anchor at Kiquotan, It is y^e Oppinion of y^e Council y^t it is most for his Maj^{ties} Service in discovering Illegal Traders & y^e Countries Security in detecting & Beating off Pyrates or Sea Rovers that he Cruise in y^e Bay at all faire and Seasonable Oppertunities, But for y^e Reasons before Alledged in y^e forement^d Lett^{rs} y^e s^d Cap^t James Moodie Being therewth best Acq^{td} & having the sole Command of y^e s^d Ship, it is left to his Care & Conduct not Doubting but he will Act as he sees most proper for his Maj^{ties} Service & y^e Securit [y] of this his Maj^{ties} Colony.

As to that part of his Lett^r desireing Orders to Impress Men upon Occasion from time to time
Ordered

That y^e Warr^t heretofore prepared for that Purpose dated y^e 20th Sep^t last be sent downe y^e bett^r [to] Enable him for soe doeing.

And that y^e Order of y^e 25th Sep^t last whereby y^e afores^d Sloop Eliz^a was Ordered to be delivered to y^e Hon^{ble} W^m Byrd Esq^r to be sold, be & hereby is Vacated & Made Voyd.

Att y^e Council Chamb^r At his Maj^{ties} Royall College of W^m & Mary
20 Sept. 1701.

His Ex^{cy} in Council

Whereas his Maj^{ties} Ship Southampton [Here are repeated the three orders given *ante* for this date ending at the word "Shouthampton"]

His Ex^{cy} Laid before y^e Council y^e sever^{ll} Inconveniencies Attend- ing this Country in Case of an Invasion by Sea how defences Naked and unarmed it was & Whether it might not be proper to represent y^e Case to his Maj^{ty}

His Ex^{cy} Laid before y^e Council a Speech from Gover^r Penn to y^e assembly at Philladelphia Concerning a Peace made by y^e Gover^r of N: York wth the five Nation of Indians and ask't y^e opinion of y^e Council whether they thought the Subject Matt^r thereof of such Consequence y^t it might not be proper to write to y^e Gover^r of N: York and to Gover^r Penn to know how and by w^{ht} authority they done that and w^{ht} is y^e Sum and Substance of y^t Peace w^{ch} is said is made for his Maj^{ties} Subjects on y^e whole Continent

It is y^e opinion of the Council y^t y^e same not Comeing hither by any publick way they are not to have any Regard to it other than a Loose Paper

8^{br} 24th 1701

Present

His Excellency

W^m Byrd
Edm^d Jenings
Char: Scarburgh
John Lightfoot

Benj: Harrison
Rob^t Carter
John Custis
James Blair Esq^{rs}

A Proclamation being prepared & Drawn to prorogue y^e Gen^{ll} assembly of this Colony till y^e tenth of Decem^r Next y^e same was Read & Signed and ordered to be sent to y^e sever^{ll} Counties of this Colony Ordered

That it be Recommended to y^e Com^{ee} appointed to Revise y^e Laws y^t they take Care to gitt y^e same perfected and finished wth all possible Expedition and to be sure to have all regard to y^e Instructions of their Ex^{ci^{es}} y^e Lords Justices & y^e R^t hon^{ble} y^e L^{ds} Com^{rs} of Trade and Plantations w^{ch} was formerly laid before y^m by his Ex^{cy} y^e Gover^r & y^t all y^e Laws they make be agreeable (not repugnant) y^{to} for if so they Cannot pass as may be Instanced by y^e Late Militia bill—Ordered

That y^e sev^{ll} County Courts wthin this his Maj^{ties} Colony & Dominion of Virg^a Issue out orders throughout their sever^{ll} Counties that y^e Inhabitants rend^r unto y^m an acc^t w^{ht} Sloopes Boates & Flatts they have of w^{ht} Dementions in w^{ht} Condition where they Gen^{ll}y Lye and w^{ht} use they put them to & y^t y^e Justices of Each Respective County Return such acc^t to y^e Council Office to y^e End y^t if any Occasion to use them for y^e Necessary defence of this Country they may have Recourse thereunto

At y^e Council Chamber at his Maj^{ties} Royall College of W^m & Mary
24th 8^{br} 1701

Whereas upon Reading at y^e Council Board y^e 17th In^t a resolve of the Burgeses of y^e 2^d of 8^{br} 1701 wherein they desire y^e hon^{ble} W^m Byrd Esq^r to Transmitt to his Son M^r W^m Byrd Jun^r their Agent y^e two addresses to y^e King signed by y^e members of y^e Council & y^e house and also a Copy of y^e Proceedings of this Session & of y^e Assembly 1693 and of y^e Assembly 1695 w^{ch} relates to y^e Address stateing [the]

Case between this Govern^t & N: York all w^{ch} they desire M^r W^m Randolph their Clk: to give Copies of

His Excell: thereupon proposeing to y^e hon^{ble} Council whether that order of y^e house of Burgesses ought to take place for anything more yⁿ y^e two addresses and y^t M^r W^m Byrd should be Employ'd their agent w^{ch} was agreed to by y^e Council & y^e house of Burg^s

The Council Considering the same pray time to Consider upon it in a fuller Council

His Ex^{cy} proposes further y^t if Coll^o Randolph may Give Coll^o Byrd y^e whole Journall of this last Session of Assembly The two Addresses and y^e Proceedings of y^e Assembly 1693 and 1695 stateing y^e Case Betwixt this Col^{ly} and N: York whether it would not be proper & Convenient y^t Coll^r Byrd be ordered to superscribe it thus

For his Maj^{ties} Especial Service

For M^r W^m Byrd Agent to be Left Either at y^e Right honer^{ble} his Maj^{ties} Principal Sacret^{ry} of States office at Whitehall & in Case of y^e Death or Absence of the s^d M^r William Byrd that his Maj^{ties} Principle Secretary of State be desired to open y^e same being for his Maj^{ties} Service or to be left at y^e R^t Honer^{ble} y^e L^{ds} Comission^{rs} of Trade & Plantations their office at Whitehall wth y^e same Caution & that M^r William Byrd be ordered to be verry Cautious whome he accq^{ts} wth this busines that he is Employ'd abo^t Especially ab^t y^e assistance to be given to N Yorke of men and mony the house of Burgesses haveing Refused to Comply therewth & the defencelessness of y^e Country for armes and Ammunition and w^{ht} Relates to y^e Militia Except it be to y^e Right hon^{ble} y^e principle Secretary of State or y^e Right hon^{ble} y^e L^{ds} Comission^{rs} of Trade & Plantations or whome they shall appoint

And whether it is not proper to Send Copies of y^e same Proceedings & that those go in his Maj^{ties} Ship Shoreham and if they think it is for his Maj^{ties} Service his Ex^{cy} will give Coll^o Byrd y^e same orders to y^e Cap^t of his Maj^{ties} afores^d Man of Warr to take y^e same Care in it as he doth Intend (God willing) to doe in those things he sends to y^e R^t hon^{ble} His Maj^{ties} Princippall Secretary of State and to y^e R^t hon^{ble} the Lords Comission^{rs} of Trade & Plantations to which the Councill agree

Henry Scarburgh Gent haveing taken y^e Oaths appointed by Act of Parliam^t to be taken in stead of the Oathes of Allegiance & Supremacy subscribed y^e Test and Association and y^e oath of a Collector is admitted Collector of y^e Eastern Shore district in Virg^a and Received his Commission Dated 10th Aprill 1701 pursuant to a Letter from y^e Com^{rs} of y^e Customs Dated y^e 6th may 1701 and signed bound for y^e Faithfull discharge of his Office

[C. O. 5, Vol. 1312, N^o 21 (iv)]

[Additional extract found in Vol. 1312. This, with copy of the paragraph of Nov. 11 on same subject, is inclosed in Nicholson's letter of Dec. 2, 1701.]

No. 3.

At the Councill Chamber at his Maj^{ty}s Royall Colledge of W^m & Mary
24th Oct^{br} 1701.

Present

His Ex^{cy} in Councill

Dionisius Wright Clk of the Councill by his Petition setting forth that he having been in this Country now these thirty years and having this Summer received two Letters from his relations in England which he laid before the Councill and wherein they very tenderly and passionately desire his return and further setting forth that he hath now with great labour and industry and not without vast Charge and Expence almost finished all y^e Proceedings of the Councill and Assembly in order to transmitt to England And thereupon praying that he may be dismissed from any further attendance in that office his weak and infirm body not being able to undergo so laborious a Task and he intending (God willing) to go for England with this next fleet (if he can) in his Maj^{ty}s Ship Shoreham he not being certain of ever having the like oppertunity and it being now in the Winter Season a vacant time and hoping he may (by Gods permission) return hither about Aprill next.

His Excellency and the Councill being well satisfied wth his fidelity sincerity and integrity in discharging his duty in y^e aforesaid office are very sorry to part with him but in regard of his Earnest request at his humble Suit and upon the Considerations aforesaid his Petitions is granted another being found to supply his place.

And his Excellency recomends it to y^e hon^{ble} Councill to find some fitt and proper person to undertake that office in his stead.

[C. O. 5, 1409 continued.]

Warrents

signed by his Excellency in Councill upon his Maj^{ties} Revenue of 2^s
Per hh^d & Port Duties

	l	s	d
To his Ex ^{cy} for half a years Sall ^{ry} Ending y ^e 25 th 8 ^{br} Instant.....	1000	00	00
To his Ex ^{cy} for half a years house Rent Ending y ^e same time.....	75	00	00
To y ^e Gent of y ^e Council.....	0175	00	00
To W ^m Blaithwaite Esq ^r Aud ^r and Survey ^r Gen ^{ll} of Virginia for one half yeare Ending y ^e same time.....	0050	00	00
To M ^r Benj ^a Harrison his Maj ^{ties} Attorney Gen ^{ll} half a yeare Sallory Ending y ^e same time.....	0020	00	00
To Dionisius Wright half a yeare Ending y ^e same time.....	0025	00	00
To pay to y ^e Ministers.....	0010	00	00
To y ^e Sollicit ^{rs} of y ^e Virg ^a Affairs.....	0050	00	00
To Edward Ross Gun ^r at James City half a yeare Ending y ^e same time.....	0005	00	00
To M ^r Hen: Tyler for 63 Acres of Land.....	0063	00	00
To M ^r Comissary Blair for half a years Sallory Ending y ^e same time to be paid out of the quitrents.....	0050	00	00

To Paid for Apprehending y ^e Pyrates that made Escape taken in Accomack.....	0060-00-00
To paid y ^e French Protes ^t Refugees.....	0025-00-00
To Warrants for Contingent Charges to severall Persons..	0086-11-00

The

Warr^{ts} to y^e Sheriffs of Each Respective Co^{ty} of this Colony to Collect his Maj^{ties} quitrents Not being yett Ready

His Ex^{cy} is desired to Signe y^m at some More Conv^t time

Exa^{md} Dionisius Wright

Upon Representation made, that y^e french Protestants at y^e Mannikin Towne & Parts Adjacent want some to rule & Govern them in all Causes, and Upon all Occasions.

Ordered

That M^r Chalin & M^r Abraham Nicod be Impowered Comissionated & authorized by his Ex^{cy} to Rule & Govern them y^e afores^d french Refugees Inhabiting at y^e Mannikin Town & y^e Parts Adjacent in all Causes both Civill & Military, And According to such rules, Orders & Methods, as his Ex^{cy} shall think fitt Consonant & Agreeable to y^e Lawes of England & of this his Maj^{ties} Colony & Dominion of Virginia.

Virg^a Sst

Att y^e Council Chamber at his Maj^{ties} Royall College of W^m & Mary
11th Novemb^r 1701

Present

His Ex^{cy}

Edmund Jenings
Mat Page

James Blair Esq^{rs}

His Ex^{cy} laid before y^e Council a Lett^r from y^e R^t Hon^{ble} y^e L^{ds} Comiss^{rs} of Trade & Plantations Dated Whitehall July 22^d 1701. Concerning Proprietary and Charter Governments in y^e following Words—

S^r The Irregularities and Misdemeaners that have been Long practised in his Maj^{ties} Plantations Under Proprietary and Charter Governm^{ts} to y^e Prejudice of Trade & of Other Plantations und^r Governors Appointed by his Maj^{ties} Imediate Commissions as likewise to y^e Prejudice of his Maj^{ties} Revenue arising from y^e Customes here, & the small Effects wee have found of our Applications to y^e respective Govern^{rs} of those Proprietary Plantations for y^e redressing of such Matters haveing Obliged us the Last Winter to represent y^e same to his Maj^{tie} And it having been thereupon thought that y^e Remedy of those Evills is not any Other wise soe well attainable as by y^e legislative Power of this Kingdome. A Bill was Accordingly Brought into y^e House of Lords for Reuniting y^e Government of those Plantations to y^e Crown & puting them into y^e same State & dependency as his Maj^{ties} Other Plantations aforementioned wthout prejudice to any mans perticular Propertie and freehold.

But that Bill by reason of y^e Shortnes of time and multiplicity of other Buissness not haveing Passed Into an Act & it being very probable that y^e same Matter May Againe Come Under Consideration y^e next Session of Parlment wee have thought fit to desire, & doe Accordingly hereby desire & direct you to get y^e best Information you can relateing to y^e Conduct of Proprietary Governers & Governm^{ts} upon y^e sev^{ll} Heads of Observations that have been Made of their Undue Proceedings whereof wee send you a Copie here inclosed & upon such Other Heads as you think proper, to give a True Light into y^e State of those Plantations (more Especially in relation to Carolina & y^e Bahamia [Bahama] Islands) & to transmitt unto us y^e most Authentic and most Particular Proofs that you can procure of y^e truth of those matters wth all possible deligence soe wee bid you heartily farewell

Yo^r Very Loveing freinds
 Stamford
 Phi: Meadows
 Abr: Hill
 Matt Prior

Observations relateing to the Proprietary Governours in America.

The Governours of y^e Proprietary & Charter Governments are Generally not qualified, by takeing y^e Oaths required by Law nor have they his Maj^{ties} Approbation According to y^e Acts for preventing frauds & regulateing Abuses in y^e Plantation Trade.

They have assumed to themselves Power to make Lawes Contrary & Repugnant to y^e Lawes of England, & prejudicial to our Trade some of them have refused to send hither such Lawes as they enact, & some Neglect to doe it and Others have sent their Lawes, but very Imperfect

Divers of them have refused appeals to his Maj^{ties} in Council by w^{ch} y^e Inhabitants of these Colonys are deprived of the Benefitt allowed in y^e Plantations Under his Maj^{ties} Governm^t the Parties Greived are left wthout remedy From y^e Arbitrary and Illegal Proceedings of their Courts

Those Proprietary Colonys are y^e Ordinary Refuge and Retreat of Pyrets & Illegall Traders, By raiseing & Lowering their Coyn from time to times (as may be for their perticular Advantage) they prejudice Other Colonies in drawing Away their Money and Likewise draw Away their Servants & People and harbour Fugitives.

They Apply themselves to y^e Improvement of Woolen Manufactories & other Manufactures & Products of England, w^{ch} they Carry Directly to forraigne Parts, & more Especially to y^e Spanish Indies, And they furnish themselves from Other Parts wth all Sorts of European Commodities to y^e Great Prejudice of the Interest of this Kingdome

They doe not put themselves in a State of defence by having any Regular Militia Armes & Munition

Some of them are in a State of Anarchy and Confusion

Coll Gawin Corbin haveing taken y^e Oaths Appoynted by Act of Parlment, to be taken Instead of y^e Oaths of Allegence & Supremacy

subscribed the Test & Association y^e Oath of Naval Officer & Collector of y^e Virg^a Duties of y^e District of Rappahanock River Instead of Corbin Griffin Gent deceased. Late Navall Officer & Collect^r of y^e afores^d District and Signed Bonds for y^e faithfull discharge of y^e s^d Offices received his Comissions for y^e same and it is thereupon. Ordered—

That he the s^d Gawin Corbin take into his Custody & Possession all y^e Papers relateing to Naval Officer & Collector of y^e afores^d District now in y^e Custody & Possession of y^e Ex^{rs} & Adm^{rs} of y^e s^d Corbin Griffin deceased and that he do Carefully Examine y^e same & make up y^e Acco^{ts} wth M^r Auditor Byrd & M^r Treasurer as in such cases is usuall & perfect y^e sev^l lists relateing to y^e afores^d Offices.

Upon Reading at y^e Council board an Order of Council of 24th October last; that M^r Chattin & M^r Abra Nicod ge^t [gent.] be Impower'd Comisionated & Authorized by his Ex^{vy} to Rule & Govern y^e French Protestant Refugees Inhabiting at y^e manakin Town and Parts Adjacent now called king William Town in all Causes both Civil & Military according to such rules & Methods, as his Ex^{vy} shall think fitt Consonant & Agreeable to y^e Lawes of England & this Colony Ordered

That y^e same be referred to y^e Hon^{ble} W^m Byrd Esq^r The Hon^{ble} Edmund Jenings Esq^r y^e Hon^{ble} Benj^a Harrison Esq^r And M^r Benj^a Harrison y^e Kings Council to Consid^r y^e Ten^r of y^e Comission to be given for Executing y^e same Power and authority as afores^d and to cause y^e same to be prepared for his Ex^{vy} to Sign.

L^t Coll: Miles Cary came before his Ex^{vy} in Council & Exhibitting a List or Role of Papers containeing thirty three Pages, And Made Oath y^e same is a just & true Acco^t & Examination of all y^e Collectors Acco^{ts} come to his hands in relation to his Maj^{ties} Revenue of one peny per pound by Tob^o Exported out of Virg^a & Maryland to his Maj^{ties} Plantations pursuant to ye Act of y^e 25th of King Charles y^e Second for y^e better Secureing y^e Plantation Trade from y^e 8th of Feb^{ry} 1692/3 to y^e 15th Ap^{ril} 1701

W^m Davie Master on y^e Sloop James City Exhibited to his Ex^{vy} in Council y^e following Paper & made Oath to y^e same wth is in y^e following words.

That Saileing from Virg^a to y^e Island of new Providence in or near y^e Latitude of 28 degrees about y^e 5th of Sep^t last Met wth a Sloop wth an English Ensign and Kings Pendant flying & after divers Shot discharged from y^e s^d Sloop at y^e said Sloop James City In w^{ch} this deponent was divers Men in a Perrianger from y^e s^d Sloop, supposed by this deponent to be a Pyrate Sloop came on board y^e s^d Sloop James City, and took away wth them from on Board y^e s^d James City Provisions Cloaths strong Liquors & ab^t £7-15 in Money

That About y^e 17th of Sept^r last (to wit) this p^rsent year 1701 this deponent Arrived wth y^e s^d Sloop James City at y^e Island of Providen, & y^e Deponent goeing on Shoare went to wait on Elias Haskett Esq^r Govern^r of y^e s^d Island, who (after y^e s^d Deponent had Acq^d y^e s^d Govern^r wth y^e deponents Buissness here) told this deponent y^t if he this deponent would Load wth Salt he this deponent must do it

at Towne & not Expect to goe to y^e Ponds for it was his particular Orders that none should goe thither this deponent told y^e s^d Govern^r that he this deponent had Met wth a bargaine of Salt at 5^d [?] per bushell at y^e Ponds & hoped he might be permitted to go theither for it, And Offered y^e s^d Govern^r Two thousand pound Bonds wth Security to return to y^e s^d Island againe, & give Acc^t of his Loading upon Oath, but y^e s^d Govern^r told this deponent that it Could not be done, And that he this deponent Might buy in y^e Towne as Cheap as he could and that this deponent might try & see at what rates he could get it. And that when y^e Depon^t had done that he y^e s^d Govern^r would Sell this deponent Salt as Cheap as any and take this deponents Own Bills for it, w^{ch} was more than Any Other would do upon w^{ch} this deponent bought Salt of y^e s^d Gov^r at 18^d [?] per Bushell that About y^e 8th or 10th of Octob^r last y^e s^d Govern^r was seized by the Inhabitants of y^e s^d Island & put in Irons, And that as this deponent heard they had hired a Ketch to send him to England, the reason why y^e s^d Inhabitants proceeded soe Agst y^e s^d Govern^r was as this deponent heard to save themselves, And that he y^e s^d Gov^r was an Oppressor of y^e Poor and further saith not.

W^m Davie

He Further made Oath that on y^e 17th day of Octob^r 1701 being in Comapny with Coll Walker at Nassau Town in New Providence Upon takeing his Leave of him he y^e s^d Walker gave y^e s^d Davie half a bitts worth of Apples w^{ch} he put in his Pocket and Carried them on board y^e s^d Sloop, And Upon his Voyage from thence to this Country of Virg^a at Sea going to Eat one of y^e s^d Apples, Cuting it wth a knife discovered some Pinns in it & afterwards a Paper upon w^{ch} Looking how s^d Paper was put into y^e Apple found that y^e Top of the Apple had been Cut off, y^e Inside of y^e Apple Dugg out, that Paper put in it & y^e Top of y^e Appled pinned on Again w^{ch} Paper is as follows

Memorandum to lay before his Ex^{cy} y^e Govern^r of Virg^a concerning y^e revolution in Providence

That when y^e Govern^r was deposed Coll^r Read Elding was a Prisoner by a *Metimus* for Pyracy & Dealing wth Pyrates & sev^{ll} Other high Crymes & Misdemean^{rs} but to free himselfe he came first to y^e Gov^r p^tending to Visit him, Imediately y^e People wth Armes followed him into y^e Gov^r^s house & seized him y^e s^d Gov^r then y^e said Elding headed y^e People & Carried y^e Gov^r into y^e fort Prison^r when two great Guns were fired whereupon y^e Other People as in y^e Nature of an Alarum came from their own homes wth their Armes to y^e fort, where being in a body y^e s^d Elding at y^e head of them first Mentioned [motioned] for y^e People to vote Thomas Walker Judge of y^e Admiralty to be put in Irons all y^e People wth one Consent said no Irons.

The s^d Elding Motioned to y^e People for y^e Gov^rⁿ: to have Irons to be put upon him (y^e People Answ^{ed}) Irons upon y^e Govern^r w^{ch} were Accordingly put upon his Leggs very strong & heavy ones his Lady under great Trouble & greif to ly by him & see y^e same.

The next day y^e People Met & Voted M^r Ellis Lightwood to be there head & President of y^e Island

Note y^t ab^t 10 dayes before y^e Revolution Coll Elding was in y^e fort in Irons to be sent home to England to Answear but he petitioned and prayed the Govern^r to lett him be tryed here in Providence (and till the time of tryall to be Eased of his Irons) upon his Petition and frinds intercession the Govern^r took Pity and lett him to bail by swearing or taking a solemn Oath upon the holy Evangelists &c that hed [he'd] be of the good behaviour and not plot against y^e Govern^r nor do him no harme nor suffer any to be done, and if he heard of any design agst y^e Governm^t he would forthwth give him Acco^t & be his true & faithfull freind (but contrary has proved) & now is at Liberty from answering w^t he was Comitted for & did amiss wⁿ deputy Govern^r

That after y^e Govern^r was 3 days in y^e fort he was Ordered from thence a Prisoner in Irons to M^r Lightwoods Plantation when was removeing M^r Graves y^e Kings Collect^r drew his Sword & was goeing to kill him saying y^e following words. I make no more to kill him then I would a Dogg, but y^e People prevented him & rebuked him for it.

That y^e Cheife judge Coll: Talliafero is taken Prison^r Kept in y^e fort, & he knows not for what he declareing himself Inocent of any Crime deserving Imprisonm^t

That after y^e Gov^{rs} Ship Came in y^e People went Aboard wth force & armes to take her wthout any Authority from y^e Judge of y^e Admiralty.

Severall other Papers & letters from new Providence (Viz^t)

A Lett^r from M^r Ellis Lightwood 14th Octob^r 1701 a Lett^r from M^r Thomas Walker 11th October 1701 a remonstrance of y^e People of New Providence, for Ellecting M^r Ellis Lightwood, President & a Remonstrance to y^e R^t Hon^{ble} y^e L^{ds} of his Maj^{ties} Council of Trade wth a breviate of Sundry Articles drawn up Agst Elias Haskett Esq^r &c^t

All w^{ch} were read in Council & his Ex^{oy} Acq^{ted} y^e hon^{ble} Council that he Intened [intended] (God willing) to send Copies of them all to y^e R^t Hon^{ble} y^e L^{ds} Com^{rs} of trade & Plantations.

His Ex^{oy} laid before y^e Council a Lett^r from John Nanfan Esq^r His Maj^{ties} L^t Gov^r & Comand^r in Cheif of his Maj^{ties} Province of New York &c^{ts} dayed 24th Octob^r 1701.

It being seriously consid^{ed} by this board that y^e lists of y^e Militia of y^e sev^{ll} Counties of this his Maj^{ties} Colony & Dominion of Virg^a are not yett all of them returned & y^t y^e Hon^{ble} M^r Auditor Byrd hath not yet returned his Acco^{ts} perfected & stated and it being thought absolutely Necessary for his Maj^{ties} Service that y^e same should be transmitted to England, therefore.

Ordered

That it is y^e Opinion & Advice of y^e Council that his Maj^{ties} Ship Shoreham Cap^t W^m Passenger Comd^r Sail not out of this Colony untill y^e 21th Ins^t

Virg^a Sst

By his Ex^{cy} Fr: Nicholson Esq^r his Maj^{ties} L^t & Gov^r Gen^{ll} of Virg^a
& Vice Admir^{ll} of y^e same

Whereas it hath been seriously cons^d by my selfe & his Maj^{ties} hon^{ble} Council of State that it is absolutely necessary for his Maj^{ties} Service y^t lists of all y^e Militia horse & foot wth in this his Maj^{ties} Colony & Dominion of Virg^a should be now transmited to England by his Maj^{ties} Ship Shoreham Cap^t W^m Passenger Comand^r as also M^r Audit^{rs} Accounts perfected & stated & y^e same not yet being returned to y^e Council office.

Therefore I Fr. Nicholson Esq^r &c^a by & wth y^e Advice of y^e Council of State do hereby in his Maj^{ties} name strickly Charge require & Comand you Cap^t W^m Passenger Comd^r of his Maj^{ties} Ship Shoreham y^t you do not Sail out of this Colony wth his Maj^{ties} afores^d Ship Und^r yo^r Comand until y^e 21th of this Ins^t Novemb^r to y^e End that all things being then in a readiness may be Transmited by you to his most sacred Maj^{tie}.

And you are then to take und^r your Convoy all such Ships & Vessells as shall be then in y^e Country & Ready to Saile out Und^r yo^r Protection, Dated at his Maj^{ties} Royall Colledge of W^m & Mary this 11th day of Novemb^r *Anno Dom*; 1701. And in y^e 13th year of y^e Reign of our Sovereign Lord William y^e Third (by y^e Grace of God) of England Scotland France & Ireland King Defender of y^e faith &c^t

To Cap^t W^m Passenger Comd^r of his
Maj^{ties} Ship Shoreham

His Ex^{cy} Acquainted y^e Council that himselfe had been at y^e Gen^{ll} Musters of sev^{ll} Counties in this Colony And made that Observa^{tion} that not the one Quarter of them were fitt & provided wth Armes & Ammunition to Attack an Enemy, should Occasion require w^{ch} he thought it his Duty to represent to his most sacred Majesty

Dionisius Wright Clerk of y^e Council Moveing Again to be discharged [discharged] from his Office His Ex^{cy} asked y^e Council if (According to his former Proposals) they Could propose any one fitt to undertake that Place, to w^{ch} they answered they Could not tell of Any at p^{sent}.

Ordered

That he draw a Scheme or list of all y^e Council Books & Pap^{rs} that he hath belonging to y^e Council Office, & that M^r Benj^a Harrison late Clerk of y^e Council see to y^e same w^{ch} being done y^e s^d Wright to make Oath Before his Ex^{cy} y^e Govern^r that it is all he received into his Custody & that is now belonging to y^e s^d Office And that he hath not Embezzled nor Waisted Any of them & that the same be delivered into the Custody of M^r Chickely Corbin Thacker.

Dionisius Wright

Virg^a Sst

By his Ex^{cy} Francis Nicholson Esq^r his Maj^{ties} L^t & Gov^r Gen^{ll} of Virg^a & Vice admirall of y^e same

Whereas I have Received Certaine Advice y^t y^e fleet is safely ar-

rived in England, by whome I sent sev^{ll} Packets & Letters for his Maj^{ties} Special Service And that there are sev^{ll} Ships Come from London bound for this Country, w^{ch} I hope in God will safely Arrive here the first fair Wind, & by whome I Expect sev^{ll} Orders for his Maj^{ties} Special Service w^{ch} may require Imediate Answeres.

And Whereas it hath been and still is thought absolutely Necessary for his Maj^{ties} Service that Lists of all y^e Militia Horse & foot wthin this his Maj^{ties} Colony & Dominion of Virg^a should be now Transmitted to England by his Maj^{ties} Ship y^e Shoreham Cap^t W^m Passenger Comand^r as also M^r Auditors Byrd Acco^{ts} perfected & stated all w^{ch} I have not yett received Notwithstanding my repeated orders & Comands to y^e sev^{ll} Officers Concerned and some Ships not being as yet ready to Saile for England, w^{ch} will Also want Convoy, And this being y^e only Safe Oppertunity wee can Expect for Transmitting y^e same for his Maj^{ties} Service. And Alsoe Convoying y^e Ships, Therefore I Fr: Nicholson Esq^r & c^t doe hereby in his Maj^{ties} Name Order & require y^t you Cap^t W^m Passenger Comander of his Maj^{ties} Ship Shoreham, do not Saile out of this Colony wth his Maj^{ties} afores^d Ship under your Comand untill fryday y^e 28th Inst^t to y^e end that all things being then in a readyness may be by you Transmitted to his Most sacred Mat^{ties} and you are then to take under your Convoy all such Ships & Vessells as shall be there in y^e Country & ready to Saile under your Protection Given under my hand & Seal of this his Maj^{ties} Colony & Dominion this 18th day of November Anno Dom; 1701 & in y^e Thirteenth year of y^e Raigh of our Sov^{ra}n Lord William y^e third, (by y^e Grace of God) of England, Scotland, France and Ireland King Defend^r of y^e faith & c^t

Dionisius Wright *Cl Con*

To Cap^t W^m Passenger Comand^r of his
Maj^{ties} Ship Shoreham.

[C. O. 5, Vol 1312, N^o 20^{xvii} cont^d, or fo. 192.]

Virginia S^s

By his Excellency

A Proclamation

Francis Nicholson Esq^r his Ma^{ty}s Lieu^t and Gov^r General of Virginia To all to whom these Presents shall come Greeting & Whereas his most sacred Majesty out of his tender care for the Safety Preservation & Security of this his most ancient and great Colony & Dominion of Virginia hath communicated to me the Intelligence he has received that the French King hath fitted out a Squadron of men of war to send to y^e Spanish West Indies under y^e Command of Mons^r de Coetlogon, and hath laid his Royal Commands upon me to be upon my Guard, and to take all necessary care for the Security of this his Ma^{ty}s afores^d Colony & Dominion and the Persons & goods of his Subjects there inhabiting in case any attempt should be made upon us. I do therefore by vertue of his Ma^{ty}s Royal Commission unto me the said Francis Nicholson Esq^r under the broad Seal of England granted

bearing date at Westminster the 20th day of July in the tenth year of his Ma^{ty}s Reign for the Government of this his Ma^{ty}s Colony and Dominion of Virginia aforesaid and by & with the advice of his Ma^{ty}s hon^{ble} Council of State strictly charge require and Command all and every the Commanders in chief of the Militia of each and every the respective Counties within this Colony, that they and every of them do make or cause to be made (within the respective Countys where they command) strict and dilligent enquiry of all & every old Officer & Officers and all other Persons within y^e said Counties, what arms, Ammunition or Stores of Warr belonging to y^e Publick are in any of the aforesaid Counties & in whose Custody they now remain, And that an Acco^{tt} thereof be forthwith returned to the Council office. And I do hereby strictly Charge & Command that no arms nor Ammunition in this time of eminent danger be exported or carried out of this Colony upon any Pretence whatsoever. And I do hereby further Charge and Command all the Commanders in chief of each respective County to make strict enquiry of all Merchants and Dealers what Guns, Carabines, Pistolls, Swords & ammunition they have to expose to Sale, and that they give an Acco^{tt} thereof to him what quantity they have and at what Price they will dispose thereof. Which Acco^{tt} so as afores^d given the Commander in chief of every such County or Counties is forthwith to return to the Councill Office. And that I may give all necessary Orders for putting all things in the best posture of defence I have therefore by advice in Council thought fitt by this Proclamation to publish y^e same and in his Ma^{ty}s name do strictly charge and Command all and every Officer & Officers Civil and Military within this his Ma^{ty}s Colony and Dominion of Virginia to be dilligent in their several Stations And that all and every the Military Officers in the several Counties take especial care that the Militia under their Command be always in readiness & Posture of defence. Given under my hand & the Seal of the Colony at his Ma^{ty}s Royal College of William and Mary this 5th day of July in the 13th year of his Ma^{ty}s Reign, *Annoq Dom 1701*

Fr: Nicholson

A Proclamation for putting this Country in
readiness & Posture of defence agst y^e
Attempts of an Enemy.

God save the King.

Virginia S^e

By his Excellency

A Proclamation

Whereas by several advices from England a General Warr is threatned wherein his Majesty our most Dread Sovereign and his Kingdoms & Dominions are like to be deeply engaged. And the General Assembly of this his Ma^{ty}s Colony being now mett and assembled together to advise and consult what may best tend to y^e advancem^t of Religion and Piety, the interest of his most sacred Majesty and the defence Safety and Security of this his Ma^{ty}s Dominion and Subjects

here inhabiting Therefore I Francis Nicholson Esq^r his Ma^{ty}^s Lieuten^t and Governor Gen^l of Virginia being highly Sensible how much the happiness of this Colony depends upon the good Success of their Consultations, and out of a Religious & Pious disposition Do by vertue of his Ma^{ty}^s Royal Commission unto me the said Francis Nicholson Esq^r under the broad Seal of England granted bearing date at Westminster the 20th day of July in the tenth year of his Ma^{ty}^s Reign for the Governm^t of this his Colony and Dominion of Virginia aforesaid And by and with the advice of his Ma^{ty}^s hon^{ble} Council of State by this Proclamation in his Ma^{ty}^s name strictly charge and Command that a day of General & publick Fasting and humiliation to implore the blessing of Almighty God for the Preservation of the Protestant Religion, his Ma^{ty}^s Royal Person a prosperous Success upon the Consultations of this present General Assembly & the Peace and quiet of this Colony be strictly kept and observed by this present General Assembly, the Inhabitants of the City of Williamsburgh & Parts adjacent upon Wednesday the 27th of this instant. And upon Wednesday the 27th of this instant August in all and every Parish and Parishes within this his Ma^{ty}^s Colony and Dominion and for the better solemnizing y^e same I do by the authority and with the advice aforesaid strictly charge & Command the Ministers and Readers in their respective Churches & Chappels in each respective Parish to performe their dutys upon this occasion by Prayers and Intercessions to Almighty God to implore his Mercy and deprecate the evill justly impending over us, and a Sermon upon this occasion. And I do further strictly charge & Command that the said day of Fasting & humiliation be Religiously observed by all his Ma^{ty}^s Subjects within this his most ancient and great Colony as they tender the favour of Almighty God, and upon Pain of suffering such Punishment as may justly be inflicted for the contempt or neglect thereof. Given under my hand and y^e Seal of the Colony at his Ma^{ty}^s Royal Colledge of William and Mary this 8th day of August 1701 in the 13th year of the Reign of our Sovereign Lord William y^e 3^d by the Grace of God of England Scotland France & Ireland King &c
Fr: Nicholson

A Proclamation appointing a day of Publick
fasting & humiliation

God save the King

Virg^a S^a

By his Ex^{cy}

A Proclamation

Whereas the Gen^l Assembly begun at his Maj^{ty}^s Royall Colledge of William & Mary adjoining to y^e City of W^m^sburgh y^e 5th Day of Decemb^r Last is prorogued to y^e 12th Day of Nov^r next & on advice in Councill find it most for his Maj^{ty}^s & this Colonys Service y^t y^e assembly be prorogued untill further time therefore I Francis Nicholson Esq^r his Maj^{ty}^s Lieu^t & Gov^r Gen^l of Virg^a by Virtue of y^e Power & authority to me Given by his Maj^{ty}^s Lett^{rs} Patents und^r y^e Great Scale of Engla^d bareing Date at Westminster y^e 20th Day of July in y^e tenth year of his Reigne doe by this Proclamation in his Maj^{ty}^s name

Publish & Declare y^t I have prorogued the s^d assembly and it is hereby Prorogued to the tenth Day of Decemb^r next at w^o^h time I doe hereby require every respective Memb^r and y^t they faile not in Giveing their Attendance accordingly Given under my hand and Seale of y^e Colonye this 24th Day of Octob^r Anno Dom 1701

F: Nicholson

A Proclamation Prorogueing the Gen^l
Assembly.

God save the King

C C Thacker C^t Sec^r office

[C. O. 5, Vol. 1312, N^o 26ⁱ or fo. 419.]

Virginia S^s

By his Excellency

A Proclamation

Whereas the General Assembly begun at his Ma^{tys} Royal College of William & Mary adjoining to the City of Williamsburgh the fifth day of December last is prorogued to the 10th of December instant and on advice in Council find it most for his Ma^{tys} and the Colonys Service that the Assembly be prorogued untill further time, Therefore I Francis Nicholson Esq^r his Ma^{tys} Lieutenant and Governor Gen^l of Virginia by vertue of the Power and authority to me given by his Ma^{tys} Letters Patents bearing date at Westminster the 20th day of July in the 10th year of his reign, Do by this Proclamation in his Ma^{tys} name publish and declare that I have prorogued the said Assembly and it is hereby prorogued to the 19th day of February next, At which time I do hereby require every respective member that they fail not in giving their attendance accordingly. Given under my hand and y^e Seal of the Colony this ninth day of December Anno Domini 1701.

A Proclamation proroguing the Gen^l Assem-
bly.

[C. O. 5, 1409 cont^d]

Virginia S^s

At a Council held at the hon^{ble} Collonel Matthew Page his house in Gloucester County the 16th day of February 1701/2

Present

His Excellency Francis Nicholson Esq^r &c

Edmund Jenings

Matthew Page

James Blair Esq^r^s

His Excellency laid before the Council a lett^r from the Right hon^{ble} the Lords of the Council for Trade and Plantations dated August 14th 1701 with an Order of their Excellencys the Lords Justices in Council dated July 31st 1701 directing what colours shall be worne by Merchants Ships comissionated by the Governors of his Ma^{tys} Plantations: which being both read by his Excellency, were referred till a fuller Council

His Excellency laid before the Council a letter from the R^t hon^{ble} the Lords of the Council for Trade &c dated 20th of August 1701 wherein their Lord^{ps} are pleased to intimate that M^r Perry had notice from them that his Majesty had constituted M^r Lewis Burwell to be one of his Council in Virginia, and that the Order thereupon was duly taken out: as also part of a letter from William Popple Esq^r Secretary to their Lordships of the same date, mentioning that the above said order was taken out by S^r Jeffery Jefferys; Which being severally read by his Excellency,

Ordered that a copy of those parts of the two abovementioned letters be sent to Major Lewis Burwell, and that he return an answer to his Excellency in Council at their next meeting, whether the said Order for constituting him of his Ma^{ty}'s Council here, be yet come to his hand.

Ordered that a full Council be held at his Ma^{ty}'s Royal College of William & Mary on Wednesday the 11th day of March next

Whereas by several late Advices from England it appears that the French King hath contrary to his faith, and in open violation of the Treatys made with his Majesty King William presumed to proclaim the pretended Prince of Wales King of England &c And that thereupon a Generall war will in all probability ensue, wherein his Maty our dread Sovereign, his Kingdoms and Dominions are like to be deeply engaged; His Excellency and the hon^{ble} Council taking the same into their serious consideration have thought fitt to appointe Wednesday the eleventh day of March next to be kept and observed by his Excellency and the hon^{ble} Council, the Trustees Governors, President Masters and Scholars of his Ma^{ty}'s Royal College of William and Mary as a day of fasting and humiliation, and that divine Service be then read, and a Sermon suitable to the occasion preached before them within the said College. And do likewise appoint Wednesday the Eighteenth of the said month of March to be kept and observed as a day of fasting and humiliation by all other the Inhabitants of this Colony, and

Ordered that a Proclamation be prepared & issue accordingly.

A Proclamation for proroguing the General Assembly to the 25th day of March next, read, and Signed by his Excellency in Council.

Upon reading of a letter from Cap^t James Moodie Commander of his Ma^{ty}'s Ship the Southampton dated the of this instant February 1701/2 Representing that there is an absolute necessity to careen his Majestys said Ship, and desiring a Warrant to the Sheriffs of Nansemond and Elizabeth City Countys to order such Carpenters as are in those Places to be assisting in careening the said Ship. His Excellency and the hon^{ble} Council do leave it to the said Cap^t James Moodie to careen his Ma^{ty}'s said Ship under his command at such time and Place as he shall think most convenient. And Ordered that a Warrant be prepared to be signed by his Excellency, empowering the said Cap^t Moodie or his Officers to impress such and so many Carpenters (not belonging to Merchants Ships) residing within the said Countys as he shall find necessary for careening his Majestys said Ship, he paying them for the same.

As to that part of Cap^t Moodies Letter desiring that his Excell^{cy} would order him fifty pounds for buying Sails and other materials for the Sloop appointed to attend the s^d Ship Southampton: His Excell^{cy} is pleased to declare that he will advance the said fifty pounds, for which Cap^t Moodie may draw Notes on him as he finds occasion.

The said Cap^t James Moody by his lett^r to his Excell^{cy} complaining that two of his men were harboured & detained on Shore, and particularly one of them named W^m Horsfeild above this three moneths by Alex^r M^daniel and Edw^d Cawlip of Yorke County as appeared by the Deposition of the s^d Horsfeild,

Ordered that the s^d Lett^r and deposition be referred to M^r Benjamin Harrison as Council for the King, and that he take care to prosecute the said Alex^r Macdaniel and Edw^d Cawlip according to Law

Samuel Seldon by his Petition to his Excellency complaining of several dilatory and illegal Proceedings of the Justices of Elizabeth City County in a Suit depending in that Court between him and M^r Robert Beverley, and praying Redress therein,

Ordered that a copy of the said Petition be sent to the Justices of the said County of Elizabeth City, and that they return an answer thereto at the next meeting of the Council.

His Excellency and the hon^{ble} Council taking into consideration that many very loyal and dutifull Addresses have been presented to his most sacred Majesty from most of the Countys and Corporations &c in England, testifying their resentm^t of the French Kings presuming to proclaim the pretended Prince of Wales King of England &c Do conceive it proper that notice be given to all the Commanders in chief and other Officers of the Militia, and to the Justices of the Peace of the several Countys of this his Ma^{ty}s Colony and Dominion, that the like Addresses from them would be very agreeable to demonstrate their Loyalty and affection to his Maj^{ty}s Person and Governm^t upon this occasion.

Several other matters of importance for his Ma^{ty}s and the Countrys Service referred to the consideration of a fuller Council.

His Excellency and the hon^{ble} Council (in regard there is no Person at present constituted Clerk of the Council) were pleased to appoint William Robertson to take the Minuts of this present meeting.

Virginia february 25th 1701/2

This is a true copy of what was done by three of his Ma^{ty}s hon^{ble} Council and [The rest of line was left blank.]

[C. O. 5, Vol. 1312, N^o 26ⁱ(*), fo. 419.]

Virginia S^a

By his Excell^{cy}

A Proclamation

Whereas the General Assembly begun at his Ma^{ty}s Royal College of William and Mary adjoining to the City of Williamsburgh the 5th day of December 1700 is prorogued to the nineteenth day of February instant, and on advice in Council find it most for his Ma^{ty}s and the

Colonys Service that the Assembly be prorogued untill further time Therefore I Francis Nicholson Esq^r his Ma^{tys} Lieu^t and Governor Gen^l of Virginia by virtue of the Power and authority to me given by his Ma^{tys} Letters Patents under the Great Seal of England bearing date at Westminster the 20th day of July in the tenth year of his reign do by this Proclamation in his Ma^{tys} name publish and declare That I have prorogued the said Assembly and it is hereby prorogued to the 25th day of March next At w^{ch} time I do hereby require every respective member that they fail not in giving their attendance accordingly. Given under my hand & the Seal of the Colony this sixteenth day of february 1701.

A Proclamation prorogueing the Gen^l Assembly

[C. O. 5, Vol. 1312, N^o 26ⁱ cont^d or fo 419.]

Virginia S^a

By his Excellency

A Proclamation

Having to my great Joy and Satisfaction lately received several London Gazetts wherein there is an acco^{tt} of many very loyal and dutifull Addresses presented to his most sacred Majesty from diverse of the Countys Towns Borroughs Corporations and Citys of England, particularly of one from the R^t hon^{ble} the Lord Mayor, Aldermen &c of his most ancient, great and famous City of London, Representing how deeply sensible they are of the affronts and indignitys offered to his most sacred Majesty by the French King in giving the title of King of England Scotland and Ireland to the pretended Prince of Wales, and likewise declaring how highly they resent the s^d French Kings unjust and ambitious designs therein tending as much as in him lyes to the dethroning his Ma^{ty} and extirpating the Protestant Religion, as also their utter abhorrence of the same, and having with equal Joy and Satisfaction received an account of his Ma^{tys} most gracious acceptance of the said Loyal and dutifull Addresses, more especially of that from the City of London, and that his Majesty hath been pleased to call his Parliam^t to meet at his Ancient City of Westminster in December last, And forasmuch as it appears that a General war will probably ensue wherein his Maty our most dread Sovereign and his kingdoms and Dominions are like to be deeply engaged Therefore I Francis Nicholson Esq^r his Matys Lieutenant and Governor Gen^l of this his Matys Colony and Dominion of Virginia and Vice Admiral of the same think myself obliged in duty to God and his Majesty to do what in me lyes in order to procure a happy conclusion of the said Parliament, And by reason of the seeming probability of an impending war I do out of a religious and pious disposition by vertue of his Matys Royal Commission to me the said Francis Nicholson Under the broad Seal of England granted bearing date at Westminster the 20th day of July in the tenth year of his Matys Reign for the Government of this his Matys Colony and Dominion of Virginia aforesaid, and by and with the consent of his Matys hon^{ble} Council of State by this Proclamation

declare and make known my sincere intention of keeping a day of fasting and humiliation together with his Matys hon^{ble} Council, and with the Trustees, Govern^rs Presidents, Masters and Scholars of his Matys Royal College of William and Mary adjoining to the City of Williamsburgh at y^e said College upon Wednesday the Eleventh day of March next ensuing to deprecate the Judgements wee justly deserve to have sent upon us for our Sins, to pray for mercy and Pardon, and to implore the Protection of Almighty God to the Royal Person of his most sacred Majesty, which he hath so often exposed to the greatest hazard and dangers in many Battles, Seiges &c. that he would give Success to his Matys arms both by Land and Sea and that he would preserve the Protestant Religion in Gen^l and thereby the Peace and quiet of this his Matys Dominion in Particular. And for the foresaid reasons by vertue of the said Royal Commission I the said Francis Nicholson &c do strictly charge & Comand that a like day of General and publick fasting and humiliation be duly kept and observed by all and every Parish and Parishes within this his Matys Colony and Dominion upon Wednesday the eighteenth of March aforesaid, and for the better and more religiously solemnizing the same, I do by the authority & with the advice and consent aforesaid strictly charge and Command all Ministers to read common Prayers according to y^e use of the Church of England, and particularly the Prayer for the high Court of Parliam^t with the two last Collects and Prayers in the Commination according to the Rubrick in their respective Churches and Chappels in every Parish under this Government and to preach a Sermon suitable to the occasion of the fast appointed by this Proclamation. And where there be no Ministers but only Readers, that they read the Common prayers aforesaid and an homily proper for y^e said occasion. And I do further strictly charge and Command that the aforementioned day of General and publick fasting and humiliation be religiously observed by all his Matys Loving Subjects within this his Matys most ancient and great Colony as they tender the favour of Almighty God, and upon Pain of Suffering such Punishment as may justly be inflicted upon them for the contempt or neglect thereof. Given under my hand and y^e Seal of the Colony at his Matys Royal College of William and Mary this 16th day of february in the 14th year of the Reign of our Sovereign Lord William the 3^d by the grace of God of England and Scotland France and Ireland King &c

Fr: Nicholson

A Proclamation appointing a day of publick

Fasting and humiliation

God save the King

C. O. 5, Vol. 1312, N^o 26^{ib}, fo. 420 cont^d]

At his Matys Royal College of William & Mary adjoining to the City of Williamsburgh Febraury the 19th 1701 [1701/2].

Virginia S^a

Hon^{ble} Sir

I think it is for his Matys Service that you summon all the Militia Officers in yo^r County to meet you at yo^r Court house so soon as

possible and acquaint them of the French Kings having (contrary to his faith, all Law and Justice) proclaimed the pretended Prince of Wales King of England Scotland and Ireland and the Dominions thereunto belonging: Which presumptuous and base action of his ought to be abhorr'd and resented by all who have the very great honour and happiness to be under his Maty our Dread Sovereign King William the third &c his Government; whose great character and the happiness we enjoy under him, I must confess myself to want words to express: but I hope in God shall never be wanting in venturing my Life and fortune (as in duty bound) in defence of his Matys sacred Person, and undoubted Right to all his Kingdoms and Dominions: more especially for the Security and defence of this his Matys most ancient & great Colony and Dominion of Virginia.

When you have determined what day you will have yo^r officers meet you; You are to send an account thereof (together with this Letter) to the Sheriff of yo^r County, whom I do by vertue hereof Command to summon his Maj^{ties} Justices of the Peace of yo^r said County to meet at yo^r Court house on y^e same day and then let them also be acquainted with what is abovewritten. What yo^r self with the militia officers under yo^r Command as also what the Justices, Sheriffs and other officers of the Court, will or shall do hereupon, I will have sent to me with all convenient speed. If there shall be different Addresses agreed upon to be drawn up by both the militia and Civil officers to his Maty, I think it would be best to have them separately signed by those of the Militia, and those of the Court respectively. Or if the Civil and Military officers shall agree in one single Address, I think it might be proper they distinguish themselves according to their several Denominations, so not doubting of yo^r compliance herein, I remain

Yo^r most affectionate friend
F: Nicholson

[C. O. 5, 1409 cont^d]

Virginia S*

At a Council held at his Matys Royal College of William and Mary

March y^e 11th 1701/2

Present

His Excellency Francis Nicholson Esq ^r &c	
Edmund Jenings	Matthew Page
John Lightfoot	James Blair Esq ^r *

William Robertson being appointed Clerk of the Council took the Oaths appointed by act of Parliament to be taken instead of the Oaths of Allegiance & Supremacy subscribed the Test and Association, and took the Oath of Clerk of the Council, and was ordered to give his attendance accordingly, and

Ordered that all Bookes and Papers belonging to the Council office now in the Custody of M^r Chicheley Corbin Thacker Clerk of the Secretarys office be delivered up to the said William Robertson.

The minutes of the last Council held at the hon^{ble} Coll^s Matthew Page's house the 16th of February 1701/2 were read and approved.

Their Excellencies the Lords Justices of England their order in Council of July 31st 1701 and the Lords of the Council for Trade their Letter thereupon dated August 14th 1701 which were referred last Council, are further referred till tomorrow in expectation of a fuller Council.

Whereas by order of Council dated february 16th 1701/2 Major Lewis Burwell was required to return an answer to his Excell^{cy} in Council whether the order for constituting him one of his Matys Council here was yet come to his hands; His Excellency this day, laid before the Council a lett^r from the said Major Burwell wherein he acknowledges that He had received a lett^r from the Lords Commissioners of Trade acquainting him that his Majesty had been graciously pleased to appoint him one of the Council in Virginia, but knowing himself altogether unable to serve in such a Post, he had therefore deferred producing y^e said Letter untill such time as he would make his application to their Lordships for a Releasement from being one of the Council aforesaid, which accordingly he had done by sending a Petition to their Lord^{ps}, an answer of which he hoped shortly to receive.

The hon^{ble} Coll^s William Byrd's absence from this Council is excused by his Excellency for the reasons mentioned in his Letter.

Council adjourned till tomorrow morning 7 a'clock

At a Council at his Majestys Royal College of William & Mary

March y^e 12th 1701/2

Present

His Excellency Francis Nicholson Esq^r &c

Edmund Jenings

Matthew Page

John Lightfoot

James Blair Esq^{rs}

M^r Robert Beverley by his Petition setting forth that at the trial of a cause between him and Samuel Selden before the Court of Elizabeth City County, Major Anthony Armistead one of the Justices of the said Court and first in Commission then upon the Bench did notoriously abuse him the said Robert Beverley; and that the said Court did then also suffer and permitt Samuel Selden in open Court to utter several scandalous expressions against him without giving him any check or Reprimand for y^e same,

Ordered that a copy of the said M^r Beverleys Petition so far as relates to y^e matters above complained of, be sent to y^e Justices of the said County of Elizabeth City, and that they return an answer thereto at y^e next meeting of the Council, to y^e end such further Proceedings may be had thereon as shall be Judged necessary.

Upon the Petition of John Lewis praying that a Commission of Administration on the Estate of George Warner deceased might be granted him under the Seal of the Colony, that he might be Lawfully capacitated to proceed in y^e most expeditious manner for the Preserva-

vation thereof; His Excellency in Council was pleased to sign the said Commission of Administration for the reasons sett forth in y^e said Petition.

M^r Benjamin Harrison Council for the King informing this Board that Process is issued against Coll^o William Byrd and Lieu^t Coll^o W^m Wilson for their failing to pay the full dutys of some wines said to be imported by them in the William of Virginia William Boswell Master about the 20th of June 1700.

Ordered that the Collector and Naval officer of the Lower District of James River do transmitt to the Clerk of the General Court all their bookes of Entrys for the moneth of June 1700, betwixt [now] and the fourth day of April General Court next in order to the more effectual Prosecution of the said matter.

Ordered that the Clerk of Elizabeth City County do forthwith transmitt to the Clerk of the General Court all the Roughs of the Records of the said County Court for these three years last past, to the end that the necessary directions may be given for issuing Process agst such Persons as are suspected to have falsified the same pursuant to an Order of the General Court the 21st of October 1701.

His Excellency by and with the advice and consent of his Matys hon^{ble} Council was pleased to nominate and appoint the following Persons to be Justices of the Peace for King William County (which by Act of Assembly is to be divided from King & Queen County from and after the Eleventh day of April next) Viz Henry Fox, John Waller John West, Henry Maddison, William Clayborne, Richard Gissedge to be of y^e Quorum Martin Palmer, Daniel Miles, Roger Mallory, Thomas Carr, William Noy, George Dabrice, and Thomas Teory: and Ordered that a Commission be prepared accordingly.

And for the better Government of the Militia of King William County, his Excell^{cy} by advice of the hon^{ble} Council is pleased to nominate and appoint John West to be Collonel and Commander in chief of all the Militia within y^e said County, William Clayborne to be Lieu^t Collonel, and John Waller Major, and they are hereby directed to transmitt to his Excellency a List under their hands of such Persons as they shall think most fitt to be Captains and other Commissions officers of the several Troops and Companys under their command within y^e said County.

John Waller having petitioned his Excellency that he might be appointed Clerk of King William County, and his Excellency asking the advice of the Council thereupon they are unanimously of opinion that it will be most for his Matys Service and the interest of that County that the said M^r Waller be continued in y^e Commission of the Peace: But forasmuch as the s^d M^r Waller hath upon several occasions given proofs of his dilligence and fidelity in discharging the Trusts reposed in him, His Excell^{cy} by advice aforesaid is pleased to appoint him Sheriff of the aboves^d County, for the ensuing year 1702.

Several Petitions being laid before the Council for the Clerkship of King William County, and William Aylett and Orlando Jones being proposed as Persons equally deserving that office; His Excellency and the hon^{ble} Council agreed that it should be determined by Ballotting,

which being accordingly done, upon Scrutiny the Majority was found for William Aylett, and therefore ordered that he be Commissionated Clerk of the said County

His Excellency in Council was pleased to appoint John Walker Gent to be Sheriff of King and Queen County this ensuing year 1702.

The Petition of Daniel Westertoun and the other workmen employed about building the Capitol is referred to the Committee appointed to inspect and oversee the said Building.

His Excellency in Council signed a Patent to M^r Chicheley Corbin Thacker for 1080 acres of Land in Pamunkee neck

Upon reading a Petition from Drammaco chief Munguy and Ruler of the Chicahominy Indians in behalf of himself and his great men, Representing several matters relating to the Land appointed for them by the General Assembly between the two Herring Creeks, it being considered by his Excellency and the hon^{ble} Council that sev^l questions of right may arise concerning the said Land, It is therefore thought fitt, and Accordingly

Ordered that the Interpreter of y^e said Chicahominy Indians, do bring them before his Excellency and the hon^{ble} Council on the sixth day of the next General Court in order to a full hearing of the several matters by them sett forth; and ordered that a copy of the above Petition together with this order be sent to the Sheriff of King and Queen County who is hereby required to give publick notice thereof, to the end all Persons pretending right to any of the said Lands may be heard thereupon.

An humble Address to his most sacred Majesty upon occasion of the French Kings having declared the pretended Prince of Wales King of England &c being prepared, was read approved, and signed by his Excell^{cy} and the Gentlemen of the hon^{ble} Council now present.

His Excellency laid before the Council a letter from Coll^o Andrew Hamilton Gov^r of East and West Jerseys, wherein he says that M^r Penn at his going for Europe had thought fitt to committ the Government of his Province and Territorys to his care, & that he should endeavour to preserve a good understanding between the said Province and this his Matys Colony: and his Excellency thereupon acquainted the Council that the said Hamilton having formerly taken upon him the Governm^t of the Jerseys without his Matys approbation, and now also accepting the Government of the Province of Pensilvania from M^r Penn who had not the right of Government himself, much less could transfer it to another without being approved by his Majesty as the act of Parliament directs, he thought it not proper to answer the said Letter, nor hold any correspondence with the s^d Hamilton. To which the Council agree.

His Excellency having laid before the Council a letter dated 24th October 1701 from John Nanfan Esq^r Lieuten^t Governor of New York in answer to his Excell^{cy}s Letter to him of the second of the s^d moneth relateing to y^e Quota of men &c to be furnished to New York, The said Letter was read, and it is the opinion of the Council that nothing further is necessary to be done in that affair.

His Excellency laid before the Council several Letters and other Papers w^{ch} he lately received from New York giving an acco^{tt} of the Divisions and Distractions of the Government, and acquainted that he did intend (God willing) if no extraordinary business happened, to go for Maryland to consult with his Excell^{ty} Govern^r Blakiston about the most effectual method to be taken by them for his Matys Service in preserving the quiet of the said Province of New York till such time as a new Governor arrives there: The Council approve of his Excellencys good intentions in endeavoring to compose those unhappy differences, which if continued may endanger the Peace & Safety of this Colony.

His Excellency acquainted the hon^{ble} Council that he had been lately at the Manikin Town where he had received several Petitions from the French Refugees inhabiting there relating to private differences amongst themselves, upon consideration whereof it is thought absolutely necessary that some Persons be appointed as Magistrates to govern the said Refugees and determine such cases, Therefore

Ordered that pursuant to a former order of Council dated the 11th of November 1701 the hon^{ble} William Byrd Edmund Jenings and Benj^a Harrison Esq^{rs}, and M^r Benjamin Harrison Council for the King do meet with all convenient Speed, and draw up and prepare a Commission to be signed by his Excellency empowering M^r Chalin and M^r Abraham Nicod to execute such Powers and authoritys as by the above recited order is directed.

Upon the Petition of Monsieur de Joux Minister and other the Vestry men amongst the French Refugees at y^e Manikin Town, praying that M^r Charles de Saily may be ordered to give an acco^{tt} of several Sums of money by him receiv^d at London for y^e use of the said Refugees and for building of a Church

Ordered that a copy of the said Petition be sent to y^e s^d Charles de Saillie and that he return an answer thereto at y^e next meeting of the Council.

The Petition of the French Refugees relating to y^e Laying out their Land at the Manikintown is referred till such time as the Survey of the s^d Land be returned.

His Excellency laid before the Council a Letter which he received from Mess^{rs} Micajah Perry, Thomas Lane, and Rich^d Perry Merch^{ts} in London dated 28th October 1701 intimating that by order of his Grace of Canterbury and the Lord Bishop of London they had consigned to his Excellency a Cargo of goods for the Acco^{tt} & relieff of the French Refugees, which said Cargo was to be disposed of by his Excell^{ty} as he should find most for the general good of those Refugees, the whole amounting to £506-0-11 and his Excell^{ty} asking the advice of the Council what most fitt to be done with the said Cargo, it being now arrived in y^e Ship Perry and Lane; Upon examining the Invoice, it is the opinion of the hon^{ble} Council that the said Cargo consists of such goods as cannot possibly be distributed amongst^t the said Refugees in a due and regular Proportion, and that if the s^d goods were disposed of, and the money arising therefrom applied towards purchasing Stocks of Cattell &c and other things which the said Refugees do, or may hereafter more immediately stand in need of, it would be much more for their good & advantage, Therefore

Ordered that the said Cargo be sold to such Persons as shall offer most for y^e same. And for the more advantagious disposal thereof, it is ordered that the Clerk of the Council do send to the Collector and Naval Officer of each District in this his Matys Colony a copy of the Invoice of the said goods with an Advertisement thereon (to be published by them) giving notice that they are to be sold to any Person who shall offer most for y^e same in ready money or bills of Exchange, and that any Person who hath a mind to purchase the said Cargo may apply themselves to the Clerk of the Council who is hereby authorised to receive their Proposals, and to dispose of y^e s^d Cargo to the Person offering most for y^e same. And in case no Person shall be found to purchase the same for ready money It is the opinion of his Matys hon^{bl}^e Council that any Person who shall pay in hand such a Sum as shall be agreed upon, not under two hundred pounds, either in money, or bills of Exchange shall be allowed a year or two to pay the Remainder, he giving good Security for y^e same.

Ordered that it be recommended to the hon^{bl}^e Coll^o William Byrd to desire Cap^t Morgan to keep the said goods on board as long as conveniently may be, and if he cannot keep y^e same, that then the s^d Coll^o William Byrd do hire a Storehouse for the Security of y^e said Cargo till such time as it can be disposed of.

Whereas Captain James Moodie Commander of his Matys Ship the Southampton hath represented to this Board that he cannot find Carpenters sufficient for careening his Matys said Ship within the two Counties appointed him to impress in by a warrant dated the 16th of february last and desiring Power to impress those belonging to Merchants Ships;

Ordered that a warrant be prepared to be signed by his Excellency empowering the said Captain James Moodie or his Officers to impress such and so many Carpenters inhabiting in any part of this his Matys Colony and Dominion as he shall find necessary for careening his Matys said Ship. And in case a sufficient number of Carpenters cannot be found on Shore, then the said Captain James Moodie shall have liberty by himself or his officers to impress so many Carpenters from on board the Merchants Ships lying in this Colony as shall be sufficient for y^e Purposes aforesaid: But in regard the Pressing of Carpenters belonging to Merchants Ships at this Season of the year when most of them by reason of their long Passages want repair may be a great disadvantage to y^e Owners of y^e s^d Ships as well as to the Inhabitants of this Colony who freight upon them: It is therefore recommended to the said Captain James Moodie to be as sparing in pressing the said Carpenters as the necessity of his Matys Service will permitt.

His Excellency asked the advice of the Council whether the General Assmby which stands prorogued to the 25th instant, should then sitt, or be further prorogued; It is the opinion of the hon^{bl}^e Council that there being nothing yett arrived from England nor any emergency yet known in this Country requiring its sitting so soon: Therefore it be prorogued till the 23^d of April next, and accordingly ordered that Proclamations be prepared for that Purpose, but that they ly in the Secretarys Office till six days hence, that if in y^e meantime any orders

shall arrive from England w^{ch} may require the speedy meeting of the Assembly, the said Proclamations may not issue, but if no such orders arrive within y^e s^d Space of six days, then to issue as aforesaid.

Nothing further offering for his Matys Service

The Council adjourned

Wil Robertson *Clk Con;*

Memorandum, That on the 13th March 1701/2 his Excellency receiv^d a Letter from the hon^{ble} Coll^o Benjamin Harrison, intimating that in obedience to his Excell^{ty's} command, he designed to be at Williamsburgh on the 11th and in order to it came so far as the River would let him, the wind blowing so hard he could not get his horse over, that this is the third time he had been so served since the General Court, and then waited almost two days & left his horse & was forced to borrow another to ride home. That he lives so far from the Ferry, if it be a calme morning, unless it proves so all day, before he can get down the wind rises, and that there is no place of entertainment near to it, to take the advantage of the morning and evening, which many times prove calme when the days are windie.

[C. O. 5, Vol. 1312, N^o 27 (xxiv) a or fo. 468.]

Virginia S^{et}

[Seal]

Francis Nicholson Esq^r his Maj^{ties} Lt and Govern^r
Gen^l of Virginia To the Sheriff of County

Greeting Whereas It hath been Represented to Me by Cap^t James Moody Commander of his Maj^{ties} Ship the Southampton that he is in want of severall men to Compleate the Complim^t proportioned and allowed for the said Ship And Whereas I have Received Information that Bellingham West Commander of the Ship Bristow Lately arrived in the Port of York River Did bring into the said Port severall Sailors which he took in from on board the Ship Eliz^a & Mary of Lond^a whereof John Burford was Late Command^r which founded at Sea all which said Sailors have since their Arrival Disperst themselves into severall parts of this Dominion

These therefore are in his Maj^{ties} Name to will and Require you that Immediately upon Sight hereof you Cause deligent Serch to be Made within your County as well on board all Ships and Vessells in y^e Rivers & Creeks thereto adjoining as in other Places for y^e said Sailors and Every of them and them or any of them having found you shall Cause to be Safely kept untill you shall have given Notice thereof unto the said Cap^t James Moody unto whome or to such other officer belonging to his Maj^{ties} said Shipp as he shall appoint you shall Deliver all and Every of them which shall be found within yo^r County And thereof you are not to fail as you will answer the Contrary at your utmost Perill Given under my hand and the Seale of the Colony at his Maj^{ties} Royall Colledge of William and Mary adjoining

to the City of Williamsburgh this 14th day of March 1701/2 in the 14th year of his Maj^{ties} Reign

Fr Nicholson

A warrant for apprehending and securing
Sail^{rs} Lately belonging to y^e Ship Eliz^a
& Mary

[C. O. 5, Vol. 1312, N^o 27 (xxiv) (b) or fo 468^b.]

Virg^a S^{et}.

By his Ex^{cy}

A Proclamation

Seale

Whereas the Generall Assembly begun at his Maj^{ties} Royall Colledge of William and Mary adjoining to the City of Williamsburgh the 5th day of Decem^r 1700 is Prorogued to the 25th day of this Instant March and on advice in Councill find It Most for his Maj^{ties} and this Colonies Service that the Assembly be Prorogued untill further time therefore I Francis Nicholson Esq^r his Maj^{ties} L^t and Govern^r Gener^{ll} of Virg^a by Virtue of the Power and Authority to Mee given by his Maj^{ties} Letters Patents under the greate Seale of England bearing Date at Westminster the 20th day of July In the tenth year of his Maj^{ties} Reign Doe by this Proclamation in his Maj^{ties} Name Publish and Declare that I have prorogued the said Assembly & It is hereby Prorogued to the 23^d Day of aprill Next at which time I doe hereby Require Every respective Member that they fail not in giving their attendance accordingly Given under My hand and the Seale of the Colony this 18th day of March *Anno Dom* 1701/2

Fr Nicholson

A Proclamation proroguing the Generall
Assembly

C-C-Thacker Cl Secretarys office
God save the King

[C. O. 5, 1409 cont^d.]

Virginia S^a

At a Council held at his Matys Royall Colledge of William and Mary
Aprill the 2^d 1702

Present

His Excell^y Francis Nicholson Esq^r &c
Edmund Jenings
Matthew Page

Benj^a Harrison
James Blair Esq^{rs}

The Proceeding [s] of the last Councell held the 11th and 12th day of March being read Upon reading that Paragraph where it is said his Excell^y signed a Patent to M^r Chickaley Corbin Thacker for 1080 acres of Land in Pamonkey Neck it is thought Necessary for further clearing the Proceedings of y^e Councell therein that it be inserted that the said Patent is Part of the Land adjudged due to him by y^e Gen^{ll} assembly

Upon reading the order for disposing of the Cargoe sent in for y^e French Refugees there being no offer yet made for y^e same Notwithstanding the Publick intimations given of its being to be sold It is ordered y^t the Clerk of y^e Councell sett up a Copy of y^e Invoice in y^e Gen^l Court house the first day of y^e next Gen^l Court with an Advertisem^t that the said Cargoe will be exposed to Public Sale on Munday the fift day of the said Court to the end all Persons who are minded to purchase y^e same may attend Accordingly

His Excell^y acquainted the hon^{ble} Councell that y^e Committee for Revisall of y^e Laws being now setting he had thought fitt to call a Councell in order to be informed how soon the Committee could Complate the Revisal so as to have the bills ready to be laid before the Gen^l Assembly w^{ch} must of Necessity meet upon the first news of the warr being Proclaimed and therefore if the Committee could finish at this and y^e next meeting he thought it would be convenient to prorogue the Asembly till the latter end of May that to [so] they might then take y^e said Laws und^r their Consideration

Whereupon it is ordered that Edmund Jenings, Matthew Page, and Benj^s Harrison Esq^{rs} being members of the Committee do intimate the same to the other Gentleⁿ of the s^d Comittee and report their resolutions thereon to his Excellency

His Excell^y acquainted the Gentleⁿ of the Council who are members of the Committee for Revisall of the Laws that the Asembly having referred to them to provide for the speedy Conveyance of Publick Letters he therefore recommend to them to take effectual care therein in y^e first Place as being absolutely Necessary in many respects but more Especially in case of warr:

His Excellency acquainted the hon^{ble} Councell that having been present at the Musters of sev^l Counteys he had observed the ill condition of the Militia both as to decipline and arms and that now upon the apparent danger of a war he thought it would be Necessary till some other wished [wiser plan] were fallen upon for the more effectuall training and arming the s^d Militia to complate the Number both of Field and Staff officers in the sev^l Countys where their are vauancies and whereas sev^l of the smaller Counteys have been and are now Commd^d by Lieu^{ts} Collonell he thought it proper that y^e Comand^{rs} in chieff should be made Collonells and also that Lieu^t Collonells and Majors should be appointed in each of the said Counteys and asking the advice of the Council therein they leave it wholly to his Excellency to do therein as he shall think fitt

Upon reading of Letter from Cap^t James Moodie to his Exc^{lly} dated the first of this month intimating that Collonell Norsworthies Brigenteen was that Morning arrived from Saltitudes and that he had impressed three Seamen from on board the s^d Brig^t an [on] Acc^{tt} of her being a homeward bound vessell his Excell^y and the hon^{ble} Councell taking into Consideration that the Impressing three men from such a small Vessell may be a great Prejudice to their owners who its probable designs to lade her out wth tobb^o and may be thereby incapacitated to performe the same are therefore pleased to order that the said Cap^t Moodie do release two of the said three men if the said Coll^o Nors-

worthey shall make application for them and that a warrant be prepared to be signed by his Excell^y for that effect

Councell adjourned

At a Councill held at his Matys Royall Colledge of William and Mary

Aprill y^e 18th 1702

Present

His Excell^y Francis Nicholson Esq^r his Matys Lieu^t and Govern^r Gen^{ll} of Virginia

William Byrd

Benj^a Harrison

Edmund Jenings

Rob^t Carter

J^{no} Lightfoott

James Blair Esq^{rs}

Whereas some late advices from Europe give ground to believe that before this time his Maj^{ty} hath declared warrs against france and that a further acc^{tt} thereof may be dailey expected and for as much as it is Judged Absolutely Necessary for his Matys Service that, upon the first notice of a warr being proclaimed the Gen^{ll} Assembly should meett in order to the putting this Colloney in a postore of defence his Excell^y and the hon^{ble} Councell think fitt to prorogue the Gen^{ll} Assembly till y^e 13th day of May next in expectation that his Matys derrections in this Juncture may arive betwixt [this] and that time. And

Ordered that a Proclamation be prepared Accordinly and that their be a Clause Inserted therin signifying his Excell^{ys} intention that the Assembly shall then sett

At a Councill held aprill y^e 20th 1702

Present

His Excell^y Francis Nicholson Esq^r & c^a

William Byrd

Rob^t Carter

Matthew Page

John Custes

Benj^a Harrison

James Blair Esq^{rs}

The draught of a Proclamation appointing a publick thanksgiving to be kept by the hon^{ble} Gen^{ll} Court and the Reverend Clergy of this Colloney att y^e College of W^m & Mary on thursday the 23^d Instant and on thursday the 7th of may next by all y^e other Christian Inhabitants of this Colloney for y^e reasons and upon y^e sev^{ll} occasions sett down in y^e s^d Proclamation was read & approved and ordered to be fairly transcribed for his Excell^y to sign

At a Councell held Aprill the 21th 1702

Present

His Excellency

W^m Byrd

Benj^a Harrison

Matthew Page

James Blair Esq^{rs}

Major Arthur Allen took y^e oath appointed by Act of Parlim^t to be taken in stead of y^e oaths of Allegance and Supremacy and

subscribed y^e test and Association as one of the Govern^{rs} of his Matys Royal College of William & Mary

M^r Robert Bolling Junieur being by the Trustees and Govern^{rs} of his Matys Royall College of William & Mary made choice of to be Survey^r of Charles Citty County was this day presented to his Excell^y and the hon^{ble} Councell for their Confirmation and the s^d Rob^t Bolling having first taken the oaths appointed by act of Parlim^t to be taken in stead of the oathes of allegiance and Supremacy and subscribed y^e test and association is approved of by his Excellency and y^e hon^{ble} Councill and the Surveyor Govern^r [General] is hereby directed to grant him a Commission for y^e aforesaid office of Survey^r of Charles Citty County

At a Councill held at his Matys Royall College of William and Mary

April 21th 1702

Present

His Excellency Francis Nicholson Esq^r his Matys Lieu^t and govern^r gen^{ll} of Virginia

Edmund Jenings	Rob ^t Carter
Charles Scarborough	Jn ^o Custis
John Lightfoott	James Blair Esq ^{rs}

Upon y^e Petition of Charles Bartelott Command^r of the Ship Virginian, Complaining that Cap^t James Moodie, Command^r of his Matys Ship y^e Southampton had impressed two Carpenters brought into y^e Country by y^e Peticon^r for building a Briganteen and praying relief therein his Excellency and y^e hon^{ble} Councill are pleased to order that Cap^t Moodie do forthwith release y^e said two Carpenters mentioned in y^e said Petition unless he the said Moodie show cause to y^e Contrary

At a Councill held aprill y^e 25th 1702

Present

His Excellencie Francis Nicholson Esq^r &c^a

William Byrd	Matthew Page
Edmund Jenings	Rob ^t Carter
Charles Scarborough	John Custis and
Jno Lightfoott	James Blair Esq ^{rs}

His Excellency in Councill was pleased to sign the following warrants on his Matys Revenue of 2^s per hhd &ce Viz^t,

To his Excell ^{ty} for half a yeares Sallary ending this day one thousand pounds.....	1000-
To his Excellency for half a years house Rent ending y ^e same time Seaventy five pds.....	75-
To y ^e Gent of y ^e Councill half a year Sallary ending y ^e 27 th of Aprill one hundred seaventy five pounds.....	175-
To W ^m Blathwayt Esq ^r his Matys auditor & Survey ^r gen ^{ll} &c half a years Sallaroy fivety pounds.....	50-

To y ^e Sollicitor of Virg ^a affaires half a years Sallary fifty pounds.....	50-
To M ^r Commissary Blair for so much p ^d sev ^{ll} Ministers for attending y ^e Gen ^{ll} Court and Assembly five pounds.....	5-
To M ^r W ^m Robertson Clk of y ^e Councill half a year Sallary ending this day twenty five pds.....	25-
To M ^r Benj ^a Harrison his Matys attorny Gen ^{ll} half a years Sallary ending y ^e same time twenty pounds.....	20-
To Edw ^d Ross Gunn ^r at James City half a years Sallary five Pounds.....	5-
To Rich ^d Ligon & Rob ^t Bolling for Surveying y ^e Land for y ^e french Refugees seaventy pds.....	70-
To M ^r W ^m Robertson for so much p ^d sev ^{ll} Persons for carrying y ^e chaine in laying out y ^e s ^d land fiveten pounds.....	15-
To M ^r W ^m Robertson for so much p ^d M ^r Dinisious Wright for his voyage to Eng ^d sixty pds.....	60-
To M ^r W ^m Robertson for sev ^{ll} Messages to Stafford County and other p ^{ts} of y ^e Govern ^t fourty two p ^{ds} eight shillings.....	42-08--
To M ^r W ^m Robertson for so much p ^d for extraordinary writing of Papers to send for Engl ^d twenty six pounds nine shillings & tenn pence.....	26-09-10
To M ^r W ^m Robertson for sev ^{ll} Expresses to New York Pensilvania fifty eight pds.....	58-
To M ^r W ^m Robertson for so much p ^d sev ^{ll} Messages to Norfolk y ^e Eastern Shoare &c ^a fifty six pounds tenn shillings and six pence.....	56-10-06
To M ^r Commissary Blair out of y ^e Quitt Rents fifty pounds	

Post Meredian

his Excellcy this day Communicated to his Maty hon^{ble} Council sev^{ll} Lett^{rs} w^{ch} he lately recd from England giving an acc^{tt} that a warr will in all Probabilty [probability] very speedily breack forth and that sev^{ll} of his Maj^{ty}s Ships of warr are ordered for y^e Colloney to Convey home y^e Merch^{ts} Ships trading here and in Mary Land w^{ch} said Ships of warr were to Saile from England about y^e begining of March last and so may be daily Expected his Excellcy and y^e hon^{ble} Councill taking into Consideration y^e great hazard of Ships and Vessells Sailing out of this Colloney wthout Convoy in time of such apparent dang^r have thought fitt to lay an Embargo on all Ships and Vessells now being or that shall hereafter arrive in the Colloney untill further orders and y^t the Collectors and Navall officers of y^e sev^{ll} districtts of this his Matys Colloney and Dominion are hereby required not to Clear any Ships or Vesells bound out of y^e said Districts untill they shall receive further directions therein and that they give imediate Notice thereof to all Mas^{rs} of Ships and Vessells within their Districts

A lett^r from y^e R^t Hon^{ble} the Lods Comm^{rs} for trade and Plantations dated November y^e 4 1701 wth the copy of a Petition and affidavitt therein mentioned were severally read relating to five Seamen taken by a Pirate out of the John Galley and is believed forcibly

deteined Desining [desiring] that in case any of them should happen to arrive in this Colloney and Dominion of Verginia such regard might be had in this testimony of their Innocence as affter due Examination should appear reasonable and y^e said lett^r Petition and affidavit where [were] ordered to be recorded in y^e Councell office

Whereas y^e Cargo sent in from y^e french Refugees remaines yett undisposed of Notwithstanding y^e care that has been taken for selling y^e same and y^e said Refugees by a lett^r to his Excellency this day laid before y^e Councell having represented their greatt want of some Supply out of y^e same it is thereupon recommended to y^e hon^{ble} W^m Byrd to use his Endeavours for disposing of y^e said Cargoe to y^e best advantage and that he report his Proceedings therein to y^e Next Meeting of the Councill to y^e end It may be Considered how y^e Money arrising therefrom may be made most usefull to y^e said Refugees

His Excell^y in Councill was pleased to apoint the following Persons to be Shrieffs of y^e sev^{ll} Countys in this his Matys Colloney and Dominion of Verginia for the P^rsent year

Viz for

Princess Ann County	
Norfolk.....	Samuell Boush
Nansimond.....	Charles Drewry
Isle of Wight.....	W ^m Bridger
Surrey.....	
Charles City.....	Charles Goodrich
Henerico.....	Giles Webb
New Kent.....	Nicholas Merriweather
James City.....	Thomas Cowles
York.....	Henery Tylor
Warwick.....	Thomas Merry
Eliz th City.....	Nicholas Curle
Glocester.....	Pette ^r Kemp
King & Queen.....	{ Jn ^o Walker } formerly
King William.....	{ Jn ^o Waller } apointed
Middlesex.....	S ^r W ^m Shipwith
Essex.....	Thomas Merriweather
Richmond.....	Jn ^o Downman
Lancaster.....	Henry Fleett
Northumberland.....	Jno Harriss
Westmoreland.....	Lewis Markham
Stafford.....	Charles Ellis
Accomack.....	
Northampton.....	

Henry Scarburgh Esq^r Collector of Accomack district came before his Excellency in Council and made oath before his Excellency in Council and made oath to y^e Accom^t of his Matys duty of y^e Penny per pound from y^e 9th of April 1701 to y^e 25th of April 1702

The Petition of Jane King complaining that Daniell Guthry and John Bailee of King and Queen County stop and hinder y^e Peticon^r ferry boate from landing any Passengers on the Northside of York

River and praying directions therein is referred to M^r Benj^a Harrison Councill for y^e King and to doe therein according to Law

John Lowrey by his Petition to his Excell^y setting forth that he being Commissionated Pilot in James River had removed his family and Stock to a Plantation Near y^e mouth of y^e said River and also provided himself wth a boate and hands for y^e better attending all such Ships and Vesells as should need a Pilott notwithstanding whereof one John Patteson a Single Person having no settled abode boate nor hands but what is Lent by George Walker who hath half Proffit doth take uppon him to Pilott Ships and Vessells in y^e said River and praying that if his Excell^y should be pleased to constitute more Pilotts then those formerly appointed that y^e Petitioner may be ordered to have his Turne as is y^e Usall way amongst Pilotts in England the said Petition is referred to Cap^t James Moodie Command^r of his Matys Ship Southampton and Lieu^t Coll W^m Willson Navall officer of the low^r district of James River to Inquire into y^e Matter therein represented and report the same to his Excell^y in Council

Ann Tandy being Condemned [at] the Gen^l Court for concealing y^e Death of her Bastard Child his Excell^y in Council signed a Warrant for her Execution on y^e 6th day of May Next

A full Council is appointed to meett here on Tuesday the 12th day of May Next being the day before y^e Meeting of y^e assembly

Nothing more offering for his Matys Service

The Council adjourned

At a Councill held at his Matys Royall College of William and Mary

May y^e 6th 1702

Present

His Excell^y Francis Nicholson Esq^r &c

Edmund Jenings

Benj^a Harrison

Matthew Page

James Blair Esq^{rs}

Whereas by order of y^e last Councill held y^e 25th of Aprill an Embargo was laid on y^e Ships and Vessells trading in this Colloney and Application being made to this board that Permission to Saile may be granted to such Ships and Vessells as are bound to the Neighbouring Colloneys and Plantations

Ordered that Notice be given to the Collectors and Navall officers of y^e sev^ll Districts within this his Maty Colloney and Domminion that y^e said Embargo shall onely Extend to such Ships and Vessells as are bound for Europe and that not wthstanding thereof all Ships and Vesells bound to any of his Maty Plantations are hereby permitted to saile

His Excelly laid before y^e Councill a lett^r from Joseph Burchett Esq^r Secretary to y^e Lord high Admirall of England dated y^e 29th of January 1701/2 wherein there is a Parograph in these following words Viz The Gentleⁿ trading to Virginia have made applications to my Lord high admirall the Earle of Pembroke for a Convoy to secure home

their Effects and four fourth rates and a fifth Rate are appointed for y^t Service w^{ch} will be going from hence y^e beginning of March Next so that I doubt not but you will take y^e Necessary care to cause all possible dispatch to be made in y^e getting the trade in a readiness to come home Against y^e Convoy arrives

Ordered that a Copy of y^e above said Paragraph be sent to y^e Collectors and Navall officers of the sev^{ll} Districts to y^e end they may Intimate y^e same to y^e Cap^t and Commd^{rs} of y^e sev^{ll} Ships and Vcssells within their Respective Districts

At a Councill held at his Matys Royall Colledge of W^m & Mary

May y^e 13th 1702

Present

His Excellency Francis Nicholson Esq^r &c^a

Edm^d Jenings

Jn^o Lightfoot

Matthew Page Esq^{rs}

His Excellency was pleased to appoint W^m Robertson to be Clk of y^e Gen^{ll} Assembly of this Colony and a Commission being prepared was signed by his Excellency in Councill Whereupon y^e said W^m Robertson took y^e oaths appointed by Act of Parlim^t to be taken instead of y^e oaths of allegiance and Supremacy subscribed y^e test and Association and took y^e oath of Clk of y^e Gen^{ll} Assembly

His Excellency in Councill was pleased to sign a Pardon for Ann Tandy condemned last Gen^{ll} Court for Concealing y^e death of a Bastard Child

A Lett^r from Cap^t James Moodie Commander of his Matys Ship y^e Southampton was read in Councill Representing y^t he had fitted up a very Convenient Place at Point Comfort for Careening his Matys Ships of warr or any other Ships y^t shall put into this Colony and proposing y^t some care be taken and some Person appointed to look after y^e same as also proposing y^t A Law may be made for apprehending such Seamen as shall desert his Matys Service

Ordered

That y^e Consideration of y^e said Proposals be Referred till a fuller Councill

The Councill adjourned till to morrow Morning 8 a Clock

May y^e 14th 1702

Present

His Excellency Francis Nicholson Esq^r &c^e

Edm^d Jenings

John Lightfoot

Matthew Page

James Blair Esq^{rs}

His Excellencie asking y^e advice of y^e hon^{ble} Council what orders shall be given to Cap^t James Moodie Commander of his Matys Ship y^e Southampton now y^t y^e said Ship is Carened and fitt for Sailing It is y^e opinion of y^e Councill y^t it is for his Matys Service y^t y^e said Cap^t James Moodie do cruise in y^e Bay Between Point Comfort and y^e Capes at all fair & seasonable Oppertunities in order to detect

Illegall Traders and defend this Collony from attempt of Pirats or other Enemies

Whereas, his Maty hath been pleased to direct y^t his Matys advice Boate y^e Eagle w^{ch} attends on y^e Govern^t of Maryland shall be made use of by y^e direction of both y^e Govern^{rs} of this his Matys Coloney and Dominion of Verg^a & Maryland respectively either Joyn^{tly} wth y^e Ship y^t attends this Colloney or severally as his Matys Service shall Require and it being thought very Necessary for his Matys Service and y^e Safety and Security of this his Maty Colony and Dominion of Verg^a y^t y^e said Advice Boate y^e Eagle should cruise in y^e bay in Conjunction wth his Matys Ship y^e Southampton as well for defending this Colony and Ships trading here from y^e Attempts of Pirates and Sea Rovers who are found frequently to Infest those Coasts at this Season of y^e Year as also from y^e Insults of other Enemies in case of warr his Matys hon^{ble} Councill desired his Excellency to write to his Excellency y^e Govern^r of Maryland y^t he will please to give y^e Necessary orders to Cap^t Nathaniell Bostock Command^r of y^e said advice Boate Eagle to Saile to y^e mouth of James River wth all Convenient Speed and there to expect such orders and directions as shall be thought Needfull to be given him for his Matys Service and y^e defence of this Coloney

Upon reading a Complaint made by George Luke Esq^r Collector of his Matys Customs in y^e Low^r district of James River y^t on Sunday y^e 10th of this month whilst he was at Church his wife took y^e Oppertunity to Ransack his house and Conveyed [carried off] all she could conveniently come at to a Considerable value his Excellency and y^e hon^{ble} Councill taking into Consideration y^t y^e said George Luke by his office having y^e custody of many Navigation Bonds and other Papers of great Consequence relating to his Matys Customs y^e same may be in danger of being Embezelled destroyed and made away with by y^e said Lukes wife have thought fitt to direct and accordingly y^e said George Luke Esq^r is hereby ordered and directed forthwth to Remove all Books and Papers belonging to y^e said office of Collector of y^e Low^r district of James River to y^e house of Coll^o W^m Willson Navall officer of y^e said District where y^e same and all other Papers y^t shall hereafter come to y^e said Lukes hands relating to his said office are hereby appointed to be Lodged till further order

His Excellency in Councill signed new writs for y^e election of a Burgess for King and Queen County in y^e Room of M^r W^m Gough deceased, for New Kent in y^e Room of M^r Gideon Macon deceased, for Princess Ann in y^e room of M^r John Thoroughgood deceased as also a writ for electing two Burgeses for y^e New County of King William

Post Merediam.

Present

His Excellency

W^m Byrd
Edm^d Jenings

John Lightfoot Esq^r

The house of Burgeses being adjourned this Night y^e Councill also adjourned till to morrow Norning 8 a Clock

May y^e 15th 1702

Present

His Excellency

W^m Byrd
Edm^d Jenings
John Lightfoot

Matthew Page
and
James Blair Esq^r^s

His Excellency having Received a Letter from M^r Rich^d Buckner wth some Printed News said to be brought in by one Jn^o Chaplin Master of y^e Triall Brigateen of Bristol his Excellency by advice of y^e Councill signed a warrant for y^e said Chaplin and his Ships Companys appearance before him and y^e hon^{ble} Councill in order to their Examination upon y^e Matters therein Contained

His Excellency in Councill was pleased to sign diverse Pattents for Land Granted to sev^{ll} Persons last Gen^{ll} Court according to a List thereof presented to him by y^e Clk of y^e Sec^{ry}^s office as also sev^{ll} Probates and Administrations

Whereas by an Act of Assembly made at James City y^e 23 day of Septemb^r 1667 It is ordered y^t in time of warr or danger all Ships and Vesells shall ride in such Places as y^e Govern^r shall direct and in Regard of y^e great Probability of a speedy war his Excellencie and y^e hon^{ble} Council taking under their Consideration y^e Safety and Security of y^e Ships and Vesells lying in this Coloney thought fitt to propose to y^e R^t worshipfull y^e house of Burgeses now Assembled whether it would not be Convenient for preventing any Surprize from an Enemy y^t all Ships and Vesells should be appointed to ride at y^e Places hereinafter Expressed and whereas the house of Burgeses have by their Resolves of y^e date hereof given their Opinion y^t at this time it is Convenient y^t every Ship and Vesell within this Dominion be ordered to ride at some of y^e following Places

His Excellency by and wth y^e advice of his Majestys hon^{ble} Councill of State is hereby pleased to order and direct y^t all and every Ship and Vesell within this Colony do ride at some of y^e Places hereafter mentioned and at no other viz.

- In James River as high up y^e River as James City
- In Elizth River as high up y^e River as y^e towne
- In Nansimond River above y^e Place where y^e fort was
- In Pagan Creek as far up as y^e Creek will adm^{tt} wth Conveniencie
- In Warwick River above Sandy Point
- In hampton River as high up y^e River as y^e Towne Point
- In York River above Kings Creek
- In all y^e Rivers in Mopjack bay as high up as y^e Rivers will adm^{tt} with Conveniencie
- In Rapahanock River as high as y^e River will adm^{tt} wth Conveniencie
- In Cordoman [Corotoman] River above y^e Place where y^e fort was
- In Potomack River as high up y^e River as Appamatock Creek
- In Yoacomoco and Low^r Matchetucks as high up as y^e Place will adm^{tt} wth Conveniencie

In all y^e Usual Places along y^e Eastern Shoore as high up as y^e Respective Places will adm^{tt} wth Conveniencie
 And y^e Clk of y^e Councill is hereby directed to transmitt Copys of this order to y^e Collectors and Navall officers of every respective district in this Colony who are hereby Commanded Immediately to Intimate y^e same to every Cap^{tt} or Commander of all and every Ship and Vesell within their respective districts and to Charge them and every of them to give all due obedience to this order as they will Answer y^e Contrary at their Perill

Wil Robertson *Ck Consl*

Munday May y^e 18th 1702

Present

His Excellencie

W^m Byrd

Benj^a Harrison

Edm^d Jenings

and

Matthew Page

James Blair Esq^r

Upon reading againe at this Board y^e Proposals made by Cap^t James Moodie Command^r of his Matys Ship y^e Southampton relating to y^e preserving and keeping up y^e Careening Place made by him at Point Comfort

Ordered That y^e same be Referred to y^e Consideration of y^e house of Burgeses

Matthew Page & Benj^a Harrison Esq^{rs} absent

Ordered That M^r auditor Byrd send to England for all y^e acts of Parlim^t since y^e 11th and 12th of his Matys Reign and also for Ruled Paper common Paper and Gilded Paper of sev^{ll} Sizes wax, wafers, Quills and Ink for y^e Use of y^e Councill Chamber and that he also write to M^r Perry desiring him to Enquire of M^r Secretary Popple when any Proclamations are sent from y^t office to this Governm^t and to send heither one hundred of each Sort to be distributed through y^e sev^{ll} Countys of this Colony

John Lightfoott Matthew Page & Benj^a Harrison Esq^{rs} P^rsent

Whereas by an order of Council dated y^e 24th of october 1701 y^e sev^{ll} County Courts within this his Maty Colony and Dominion were required to Issue out orders throughout their Respective Countys y^t y^e Inhabitants—should render to them an Acc^{tt} what Sloops Boates and flatts they had, of what dimensions, in what Condition, where they Generally ly, and what use they putt them to and y^e Justices of y^e said County Courts to returne an Acc^{tt} thereof to y^e Councill office Notwithstanding whereof few of y^e said County Courts have complied wth y^e said orders and it being absolutely Necessary for his Matys Service y^t such acc^t should be had especially in time of war his Excellency by and wth y^e advice and Consent of his Matys hon^{ble} Councill doth hereby Command and require y^e respective County Courts wth all possible Speed to Returne to y^e Councill office a true acc^{tt} of all Sloops boates and flatts within their respective Countys pursuant to y^e directions above mentioned and y^e Clk of y^e Councill is hereby

directed to send Copys of this order to y^e Shrieffs of y^e respective Countys to the end they may intimate y^e same at y^e Next Court held for each of y^e said Counties

Whereas sundry Orders have already Issued requiring y^e sev^{ll} County Courts and vestrys within this Dominion to transmitt to his Excellency exact acc^{ts} of their respective County and Parish Leavys and whereas many of y^e said County Courts and vestrys have proved very remiss in making returns pursuant to y^e order of Councill

Ordered

That y^e Clk of y^e Councill do Issue out orders to y^e respective County Courts who are yet deficient in Making such returns that they forthwth require y^e vestrys of y^e Respective Parishes within their Countys to render to them a true Acc^{tt} of their Parish Leavys and y^t they Immediately transmitt y^e same together wth y^e Acc^t of their County Leavies D^r and C^r to y^e Councill office

May y^e 19th 1702

Present

His Excellencie

W^m Byrd
Edm^d Jenings
John Lightfoot

Matthew Page
Benj^a Harrison
James Blair Esq^{rs}

Coll^o Rob^t Carter by his Letter to his Excellencie excusing his absence from this Assembly on Acc^{tt} of y^e death of his youngest Daughter & sick & weak Condition of his only Son his Excellency accepted of his said Excuse

Coll^o Rob^t Carter Treasurer by his Letter to his Excellency representing y^t by an acc^{tt} made up by Coll Corbin for Cap^t Corbin Griffin late Navall officer of Rapahanock district there was due by him y^e Sume of £72-2-08^d but could not gett y^e Money y^e widdow being unwilling to pay without Suite and If she would hath Nothing in Cash It is y^e opinion of y^e Councill and accordingly

Ordered That y^e Consideration thereof be Referred to y^e house of Burgeses

Ordered

That the Naval officers of all and every district of this Colony & Dominion make up their acctts wth M^r Treasurer Carter both for y^e Imposition on Liquors & Ser^{ts} & Slaves to this day

May y^e 20th 1702

Present

His Excellencie

W^m Byrd
John Lightfoot
Matthew Page

Benj^a Harrison
&
James Blair Esq^{rs}

Cap^t Thomas Lovitt Commander of y^e Ship Loyall Charles of Belfast Making Complaint to this Board y^t one Peter Cartwright an

ordinary keeper at Elizth towne harboured and Entertained his Seamen to y^e great Prejudice of his affaires on board and praying redress therein, His Excellency and y^e hon^{ble} Councill taking y^e same into Consideration In regard there are some Proposals now Lying before y^e house of Burgeses for Restraining Seamen from Runing away from their Service and prohibiting ordinary keepers to harbour or Entertain them

Ordered

That this Petition be sent to y^e house of Burgeses for their Consideration

May y^e 21th 1702

Present

His Excellencie

W^m Byrd

Edm^d Jenings

John Lightfoott

James Blair

Matthew Page

Benj^a Harrison

John Custis Esq^{rs}

His Excellency laid before y^e Councill y^e perticular Lists of y^e Militia in y^e sev^{ll} Countys of this Colony also an Abstract of y^e same an Acc^{tt} of y^e Armes and Ammunition returned from y^e sev^{ll} Counties and an acc^{tt} w^{ch} he had drawn up of y^e State & Condition of y^e Frontiers Countys and asked y^e advice of y^e Councill what was most proper [to] be done for Making y^e Militia more Effectuall for y^e defence of this Country in case of warr being [seeing that] he had observed at all y^e Musters he had been at y^t not one fourth of y^e men were Armed and Accounted [accoutered] for Service and desired y^t they would also Consider of some Method to Secure y^e frontiers by Land since y^e house of Burgeses had refused to Joyn in a Committee for Making y^e Act for securing y^e frontiers Effectual and after some debate therein it being Late

Ordered

That y^e Consideracon thereof be Referred till to morrow morning adjourned till tomorrow morning 8 a Clock

May y^e 22^d 1702

Present

His Excellency

W^m Byrd

Edm^d Jenings

Jn^o Lightfoott

James Blair

Matthew Page

John Custis

Benj^a Harrison Esq^{rs}

The Councill having resumed y^e Consideration of what his Excellency proposed yesternight concerning y^e Militia are of opinion y^t y^e same and y^e sev^{ll} Papers now Lying before this board relating thereto be recommended to y^e Consideration of y^e house of Burgeses

Upon representation made to this board by Coll Miles Cary Navall officer of York District y^t y^e Potomack factor of Bristoll Cap^t John

Waldron Commander being Entred in y^e said District and having by Casualty been lately burnt before clearing and praying directions as to Receiving y^e Port dutys for y^e said Ship

Ordered

That it be Referred to M^r Auditor Byrd to Consider and report his opinion therein to his Excellency in Councill

In Obedience whereunto M^r auditor Byrd gave in his Report as follows

May y^e 22^d 1702

I am of opinion y^t y^e port dutys are due upon y^e Ships Entry but forasmuch as y^e Ship was unfortunately Burnt I humbly conceive y^t it is in y^e Power of y^e Govern^r to remitt y^e same upon y^e Masters Petition Especially being but a small Vesell

W^m Byrd Auditor

Upon reading a Letter to his Excellency from y^e vestry of hungers Parish in Northampton County wherein they say y^t they had Received a Letter from M^r Commissary Blair y^t M^r Peter Collier Insisted on his triall and y^t they were Ignorant of y^e Proceedings of such tryalls but as his Excellency was his Maty Govern^r of Verg^a they ownd him as Supream under y^e King both in Church and State and John Custis Esq^r one of y^e said Vestry as also M^r Commissary Blair being both present his Excellency read one of their Excell^{ys} y^e Lords Justices their Instructions to him concerning y^e Jurisdiction of y^e Bishop of London in this Coloney w^{ch} is in these words "and to y^e end y^e Eccleceasticall Jurisdiction of y^e said Bishop of London may take Place "in y^t his Matys Coloney as far as conveniently may be, his Maty "doth think fitt y^t you give all Countenance and Incouragem^t in y^e "Exercise of y^e same Excepting onely y^e Collating to Benefices granting "Licences for Marriges and Probates of wills w^{ch} his Maty hath Referred to y^e his Gov^r or to y^e Commd^r in chief of y^e said Colony for "y^e time being; and his Excellency then acquainted y^e said John Custis Esq^r y^t this Matter in controversie between M^r Collier Minister of Hungers Parish and y^e said Vestry did not ly before him but hoped M^r Commissary Blair would to his duty therein

M^r Auditor Byrd laying before y^e Councill an Acc^{ts} of sev^l Extraordinary Charges paid out of his Maty Revenue of y^e 2^d [2^s] per hhd and Port dutys since Aprill 1700 amounting to £580-14^s-10^d and also Representing that his Matys Revenue was in Arear in Aprill 1699 (as appears by an order of Councill dated y^e 26th of y^e said Month) y^e Sum of 200£-on Consideration y^t in Case of a warr no Ship can be Expected Next Year whereby y^e Revenue of 2^s per hhd appointed to pay y^e Annuall Sallarys and Contingent Charges of y^e Governm^t will prove deficient it is y^e opinion of y^e Councill y^t an humble Representation be made to y^e Rt hon^{ble} y^e Comm^{rs} of y^e treasury and Comm^{rs} for trade and Plantations y^t y^e above Sum of £780-14^s-10^d as also y^e Sum of £1487-6^s-3 paid S^r Edm^d Andross out of y^e said Revenue of y^e 2^s per hhd by warr^t from y^e R^t hon^{ble} y^e L^{ds} of y^e treasury may be transferred to y^e Acc^{ts} of y^e Quitt rents

David Menestrier a black smith and one of y^e french Refugees Inhabiting at Luciana Petitioning his Excellency y^t he may have leave to use y^e Coal Mines lately discovered there for his forge his Excellency by and wth y^e advice of y^e Council doth hereby give Leave to y^e said David Menestrier to take what Coales he shall want out of y^e s^d Coalmine for y^e use of his forge according to y^e Prayer of y^e said Petition

May y^e 23^d 1702

Present

His Excellency

Edm^d Jenings
John Lightfoot
Matthew Page

Benj^a Harrison
John Custis
James Blair Esq^{rs}

Whereas Information is given to this Board y^t y^e Ship Potomack factor of Bristoll Cap^t John Waldron Command^r hath by casualty been lately burnt and it being thought Necessary y^t y^e Seamen belonging to y^e said Ship should be secured for his Matys Service and put on board his Matys Ship y^e Southampton

His Excellency by advice of y^e Council signed a warrant under y^e Seale of y^e Coloney directed to y^e Justices of y^e Peace and Military officers of New Kent and King and Queen Countys y^e Command^r for y^e time being of y^e Sloop appointed to attend his Matys Ship y^e Southampton or Cap^t Turner Commander of y^e Ship Kent for apprehending and Securing y^e said Seamen y^e Master and Mate Excepted and Conveying them on board his Matys said Ship y^e Southampton

May y^e 26th [24th] 1702

Present

His Excellency

Edm^d Jenings
John Lightfoot

John Custis
James Blair Esq^{rs}

His Excellency asked If any of y^e Council knew if Coll^o Harrison were come to towne and being answered y^t they had heard he was lame his Excell^y said he ought to have sent his Excuse to him as being y^e Kings Gov^r and therefore ordered y^e Clk of y^e Council to Send an Express for him to come heither fortwth his Matys Service requiring his attendance

Matthew Page Esq^r P^rsent

Upon reading at this board a Petition presented to his Excellency by Cap^t Thomas Warner Command^r of y^e Ship William and Orian of Bristoll setting forth y^e week Condition of his Ship by y^e loss of four men Since he came from England whereby he is Incapacitated to prosecute his Voyage and praying a warrant for two of y^e Seamen w^{ch} belonged to Ship Potomack Factor lately burnt

His Excellency thereupon acquainted y^e Council y^t he was Informed y^t y^e Seamen belonging to y^e Potomack factor had dispersed

themselves and y^t Coll^o John West had given them Passes for their so doing and he had been also Informed y^t four or five Seamen belonging to y^e Ship Nicholson had left y^e said Ship and lurked some where about West Point or Mattaponey and y^t notwithstanding y^e sev^l orders y^t had been Issued from time to time for apprehending such vagrant Seamen y^e Inhabitants did so Conceale them y^t None of them could be apprehended So y^t If y^e Assembly did not take care to remedy this growing evil by some Law it would prove of very bad Consequence and if any of y^e Kings Ships coming in here should want men his Excellency would be obliged to supply them wth Land men from among y^e Inhabitants rather yⁿ y^t his Matys Service should be impeded

Mary Williams of Nansimond County Complaining to this Board y^t W^m Hunter of y^e Low^r Parish of Nansimond did on y^e 16th Instant send a Constable to her house and take away her Child and Contrary to Law bound him for twenty one years and praying redress therein

Ordered y^t y^e said Petition be Referred to y^e Justices of Nansimond County to Examine into y^e Matter therein represented and Report y^e same to y^e Councill

May y^e 25th 1702

Present

His Excellencie

Edm^d Jenings
John Lightfoot^r
Matthew Page

John Custis
and
James Blair Esq^{**}

Cap^t Thomas Warner being called into y^e Councill Chamber and humbly moving y^t a warrant may be granted him for two of the Seamen y^t lately belonged to y^e Potomack factor, or of those run away from y^e Ship Nicholson his Excellency caused Cap^t James Moodie Commander of his Matys Ship y^e Southampton to be called in and asked him if he had gott his Comple^t of men and If he had any men to spare to y^e said Warner to w^{ch} y^e said Cap^t Moodie made answer y^t he could not spare any men because he wanted twelve at present to make up his Comple^t & in case of war should want forty more y^t severall of his men had run away and were harboured in y^e Countrey, and Notwithstanding all the dilligence he could use they were so concealed and Protected by y^e Inhabitants y^t he could not find them and y^t If care were not taken to prevent such evill Practices he doubted many more would desert and so he must be forced to Impress Seamen out of y^e Vesells belonging to Virginia owners

And then y^e said Cap^t Moodie & Cap^t Warner being withdrawn His Excellency asked y^e advice of y^e Councill what Method should be taken for obviating many Inconveniences that daily happen by y^e desertion of Seamen both from his Matys Ships and Merch^ts Ships and being [seeing that] ye house of Burgeses had referred y^e Consideration of y^e Proposals made to them on y^t head till Next Session of Assembly he thought it Undispencibly Necessary that something should be done for preventing such evill Practices in y^e meane time y^e hon^{bl}e

Councill are of Opinion y^t it be Referred to M^r Benj^a Harrison Council for y^e King to Consider If there be any Law in force for punishing Seamen who desert either from his Matys Ships or Merch^{ts} Ships and how those who harbour entertaine or encourage them may be prosecuted and y^t he make report of y^e same as soon as Conveniently may be y^t so this board may take such further order for preventing such dangerous Practices as shall be found agreable to Law

May y^e 28th 1702

Present

His Excellency

W^m Byrd
Edm^d Jenings
Jn^o Lightfoot

Matthew Page
Robert Carter
Jn^o Custis Esq^{rs}
M^r Commissary Blair Esq^r

His Excell^{cy} laid before y^e Councill a lett^r from Coll^o Harrison dated Yesterday—desiring his Excellency to excuse his absence from Councill in regard of his Indisposition.

Peter May a French Refugee by his Petition to his Excellencie setting forth y^t he y^e said May came into this Country in y^e Ship Nasaw Cap^t Rich^d Trogian Command^r along wth sev^{ll} other french Refugees Sent heither by his Maty and that after his coming in one M^r Daniell Brabant did promise to take care of him but afterwards carried him to Court and their bound him for five yeares and then sold him, and praying redress therein

Ordered that y^e Complaint of y^e said May be Referred to y^e Court of King William County y^t Justice be done y^e Petitioner in y^e Matter by him Represented

His Excellency asked y^e advice of y^e Councill whether it is proper at this time to offer anything to y^e house of Burgeses concerning his Matys Commands for assisting New York and M^r Auditor Byrd being asked wheither he had Received any acc^{ts} of his Sons Negotiation in y^t matter he answered that he had not Whereupon y^e Councill are of Opinion that it will be best to Expect y^e answer to y^e Assemblys address to his Maty on that Subject before any [thing] further be moved therein here and y^t y^e Proposals for building a house for y^e Governor be also deferred till y^t time

M^r Treasurer Carter, moving y^t an order may Issue Requiring y^e sev^{ll} Navall officers to make up their Acc^{ts} with him to some certaine time

Ordered that all y^e Navall officers of all and every y^e Districts within this Colony make up their Accompts of y^e Impositions on Liquors and Serv^{ts} and Slaves for all Ships entred or y^t shall be entred by them to y^e 24th day of June Next and make oath to y^e same before M^r Treasurer as usuall

Upon reading at this board y^e Resolves of y^e house of Burgeses upon y^e Propositions made by his Excellency and y^e hon^{ble} Councill concerning y^e french Refugees Inhabiting at y^e Manakin towne his

Excell^{cy} and y^e hon^{ble} Councill being Informed y^t Mons^r de Sally and sev^{ll} french Refugees lately arrived, attended they were called in and y^e said Resolves read to them in y^e following words Viz^t as to y^e first part of y^r Message on y^e 21st instant concerning y^e french Refugees bounds and quantity of land to be allowed for y^e french Settlement at Manakin town and Parts adjacent we are of opinion y^t y^e same be allowed and ascertained according to his Matys Letter dated at Kensington y^e 18th of March 1699

As to y^e second part of y^e said Message desiring y^e Opinion of y^e house what Number of y^e french Refugees may conveniently be permitted to settle at y^e Manakin towne we submitt y^e same to y^r Excellency and y^e hon^{ble} Councill to act therein as you think fitt

As to y^e third part of y^e said Message desiring y^e opinion of y^e house how such as settle at y^e Manakin towne can be qualified to hold y^e said Land and what may be y^e easiest way to ensure y^e same to them we are of Opinion y^t such of y^e said Refugees as settle at y^e said Manakin town shall hold their said Land as y^e rest of his Matys Subjects in this Colony and Dominion do

And forasmuch as M^r Salomon de la Cu a french Refugee lately arrived from England and also sev^{ll} others who lately came into this Country in y^e Ship Nassaw have made Application for Leave to settle at the Manikin-town It is y^e opinion of y^e Councill and Accordingly

Ordered y^t Leave be given to y^e said Salomon de la Cu & the french Refugees lately arrived in Cap^t Tregjan to Settle amongst y^e other French at Manikin town with y^e same Priviledge as those already settled their do enjoy

And it is further ordered y^t Mons^r Charles de Sallie M^r Abraham Sallee and M^r Salomon de la leu [Cu] acquaint y^e other Refugees y^t in order to qualifie them to hold y^e land allowed them they must Petition for Naturalization to y^e Next Session of Assembly

M^r Auditor Byrd being by order of Councill of y^e 25th of Aprill last Impowred to sell and dispose of y^e Cargoe Sent in for y^e french Refugees and making Report to his Excellency and y^e hon^{ble} Councill this day that no offer had yett been made for y^e same

Ordered that M^r Auditor Byrd take y^e said goods at first cost According to y^e Invoice and keep y^e money in his hands till Next Meeting of Councill

The following warrant to y^e Collonells and Commanders in cheif of y^e Militia was read and approved of in Councill Viz^t

By his Excellencie

Virg^a S^a

Whereas y^e repeated advices from England and other parts give ground to Believe y^t a warr either is or will speedily be declared by his Maty and his allies ag^t y^e french King and to y^e end y^e Inhabitants of this his Matys Coloney may be provided in y^e same effectuall Manner y^t may be possible for their Necessary defence in case any attempt should happen to be made upon this Country

I do therefore by and wth y^e advice and consent of his Matys hon^{ble} Councill of State hereby Command and require y^e Collonell

and Commanders in Chief of all & every y^e Countys within this Coloney and Dominion, that they cause each troop and Company under their Respective Commands to be duly Mustered and Exercised by y^e Cap^{ts} thereof once in every fortnight and y^t they also give strict Charge and directions to y^e Captains of such troops and Companys to take especial care that all Persons without Priveledge or Exemption be listed and personally performe their dutys at y^e said Musters

And y^t y^e present State of y^e Militia of this Colloney may be better known I do by y^e advice aforesaid further require and Command y^e said Collonells and Commanders in chief of every respective County, to cause y^e Captains of y^e severall troops and Companys under their respective Commands at such particular Musters to examine and enquire what officers or Souldiers are dead since y^e last list of y^e Militia according to y^e new Modell was returned What officers are put in y^e Place of those deceased and what new additions of men have been made since y^e said time and how their said troops and Companys are now armed and for y^e more easie Compliance herewith y^e Clk of y^e Councill is hereby ordered to send to each of y^e said Collonells y^e last List of y^e Militia returned by them that they may [cause] such alterations to be marked upon y^e foot thereof and wth all possible Expedition transmitted to y^e Councill office

And whereas y^e R^t worshipfull y^e house of Burgeses now Asembled by their addres of y^e 26th Instant have represented y^t since y^e last returns of y^e Melitia Lists there has been great quantity of armes and ammunition brought into this Country I do by and wth y^e order afforesaid like wise require and Command y^e Collonells and Commanders in chief to make or cause strict and dillig^t inquiry to be made what armes and ammunition are at present in their respective Countys and in whose custody and forthwith to transmitt an Acc^{ts} thereof to y^e Councill office

And whereas by an order of Councill baring date y^e 4th day of July 1701 y^e Collonells and Commanders in chief of each Respective County within this Coloney were ordered to returne a List of y^e names of every fifth man within their Respective troops and Companys being young Brisk fitt and able to go out to war upon any Emergent occasion I do also by and with y^e advice afforesaid hereby order and appoint that a New List of y^e said fifth man be taken and transmitted to y^e Councill office according to y^e Perticular directions sett down in y^e said order Given under my hand & y^e Seal of y^e Coloney this 28th day of May 1702

Fr: Nicholson

As also a warrant being prepared pursuant to y^e Resolves of y^e house of Burgeses for returning y^e List of tythables to y^e Secretarys office was read in Councill and approved of and is as follows

Virg^a ss^t

By his Excellency

Whereas y^e R^t Worshipfull y^e house of Burgeses now Asembled have desired me to Issue my orders to y^e Respective Justices appointed to take y^e Lists of tythables in y^e sev^{ll} Countys of this Dominion for

this present year to return y^e Lists they take to y^e Respective County Courts Clks so as y^e s^d Clks may be able to return a Copy or Certificate of y^e same to y^e Secretarys office by y^e first day of July Next I do therefore by advice & consent of his Matys hon^{ble} Councill hereby order and direct y^t y^e Respective County Courts take care y^t y^e Justices of y^e Peace appointed in each Countys to take y^e lists of tythables for the present year do deliver y^e said lists to y^e Clk of their said Countys who is hereby required to transmitt a Copy of y^e same to y^e Secretarys office by y^e first day of July Next and If in case their shall be no Court to meet in any of y^e said Countys so as this my order may be timely Published I do hereby Authorize and Impower y^e first in Commission of y^e Peace of each and every such County to Summon y^e Justices to meet at such Convenient time as he shall think fitt and thereto Intimate to them this my order to y^e end y^e said Lists may be duly transmitted to y^e Secretarys office at y^e time perfixt hereby requireing y^e said Justices and County Courts Clks y^t they faile not to Comply wth these my Commands as they will answer y^e Contrary Given under my hand & the Seal of the Colony this 28th day of May 1702

Ordered

That y^e Clk of y^e Councill prepare copies of y^e two above warrants for [each] County in this Coloney ag^t to morrow morning in order to be sent wth y^e Burgeses of y^e sev^l Countys

May y^e 29th 1702

Present

His Excellency

W^m Byrd

Edm^d Jenings

Jn^o Lightfoot

James Blair

Matthew Page

Rob^t Carter

Jn^o Custis Esq^{rs}

The Clk of y^e Councill having according to order prepared copies of [his] Ex^{cy}s warrants Concerning y^e Militia and for returning y^e list of tythables y^e same were signed by his Excellency in Councill

His Excellency asked y^e Councill if they knew of anything farther proper to be now to offer to y^e Consideration of y^e Assembly who gave word they knew of Nothing Necessary to be proposed at present and then his Excell^{cy} acquainted them y^t in regard he was in daily Expectation of y^e men of warr and uncertaine what orders they might bring he thought it would be Convenient to prorogue y^e Assembly to this 18th of June and no Longer

And Nothing further offering for his Matys Service y^e Councill adjourned

At a Councill held at y^e hon^{ble} Coll^o Matthew Pages house in Gloucester County May y^e 30th 1702

Present

His Excellency

Edm^d Jenings

Matthew Page

Jno Custis

James Blair Esq^{rs}

His Excellency laid before y^e hon^{ble} Councill a Lett^r from y^e R^t hon^{ble} y^e L^{ds} Comm^{rs} for trade and Plantations dated y^e 19th of March 1701/2 inclosing a lett^r from y^e L^{ds} of her present Matys most hon^{ble} Privy Councill dated y^e 11th of y^e said Month wherein their Lordps are pleased to Notifie y^e death of his late Majesty King William y^e third of blessed Memory & require his Excellency with the assistance of y^e Councill & c to Proclaim her Royal Majesty Queen Anne According to y^e form therewith sent upon Consideration whereof

Ordered

That a Proclamation Issue Commanding all y^e sev^{ll} Commanders in chief of y^e Militia in y^e sev^{ll} Countys within this Colony wth all Convenient Speed to appoint a Gen^{ll} Musters of all y^e Melitia under their Commands at y^e Court house of their respective Countys and there wth y^e Justices of y^e Peace Shreffs and other officers proclaim her said Majesty Queen Anne according to y^e abovesaid form and to cause to be read at y^e said Musters and Meeting y^e following Papers viz her Matys gracious Declaration at her first Setting in Council at St James March y^e 8th 1701 her Matys Proclamation continuing all officers & c y^e address of y^e Lds Spirituall and temporall to her Maty the address of y^e house of Commons to her Matys, her Matys most gracious Speech to both houses of Parlim^t and a copy of a Clause of y^e above Letter from y^e R^t hon^{ble} y^e Lds Comm^{rs} for trade & Plantation and y^t her Maty may be y^e most solemnly proclaimed at y^e Seat of y^e Govern^t It is thought fitt y^t y^e 18th of June Next be appointed for performing y^e same where [when] y^e Councill Burgeses Clergy Rector Trustees Govern^{rs} Presid^t Masters and Scholars of W^m & Mary Colledge are to be present also Commanding y^e Melitia of York & James City vig^a [Virg^a] Troop of New Kent County horse & dragoons of Charles City on y^e North side James River and of Warwick & Elizth City to appear at y^e City of Williamsburgh on y^e said 18th June with their best Arms & Accoutram^{ts} w^{ch} said Melitia are to be Excused from appearing at y^e particular Musters of y^e Sav^{ll} Countys appointed by the Proclamation for proclaiming her said Maty

Whereas upon y^e death of his late Majesty of glorious Memory y^e Lords of her present Matys most hon^{ble} privy Councill were pleased to direct sev^{ll} alterations to be made in y^e Publick Prayers for her Matys Royall Family

Ordered

That a Copy of y^e said order of her Matys most hon^{ble} Privy Councill be forthwith sent to every Parish wthin this Colony to y^e end y^e Ministers and Readers of y^e said sev^{ll} Parishes may observe y^e directions therein sett down

Whereas sev^{ll} very Loyall and Dutifull addresses have been presented to our most gracious Sovereign Queen Anne upon the death of his Maty & her Accession to y^e Crown and particularly one from y^e Lord Major Aldermen & Commons of y^e Citty of London mentioned in y^e Gazette of y^e 12 March therefore y^e Inhabitants of this her Matys Colony may not be wanting in expressing their duty with her Matys other Subjects his Excellency & y^e hon^{ble} Councill think fitt to direct that Notice be given & that a copy of y^e said address be Sent to y^e

sev^{ll} Countys of this dominion y^t y^e Civill & Military officers of y^e said Countys form a suitable address to her most sacred Majesty upon this occasion

His Excellency laid before y^e Councill a Lett^r from y^e R^t hon^{ble} y^e Lords Comm^{rs} for trade and Plantations dated y^e 16th of March 1701 wherein they Inclose an ord^r of his late Maty in Councill requiring an Acc^{tt} wheither y^e Courts of Admiralty here are Established by Vertue of y^e Commission from y^e Lds Com^{rs} of y^e Admiralty or by vertue of a clause und^r y^e great^e Seal of England for Erecting y^e said Courts The said lett^r & ord^r of Councill was read & Referred till Next Councill

The Consideration of y^e most proper place for Making up y^e fleett as also of y^e Laying a Gen^{ll} Embargo referred til Next Meeting of y^e Councill y^e Convoy not being to sail till after y^e 20th of July Next

Wil Robertson *Clk Con*

[C. O. 5, Vol. 1312, N^o 40^{xvii} or fo. 555.]

Virginia S^{ct}

An account of the Proceedings of the Gen^{ll} Court in April 1702 upon Navigation bonds past to the King

Atto Genll
vs
Gawin Corbin
Gentl late of
Westmoreld
County

Debt for 1000^{li} sterl by bond for the discharge of y^e Loading of y^e Brigantine W^m & Mary of Virginia in y^e yeare 1693. Dismist.

the Defend^t haveing produced a Letter from y^e Comm^{rs} of y^e Customes in Lond^e to his Excy in discharge of y^e s^d bond and also a Certificate from y^e Coll^r that y^e penny per pound for y^e Tob^o carryed out in y^e s^d Brigantine in y^e s^d yeare was paid in this Country

Atto Genll
vs
Willis Wilson of
Elisa City County
Gentl

Debt for 1000^{li} sterl. by bond for the Discharge of y^e Loading of y^e Brigantine Speedwell in y^e yeare 1696. Dismist

the Defend^t being dead.

The King
vs
Ch: Ashton &
Anne his wife
Ex^x of
John Washington

Scire facias. to renew a judgm^t for 1000^{li} sterl. Continued for y^e Defend^{ts} to bring an Acco^t dece^d Estate

Truely
Taken

Per C C Thacker *Cl Gen Cur*

[C. O. 5, Vol. 1312, N^o 40 (xiv) or fo. 530 cont^d.]

Virg^a S^{ct}

By his Excellency

A Proclamation

Whereas the Gener^{ll} Assembly begun at his Maj^{ty} Royall Colledge of W^m & Mary adjoining to y^e City of W^mburgh y^e 5th Day of December 1700 is prorogued to y^e 23^d Day of this Instant Aprill and

on advice in Councill find it most for his Maj^{ty} & this Colony's Service that the assembly be prorogued untill further time therefore I Francis Nicholson Esq^r his Maj^{ty}'s L^t and Govern^r Gen^l of Virg^a by virtue of the Power and authority to me given by his Maj^{ty}'s Letters Patents under the great Seale of England bearing date at Westminster the 20th day of July in the tenth year of his Maj^{ty}'s Reigne Do by this Proclamation in his Maj^{ty}'s Name publish and Declare that I have prorogued the s^d assembly & it is hereby prorogued to the 13th Day of May next at which time I Do hereby require every respective member that they faile not in giving their attendance accordingly Intending (God willing) that y^e Gen^l Assembly shall then sit. Given und^r my hand & the Seale of the Colony this 18th Day of Aprill *Anno Dom.* 1702,

Fr: Nicholson

A Proclamation proroguing y^e Gener^l Assembly

C C. Thacker Cl Sec office
God save y^e King

[C. O. 5, Vol. 1312, N^o 40^{xiv} or fo. 531.]

Virg^a S^{ct}

By his Excellency

A Proclamation

Whereas it hath pleased almighty God to raise in y^e minds of all his Maj^{ty}'s Loveing Subjects that just resentm^t & abhorrence of the late Proceedings of the french King in owning & setting up the pretended Prince of Wales for King of England Scotland & Ireland w^{ch} has been so fully and universally Express in the Loyall and Dutifull addresses of his Maj^{ty}'s s^d Kingdomes & of the sever^l Counties and Grand Jury of this his Maj^{ty}'s most antient & great Colony and Dominion of Virginia thereby Disappointing the hopes and Expectations of y^e Enemy's to y^e Protestant Religion as also to bless the armes of the Emperour one of his Maj^{ty}'s allies with continued Success against the french in Italy & to preserve this his Maj^{ty}'s Colony in Peace and tranquility giving us the hopes of a plentifull yeare. Therefore I Francis Nicholson Esq^r his Maj^{ty}'s L^t and Govern^r gen^l of this his Colony and Dominion of Virginia seriously considering that such great and signall mercies do call for publick and solemn acknowledgm^{ts} have thought fitt by & with y^e advice & Consent of his Maj^{ty}'s Hon^{ble} Council of State to order and appoint Thursday the 23^d of this Instant Apr^l to be set apart kept and observed by the Hon^{ble} the Gen^l Court the reverend Clergy of this his Maj^{ty}'s Colony and Dominion at his Maj^{ty}'s Royall Colledge of W^m & Mary as a Day of publick thanksgiving rejoycing and returning humble and unfeigned thanks to almighty God for these his mercies and to implore the continuance of them towards us in preserving the Royall Person of his most sacred Majesty from all Secret and open attempts of his Enemies giving Success to his armes both by Land & Sea continuing Unanimity between his Majesty and his People and granting him a long and prosperous Reigne over all his Kingdomes and Dominions And I Do by and with the advice &

Consent afores^d order and appoint that the seventh day of May next Ensuing be kept and observed by all and every the other Christian Inhabitants of this his Maj^{ty} Colony and Dominion as a Day of publick thanksgiveing rejoyceing and returning humble and unfeigned thanks to almighty God for such signall mercies & imploreing the continuance of his blessings towards us and that in all and every Parish and Parishes where there is a minister there be publick Prayers & a Sermon in the Churches suitable to y^e Solemnity of the Day & that in the other Churches & Chappells where there is no Minister there be publick Prayers and an homily proper for this occasion be read by the Clerke or Reader hereby Enjoying the said Ministers and readers respectively to read that Prayer appointed by the Rubrick to be said in time of warr and Tumults and I Do further will and require that all his Maj^{ty} Christian Subjects within this his Colony and Dominion do reverently & Religiously observe & keep the afores^d Seventh Day of May next by abstaining from all Servile and Bodily Labour and religiously attending the Service of the Day And I Do hereby Comand & require the Sheriffs of Each and every County of this his Maj^{ty} Colony and Dominion to cause this my Proclamation to be read and published in all Churches Chappells & other publick Places within their Bayliwicks that all his Maj^{ty} good & Loveing Subjects may have timely notice to performe the Solemnity of the Day. Given under my hand & the Seale of the Colony at his Maj^{ty} Royall Colledge of W^m & Mary Adjoyning to the City of W^msburgh the 20th Day of Aprill in the 14th year of his Maj^{ty} Reigne *Annoq Dom;* 1702

Fr: Nicholson

A Proclamation for a Publick thanksgiving
God save the King

[C. O. 5, Vol. 1312, N^o 40 ^{xiv} or fo 531 cont^d.]

Virg^a S^{ct}.

By his Excellency

A Proclamation

Whereas the R^t Hon^{ble} the Lords of her Maj^{ty} most Hon^{ble} privy Council by their Letter Dated the 11th Day of March 1701, have been pleased to signify unto me the Death of our late Sovereigne Lord King William the third of most blessed memory & thereupon her Royall Majesty Queen Anne being proclaimed with Directions that with the assistance of the Council & other principal officers & Inhabitants of Virginia I should proclaime her most sacred Majesty according to y^e forme in the s^d Letter inclosed with the Solemnities & Ceremonies requisite on y^e like occasions and did also transmitt to me her Maj^{ty} Proclamation signifying her Maj^{ty} Pleasure that all men being in office of Governm^t at y^e Decease of the late King shall so continue as during his late Majesty's life untill her Maj^{ty} Pleasure be further knowne requiring me to cause the same to be published. Therefore I Francis Nicholson Esq^r her Maj^{ty} L^t and Govern^r gen^{ll} of her Maj^{ty} most ancient & great Colony & Dominion of Virginia by advice & Consent of her Maj^{ty} Hon^{ble} Council of State do by this Proclamation Comand

& require all & every the Coll^s & Comand^{rs} in cheife of the severall Counties within this Colony with all convenient Speed to appoint a Gener^{ll} muster of all y^e militia under their respective Comands at the Court house of their s^d Counties & haveing soe appointed the same that they give notice thereof to the Justices of y^e Peace, Sheriff and other officers within their s^d Counties who are hereby also required & Comanded to be present with the s^d Coll^s & officers of the militia & joyntly in most solemn manner by Sound of Trumpet & beat of Drumm to proclaime her most sacred Majesty Queen Anne according to the aboves^d forme herewith sent & to testify their rejoyceing by a triple Discharge of all their musquets and fire armes & other publick acclamations of Joy usuall on y^e like occasions And to y^e end all her Maj^{ty} Loveing Subjects may be certified of her Maj^{ty} most happy accession to the throne of her Ancestors & of her Royall inclinations towards all her Subjects I Do further Comand the s^d Coll^s & Comand^{rs} in Cheife of the militia & Justices of the Peace to cause to be read at the s^d severall Musters & publick meetings the sever^{ll} Papers hereafter mentioned whereof I have Directed Copies to be herewith sent viz^t Her Maj^{ty} gracious Declaration at her first Sitting in Council at S^t James's the 8th of March 1701. Her Maj^{ty} Proclamation continuing all men being in any office of Governm^t at y^e Decease of the late King untill her Maj^{ty} Pleasure be further knowne Dated the ninth Day of the s^d month of March. The humble address of the Lords Spiritual and Temporal to her Majesty the humble address of the house of Commons to her Majesty Her Maj^{ty} most gracious Speech to both houses of Parliament & one Clause of a Letter sent to me from the R^t Hon^{ble} the Lords Com^{rs} for trade & Plantation Dated the 19th Day of March 1701/2 & that her most sacred Majesty may be proclaimed with the greatest Solemnity that is possible at the Seat of this Governm^t I have thought fitt by and with the advice afores^d to appoint the 18th Day of June next (being the Day appointed for the meeting of the Generall Assembly for performeing the same at y^e City of W^msburgh whereof all y^e members of her Maj^{ty} Hon^{ble} Councill & right worshipfull house of Burgesses are hereby required to take notice & to give their attendance accordingly and I Do also order and require the Reverend Clergy of this Dominion the Rector Trustees, Govern^r President and Masters of her Maj^{ty} Royall Colledge of W^m & Mary & Scholars of the same as well those who have heretofore been Educated at the s^d Colledge as those presently at the same to be present and assist at the s^d Ceremony And I Do likewise by and wth the advice & Consent afores^d Comand & require all y^e militia horse foot & Dragoons within the County of York and James City the Virginia troop of New Kent County under the Comand of L^t Coll^o W^m Bassett the Horse and Dragoons of Charles City County on y^e North side of James rivers & y^e horse and Dragoons of Warwick and Eliz^a City Counties to appear under their respective officers with their best armes and accoutrements at y^e s^d City of W^msburgh on the afores^d 18th Day of June by ten a Clock in y^e morning to provide and prepare themselves for staying that night and next Day w^{ch} s^d militia of Yorke and James City Virginia troop of New Kent County horse & Dragoons of Charles

City Warwick and Elizabeth City Counties I Do hereby Excuse from their appearance at y^e respective musters of their s^d Counties by this present Proclamation appointed to meet for proclaiming her sacred Majesty any thing herein to y^e Contrary notwithstanding. And I Do further Comand the Indian Interpreters of y^e sev^{ll} nations of Indians within this her Maj^{ty} Colony and Dominion to cause the s^d Indians & there young men & boyes or so many of them as can conveniently come to y^e City of W^ms^{burgh} on y^e afores^d 18th Day of June with their bows and arrows & other armes And I Do hereby will & require y^e Sherriffs of the severall Counties within (within) this Colony to cause this my Proclamation to be published in all Churches Chappells Court houses and other publick Places within their respective Bayliwicks. Given under my hand & the Seale of the Colony at her Maj^{ty}s Royall Colledge of W^m & Mary the 30th Day of May 1702 in y^e first year of her Maj^{ty}s Reigne

Fr: Nicholson

A Proclamation for proclaiming y^e Queen
God save the Queen

[C. O. 5, 1409 cont^d.]

Virginia ss

At a Council held at her Matys Royall College of William and Mary
June the 19th 1702

Present

Edmund Jenings	His Excellency Francis Nicholson Esq ^{rs} &c
John Lightfoot	Robert Carter
Benj ^a Harrison	and James Blair Esq ^{rs}

His Excellency by his Proclamation dated the 30th of May last having appointed yesterday for proclaiming her most sacred Majesty Queen Anne pursuant to the directions of the Lords of her Matys most hon^{ble} privy Council The same was delayed till this day by reason that the badness of the weather had hindered several of the Gentlemen of the Council and House of Burgesses from coming to Town so soon as was expected: And that the funeral Ceremonys of his late Majesty King William continued till almost night. And upon considering of the most solemn manner for proclaiming her said Majesty It is ordered that M^r Speaker and the House of Burgesses be acquainted that his Excellency and the hon^{ble} Council intend forthwith to proceed to the performing the same and desire their concurrence

And then the Council adjourned till to morrow morning.

June the 20th 1702*Present*

His Excellency

William Byrd
Edm^d Jenings
John Lightfoot

Benj^a Harrison
Robert Carter
James Blair Esq^{rs}

Upon reading a letter from Cap^t James Moodie Commander of her Matys Ship the Southampton, Representing that his Provisions are near expended, and desireing an Order for victualling the said Ship and that he might be supplied with victualls or Credit The said Captain James Moodie was called in, and his Excellency by advice of the Council acquainted him that there were several Gentlemen in the County who could supply him with Provisions if he would secure them as to their Payment for the same; but that several Persons in this Country having received Bills on the Victualling office for Sums expended on the Ships of War formerly here whereof no Payment could be procured; It was to be feared, no Credit would be had. And then y^e said Captain Moodie withdrew

And upon further consideration of the Premisses.

It is ordered that a warrant be prepared to be signed by his Excellency giving leave to the said Captain James Moodie to victual her Matys Ship under his command for such time and in such manner as he shall Judge most convenient and necessary for her Matys Service

Edmund Jenings Esq^r presenting a Commission under the great Seal of England granted by his late Majesty King William the third to him the said Edm^d Jenings Esq^r bearing date the 2^d of February 1701/2 appointing him Secretary of this Colony and Dominion of Virginia and desiring that he may be sworne and admitted into y^e s^d office.

Ordered that the Forme of an Oath be prepared against Munday to be taken by the said Edmund Jenings as Secretary; and that pursuant to their Excellencys the Lords Justices Instructions dated the 13th day of September 1698 the said Edmund Jenings give Bond with good and sufficient Security for the faithfull discharge of the Trust reposed in him And that a draught of the said Bond be prepared agst Munday.

Upon reading at this Board the Petition of Cap^t Jn^o Taylor Clerk of Charles City County setting forth that for several years he hath been very much afflicted with the Gripes of the Belly and Pain in his Limbs whereby he is reduced to a very weak State of body and is advised to go for England to the Bath, and where other proper remedies may be had: And praying Leave to officiate by a Deputy in the said Clerks Place of Charles City County untill his Return from England: It is the opinion of his Excellency and the hon^{ble} Council that the said Cap^t Taylor cannot be authorised to officiate by a Deputy during his absence But in regard they are Sensible of the truth of what is represented as to y^e State of the s^d Cap^t Taylors health Do therefore think it very reasonable that he be allowed to recommend a Person qualified

for that office, And that thereupon M^r Secretary grant a Commission to the Person so recommended for the said Place & office of Clerk of Charles City County.

June the 22^d 1702

Present

His Excellencie

William Byrd
Edm^d Jenings
Jn^o Lightfoot

Benj^a Harrison
Robert Carter
James Blair Esq^r^s

Whereas the Right hon^{ble} the Lord high Admiral of England hath sent several men of war to this Colony for the Security of the Merchants Ships trading here under the command of Cap^{tn} Francis Dove Commander of her Matys Ship the Warwick & Commodore of the said Convoy who by his Instructions is to sail with the first fair wind after the twentieth day of July next. And it being thought necessary for the further Security of the said Ships that a General Embargo be laid on all Ships and Vessells whatsoever untill the departure of the said Fleet;

It is therefore ordered that no Ship or Vessell shall sail out of this Colony and Dominion untill the departure of the said Fleet, And that the Collectors and Naval officers give immediate notice hereof to the Masters and Command^{rs} of all Ships and Vessells within their respective Districts. And the said Collectors and Naval officers are hereby prohibited to clear any Ship or Vessell after the tenth day of July next, of which they are in like manner forthwith to give notice to the several Masters and Commanders of the Ships and Vessells in their said Districts to the end they may prepare themselves accordingly. And further the said Collectors and Naval officers are hereby Ordered and Required to take Bond of all Masters of Ships or Vessells at their Clearing to sail to Kiquotan at the mouth of James River, which is the Place appointed for making up the said Fleet, and not to depart this Colony during the continuance of this Embargo pursuant to an act made the last Session of Assembly Entituled an act for preventing Masters of Ships or Vessells runing away after Embargos are laid

And it is further Ordered that Cap^t James Moodie Commander of her Matys Ship the Southampton do forthwith sail to Linhaven bay and cruise there for stopping all Ships and Vessells who shall attempt to sail out of the Capes untill the departure of the said Fleet. And the Clerk of the Council is hereby directed to send a copy of this Order to Cap^t Francis Dove Commodore of the Fleet to the end he may take such further care for preventing Ships or Vessells runing away as he shall think fitt.

Ordered, that the Naval Officers of each District within this Colony and Dominion make up their Acco^{ts} with M^r Auditor Byrd for the 2^{sh} per hogsh^d Port dutys and head money arising due in their respective Districts to the tenth day of July next And that they give their attendance at Williamsburgh on tuesday the fourteenth of the s^d moneth in order to make Oath thereunto.

Ordered that a Council and Audit be held here on the fourteenth day of July next.

His Excellency laid before the Council a lett^r from Coll^s Jn^o Custis excusing his absence from this Council and Assembly by reason of his being afflicted with the Gout.

June the 23^d 1702

present, as yesterday

Edmund Jenings Esq^r her Matys Secretary of Virginia took the Oaths appointed by act of Parliament to be taken instead of the Oaths of Allegiance and Supremacie, subscribed the Test and took the Oath of Secretary of this her Matys Colony and Dominion:

And pursuant to their Excellencys the Lord Justices their Instructions entered into Bond to our Sovereign Lady the Queen in y^e Sum of five thousand pounds sterl with Peter Beverley of Gloucester County William Tayloe of Richmond and Gawin Corbin of Middlesex County Gent as Securitys for him for the faithfull discharge of his said Office

Upon considering how the money arising by the Sale of the Cargo sent in for the French Refugees may be employed in the most usefull manner for the General advantage of their Settlement: It is this day Ordered in Council that M^r Auditor Byrd lay out the Sum of three hundred pounds of the said money for purchasing Cattle, and hogs, and proportion the same amongst such of the said Refugees who are in greatest want according to his Discretion. And that the remainder of the money be laid out in necessarys for building and Cloathing which the said M^r Auditor Byrd is to send to England for, viz broad and Narrow Axes, hoes and Nails, half thicks, Kerseys, Pennistones, Cottons, Stockins, mens women's and children's Shoes, blue Linnen, brown and coloured thread, and buttons, and such other course Commoditys as the said Refugees are in greatest want of.

M^r Auditor Byrd Complaining to this Board that Cap^t John Talliaferro late Sheriff of Essex County hath given no account of the Quitrents of the said County for the year 1701.

Ordered, that M^r Thomas Merriweather the present Sheriff of the said County require and Command the said Cap^t Jn^o Talliaferro forthwith to make his appearance at Williamsburgh bringing with him the acco^{ts} of her Matys Quitrents in the said County for the time of his Sherivalty, and to make Payment to the said M^r Auditor Byrd of such Sums as shall be found due thereupon

His Excellency acquainting the Council that her Matys Advice boat the Eagle was arrived In this Colony from Maryland, And that the Captain was now in Town, but by order of his Excellency the Governor of Maryland he was to return thither with all Speed; and asking the Council whether there was any present occasion for the said Advice Boat being here: It is the opinion of the Council that at present it is for her Matys Service that the said Advice Boat be ordered to attend this Colony in order to Stop any Ships or Vessells that shall attempt to run away before the Fleet sailes; And therefore desire his Excellency to write to the Governor of Maryland that if he has no immediate use

for the said Advice Boat within his own Governm^t he will please to order the same down hither as soon as possible for her Matys Service in this Colony and Dominion.

June the 24th 1702

Present

His Excellency

William Byrd
Edm^d Jenings
Jn^o Lightfoot

Benj^a Harrison
Rob^t Carter
James Blair Esq^{rs}

A Letter from the R^t hon^{ble} the Lords Comm^{rs} for Trade & Plantations dated 14th August 1701 with an Order of their Excell^{cy}s the Lords Justices dated the 31st of July 1701 directing what Colours shall be worne by merchants Ships Commissionated by the Governors of his Majestys Plantations, was this day read in Council, and Ordered to be recorded, the [that] y^e same may be duly observed in case any such occasion happen in this Country

Upon reading a lett^r from the Right hon^{ble} the Lords Comm^{rs} for Trade and Plantations dated the 1st day of March 1701/2 with an ord^r of the Lords of his late Matys most hon^{ble} privy Council dated the 18th day of December last, Requiring an acco^{tt} whether the Courts of Admiralty in the Plantations are established by vertue of the Power given to the respective Governors by the Commission they receive from the Lords Commissioners of the Admiralty or by vertue of a Clause under the great Seal Impowering them to erect the said Courts of Admiralty.

Ordered that it be referred to Coll^o W^m Leigh Judge of the Court of Vice Admiralty in this Colony and Lieu^t Col^o Miles Cary late Reg^r of the same to draw up a Report pursuant to the said Lett^r and ord^r of his late Matys most hon^{ble} privy Council with relation to y^e Court of Admiralty settled here.

Ordered that the Resolves of the House of Burgesses concerning the lands allowed the Chicahominy Indians be sent to M^r Henry Beverley Surveyor of King William County that y^e same may be laid out according to the said Resolves.

Whereas William Byrd of King and Queen County hath lately taken upon him to Publish and spread abroad diverse false, scandalous and seditious Reports tending to the disquieting the minds of her Matys good and Loving Subjects and creating in them a dislike of the present Governm^t For which the said W^m Byrd hath been censured by the Gen^l Assembly now setting: and to y^e end all Persons may be deterred from following the evil example of the said William Byrd,

It is this day Ordered that M^r Benj^a Harrison Council for the King prepare a Proclamation upon y^e two several acts of Assembly against Divulgers of false news, and lay the same before the Coundil to morrow morning.

June the 25th 1702

Present

His Excellencie

William Byrd
Edm^d Jenings
John Lightfoot

Benj^a Harrison
Robert Carter
James Blair Esq^{rs}

His Excellency acquainted the hon^{ble} Council that he understood the House of Burgesses were drawing towards a Conclusion in these matters recommended to them: And therefore considering the busy time of the year he thought fitt to give them a Recess, but being uncertain how soon he might receive Orders from England he could not prorogue them longer than the twelfth day August next.

M^r Benj^a Harrison according to Order having prepared a Proclamation upon the two acts of Assembly against Divulgers of false news, the same was read and approved. And Ordered that M^r Secretary send copies thereof under y^e Seal of the Colony to the severall Countys.

His Excellency and the hon^{ble} Council signed a loyal and dutifull Address to her most sacred Majesty condoleing the death of our late Sovereign King William, and congratulating her Matys happy accession to the Crown.

And nothing further offering at present for her Matys Service
The Council adjourned

At a Council held July y^e 15th 1702

Present

His Excellencie

William Byrd
Edmund Jenings

James Blair Esq^{rs}

Major William Buckner Collector of York district and Lieu^t Coll^o Willoughby Allerton Naval Officer of the Upper District of Potomack came before his Excellency in Council, and made Oath to their respective acco^{ts} of the penny per pound.

His Excellency in Council was pleased to sign a warrant to M^r Auditor Byrd for paying to M^r W^m Robertson twenty one pounds
out of the 2 shill per hogsh^d &c for so much paid for a Sute of Sails to her Matys Ship the Betty.

Whereas it hath been represented that severall Ships and Vessells designed out with this Fleet could not compleat their Loading against y^e tenth day of this instant so as to be ready to clear then pursuant to the Order of Council, and application being made that a further time may be allowed for clearing the s^d Ships His Excellency and the hon^{ble} Council taking y^e same into consideration, and being willing to give all due encouragement to Trade, are pleased hereby to Impower the severall Collectors and Naval officers to clear all such Ships and Vessells as they shall judge may be ready to joine the Fleet ag^t the time appointed for their Departure, and shall give Bond so to do.

And whereas it is thought absolutely necessary for her Matys Service and the Security of trade that no Ship or Vessell bound for Europe be permitted to sail out of this Colony after the departure of this present Fleet untill further Order, the s^d Collectors & Navall Officers are hereby prohibited to clear any Ship or Vessell bound to Europe after this present Fleet is sailed untill they shall receive further directions

And for preventing any inconviency that may happen through Masters of Ships neglecting or delaying to joine the Fleet in due time whereby they being without Convoy may become a Prey to an Enemy. It is ordered that Cap^t James Moodie Commander of her Matys Ship the Southampton take care to stop all Ships and Vessells bound to Europe who shall attempt to sail out of this her Matys Colony & Dominion after the departure of this Fleet until further Order.

On consideration what orders are proper to be given to Cap^t Nath^l Bostock Commander of her Matys Advice Boat the Eagle he being shortly expected from Maryland; It is the opinion of the hon^{ble} Council that it is for her Matys Service that the said Advice Boat attend on this Colony; and that she be ordered to cruise in the Bay either jointly with her Matys Ship the Southampton or separately as her Matys Service and the Security of this Country shall require. And that his Excellency issue Orders accordingly to y^e said Cap^t Nath^l Bostock upon his arrival here.

Upon reading a Petition of the French Refugees at Manikin Town praying a present Supply out of the money arising by the Sale of the Cargo sent in for their use and also praying that M^r Charles de Saily may be ordered to acco^{tt} for such Sums of money as he hath been entrusted with on their acco^{tt}

Ordered that the sev^{ll} matters set forth in y^e s^d Petition be referred to y^e hon^{ble} M^r Auditor Byrd. And that notice be given to the s^d Refugees to apply themselves to him he being to dispose of the said money arising by the Sale of the afores^d Cargo pursuant to a former order of Council.

His Excellency was pleased to recommend to M^r Commissary Blair to take care that the French Ministers at Manican Town conforme themselves to the Liturgy of the Church of England, being he had been informed they did not.

And in regard the said French Refugees in their Petitions to his Excell^{cy} do frequently call themselves the French Colony; and it appearing that the many differences that have arisen among the said Refugees do chiefly proceed from an opinion that their s^d Settlement is to be under a distinct Governm^t from the rest of this Colony w^{ch} has occasioned great dissentions amongst some Persons pretending to rule over the others to the manifest Prejudice of that Settlement: His Excellency was pleased to Order that y^e s^d Refugees shall not hereafter use the Title of a Colony; And that for the future all Petitions they shall present to his Excell^{cy} be in the English tongue.

His Excellency laid before the hon^{ble} Council a Representation made to him by some of the Justices of James City County Court dated the 6th of this moneth setting forth that they having mett that

day to try and determine causes of *meum* and *tuum*, Upon entering upon business all the other Justices withdrew, and would no [not] proceed upon the trail of actions between Party and Party: And therefore praying that his Excell^{ty} would add some new Justices to y^e Commission, Upon reading the said Representation, This Board taking into Consideration that the matter relating to the Justices of the said Court their refusing to sitt, as the other Courts in this Colony do, now lies before the Gen^l Assembly as a Grievance from y^e said County; and being also informed by the Clerk of the said County Court in an action tryed at y^e said Court on y^e s^d 6th of this instant July the defend^t put in a Plea to y^e Jurisdiction of the Court, and upon overruling the same appealed, whereby that matter will come to be debated att the Gen^l Court. Do not think fitt at present to make any addition or alteration in the Commission of the Peace for the said County.

Upon reading and considering the Proposals formerly made by Cap^t James Moodie Commander of her Matys Ship y^e Southampton for keeping up the Careening Place made by him at Point Comfort; Ordered that the Sum of five pounds per annum be allowed to any Person who shall undertake to look after the same: and Recommended to Cap^t Moodie to agree with some Person for that Purpose

His Excellency asked the Council if they knew of any thing further necessary to be done at present, who answered they did not.

And then the Council adjourned

Wil Robertson *Cls Con*

[C. O. 5, Vol. 1312, N^o 40^{xiv} cont^d or fo 533.]

Virginia S^{ct}

By his Excellency

A Proclamation

Whereas by one act made at a Grand Assembly begun & held at James City the 23^d of March in y^e 13th year of the Reigne of Charles the 2^d of blessed memory late of England Scotland France & Ireland King Defend^r of the faith et^a It is Enacted that what Person or Persons soever shall forge or Divulge any false reports tending to the trouble of the Country he shall be by the next Justice of the Peace sent for & bound over to y^e next County Court where if he produce not his author he shall be fined 2000^{li} Tobacco (or less if the Court think fitt to lessen it) & besides give bond for his behaviour if it appear to y^e Court that he did maliciously publish or Invent it and by one other act made at a Gen^l assembly begun & held at James City the 8th Day of June in the two & thirtieth year of the Reigne of the s^d late King Charles the 2^d. It is Enacted that whosoever shall after the passing of that act maliciously and advisedly by writeing speaking or otherwise Express publish utter or declare any words sentences or other thing or things to incite or stir up the People to y^e Dislike of any Person appointed by his Maj^{ty} to be Govern^r or Comand^r in Cheife of this Colony or tending to the Dishonour or Defameing of the s^d Govern^r or Comander in cheife for the time being & being thereof [on being] legally convicted shall be imprisoned During one year without baile

or mainprize & incur such forfeitures as shall be adjudged not Exceeding the Summ of five hund^d pounds to y^e Kings most Excellent Majesty his heires & Success^{rs} & it is in like manner Enacted that whosoever shall maliciously & advisedly by Writeing Speaking or otherwise Express publish utter and Declare any words Sentences or other things to incite or stir up y^e People to y^e Dislike of his Maj^{ty}s Councillours, Judges or other principal officers within this Colony tending to y^e Dishonour or Defameing of the s^d Councillours Judges or other principall officers & being thereof lawfully convicted shall be imprisoned dureing three months without baile or mainprize & incur such forfeiture as shall be adjudged not Exceeding the Summ of 100^l pounds to y^e Kings most Excellent Majesty his heires and Success^{rs}. And whereas William Byrd of the County of King & Queen being an ill Disposed Person hath of late taken upon him to Express publish utter and Declare severall false malicious & seditious words & sentences greatly tending to stir up in her Maj^{ty}s good & Loyall Subjects of this her Colony and Dominion a Dislike of her Maj^{ty}s Govern^t here for which said offence the s^d W^m Byrd hath been Censured by the Gen^l Assembly Now to y^e end that all other Persons may be deterred from following the evill Example of the s^d W^m Byrd And from being guilty of any other offence contrary to y^e s^d recited acts of Assembly or either of them Therefore I Francis Nicholson Esq^r her Maj^{ty}s Lt & Govern^r gen^l of Virg^a by & with the advice & Consent of her Maj^{ty}s Hon^{ble} Council of State do hereby prohibit & forbid all Persons whatsoever wthin this her Maj^{ty}s Colony and Dominion upon Paine of being prosecuted with y^e utmost Severity according to y^e s^d recited acts of Assembly that they do not presume by writing speaking or otherwayes whatsoever to Divulge any false newes or Reports or to utter or publish any scandalous false or malicious words or Sentences w^{ch} may tend to stir up Sedition or to cause in her Maj^{ty}s Subjects of this Dominion any dislike of her Govern^t here or of any other her officers or Ministers whatsoever, and I Do hereby will and require all Sheriffs Justices of the Peace & other officers whatsoever that according to y^e severall respective Powers and Authorities vested in them they do use their utmost care and Diligence to bring to Condign Punishment all and every Person & Persons who shall presume to offend herein & I do hereby straitly charge and require all Persons whatsoever that if at any time they shall heare any such false news or Reports or other false or malicious words or Sentences afores^d published uttered or Declared they Do forthwith repaire to some Justice of the Peace within the County wher [where] such offence shall be comitted & make Information thereof to y^e end the said offenders may be prosecuted thereupon in such manner as in & by the s^d acts of Assembly is Directed & to y^e end that no Person may pretend Ignorance of the s^d acts of Assembly or of his Duty hereby required I Do require all Sheriffs within this Colony and Dominion forthwith to make Publication hereof in all Churches Chappells & other publick Places within their severall respective Bayliwicks & hereof they are not to faile as they will answer the Con-

trary Given under my hand & the Seale of the Colony this 25th Day of June 1702 in the first year of her Maj^{ty}s Reigne

Fr Nicholson

A Proclamation forbiding y^e Divulging false
newes &c^a

C C Thacker Cl Sec. office
God save y^e Queen

For quieting the minds of such of her Maj^{ty}s good & Loyall Subjects as may be apt to be Dissatisfied upon y^e uttering or publishing any false newes or Scandalouse & malicious reports of the Govern^{mt}s or of any perticular officers thereof I Do hereby recommend to all such Persons that for their Satisfaction therein they do resort to some one of her Maj^{ty}s Hon^{ble} Councill or to some member of the house of Burgeses to some Justices of the Peace of the County to be by them Informed of the truth or falsehood of such newes or reports or for their better and more certaine Information they may come too

Fr: Nicholson

[C. O. 5, Vol. 1312, N^o 40^{xxviii} or fo 556.]

[Report as to vice-admiralty court.]

At a Council held at her Matys Royal College of William and Mary

June the 24th 1702

Present

His Excellency in Council

Upon reading a lett^r from the Right hon^{ble}

[See Proceedings for June 24, 1702, *ante*.]

In obedience to the above Order of his Excellency in Council we have considered the Establishment of the Vice Admiralty Court in this her Matys Colony and Dominion of Virginia and do find that the said Court of Vice Admiralty was established her [here] by Commission granted to Edward Hill Esq^r Judge of the said Court from his Excellency S^r Edmond Andros Kn^t his late Majestys Lieuten^t and Governor Gen^l of Virginia under his hand & Seal dated the Eight day of march 1697 by virtue of a Commission directed to the said S^r Edmund Andros from under the great Seal of the high Court of Admiralty of England Dated the six and twentieth day of June 1697 Which is humbly reported by

July y^e 15th 1702

W^m Leigh
Miles Cary

[C. O. 5, Vol 1313, N^o 16^{xiii} or fo. 77.]

Virg^a S^{ct}

By his Excellency

A Proclamation

Whereas the General Assembly begun at the Colledge of W^m & Mary adjoyneing to the City of W^msburgh the 5th day of December

1700 is prorogued to the twelfth day of August Instant & finding it most for her Maj^{ty} & this Colony's Service that the Assembly be prorogued untill further time therefore I Francis Nicholson Esq^r her Maj^{ty} L^t and Govern^r gener^l of Virg^a by virtue of the Power and Authority to me given by his late Majesty's Letters Patents under the great Seale of England bearing date at Westminster the 20th day of July in the tenth year of his Maj^{ty} Reigne & continued by her most sacred Majesty's Proclamation bearing date at her Court at S^t James's the ninth day of March in the first year of her Reigne doe by this Proclamation in her Maj^{ty} Name publish & Declare that I have prorogued the s^d Assembly & it is hereby prorogued to the fourteenth day of this Instant August at which time I do hereby require every respective member that they faile not in giving their attendance accordingly. Given under my hand and the Seale of the Colony this 11th day of August 1702 in the first year of her Maj^{ty} Reigne

Fr: Nicholson

A Proclamation Proroguing the Generall
Assembly

C C Thacker Cl Sec off

[C. O. 5, 1409 cont^d.]

Virg^a ss

At a Council held at her Matys Royall College of W^m & Mary

Aug^t y^e 14th 1702

Present

His Excellency Francis Nicholson Esq^r her Matys Lieu^t & Gov^r Gen^l
of Virginia

Edmund Jenings
Benj^a Harrison

Rob^t Carter
James Blair Esq^r

His Excellency laid before y^e Council a Lett^r from y^e R^t Hon^{ble} the Lords of the Council for trade and Plantations dated Aprill 13th 1702 Inclosing her Matys warrant dated y^e 30th day of March Impowring his Excell^{cy} to use y^e Seale of this Collony at present in his Possession for sealing all things whatsoever that pass the Seale here untill her Maty shall give order for another Seal to be made wth her own Royal Name and Inscription

Also a Lett^r to his Excell^{cy} from y^e R^t hon^{ble} the Earle of Manchester notifying his being one of her Matys Principal Secretarys of State Read & ordered to be Recorded

A Lett^r from his Excell^{cy} the Lord Cornbury Gov^r of the Province of New York was read, wherein he desires his Excell^{cy} to issue a Proclamation throughout this Colony for apprehending Thomas Weaver Coll^r & Receiver Gen^l of y^a s^d Province of New York who being suspended from y^e execution of the said office for sundry undue Practices had withdrawn himself from y^e said Province of New York without accounting for y^e moneys or delivering up y^e Papers belonging to y^e said Office and promising a Reward of one hundred pieces of Eight to

an y Person who shall apprehend the said Weaver and deliver him to y^e said Govern^r of New York his Excell^{cy} thereupon acquainted y^e Council that he was informed that since y^e date of y^e Lord Cornburys lett^r the said Weaver had submitted himself to his Lordp so that their was no need to issue any Proclamation here

A Lett^r to his Excell^{cy} from Coll Joseph Dudley her Matys Gov^r of new England notifying his arrival in his said Governm^t, read

His Excell^{cy} laid before y^e Council y^e sev^{ll} following Papers viz a List of y^e fleet lately sailed out of this Colony und^r y^e Command of Cap^t Francis Dove Commodore the sailing orders given to y^e s^d Fleet and the forme of their Sailing A Lett^r to his Excell^{cy} from Cap^t Herne Command^r of her Matys Ship y^e Centurian appointed one of y^e said Convoy dated at Boston y^e 15th of June 1702 a Copy of Cap^t Doves orders to y^e said Cap^t herne dated at Spithead the 12th of March 1701/2 Copy of a Lett^r from his Excell^{cy} to Cap^t Dove concerning y^e said Cap^t Herne w^t [wth] Cap^t Doves answer thereto dated 25 July 1702 with a copy of y^e s^d Doves order left for Cap^t Herne to be delivered him at his arrival here dated y^e 30th of July last, all w^{ch} were severally read in Council

His Excellency communicated to y^e hon^{ble} Council the advices he had Received from Pensilvenia and New York that on y^e 4th of May last her Maty had caused war to be declared War against the french and Spanyards and that a frigott was arrived at Boston wth her Matys Order for Proclaiming the War & that Accordingly was proclaimed there and that his Excellency Pacq^{ts} were sent to New York by land w^{ch} he was daily in hopes to receive and acquainted the Council that having such certain advice of the war he had thought it Necessary to call the Assembly at this time and intended to communicate to them the abovesaid advice

As also a Representation from y^e committee for Revisal of the Laws presented to his Excellency at their last meeting the 6th of this instant being read signifying that y^e Committee being very thin and y^e Assembly being so nigh they did not think fit to make any further Progress in y^e Revisal at that time his Excell^{cy} acquainted y^e Council that he intended now to speak to the house of Burgesses concerning y^e Revisal of the Laws, because if they should proceed on that then most of those things he had formerly recommended to them would come in course to be considered: but if they did not think fit to enter upon y^e Revisal this Session he would then recommend to them the dispatch of such matters as were immediately Necessary for her Matys and the Countrys Service

A Lett^r to his Excell^{cy} from the hon^{ble} M^r Auditor Byrd excusing his absence by reason of the Sickley condition of his family

Also a Lett^r from y^e hon^{ble} Jn^o Lightfoot Esq^r excusing his absnece occasioned by the Sickness of his family & his eldest Son being dangerously ill

And a Lett^r from y^e hon^{ble} Matth Page Esq^r excusing his absence on Acc^{tt} of his present indisposition

Were severally read in Council

M^r James Bushell Clk by his Petition to his Excell^{cy} setting forth that he hath officiated a Minister in y^e Parish of Waynoak and Martin

Brandon for y^e Space of seaven years preceeding y^e 10th of July last without any objection of any Crime or misdimeanor laid to his Charge being allowed by y^e Parish of Weynoake Eight thousand pounds of tobb^o & Cask & by the Parish of Martin Brandon 5000^l of tobb^o & Cask as p^r agreem^t for 7 years and there being likewise a Glebe in y^e said Parish of Martin Brandon w^{ch} in y^e 4th year of his Ministry was leased by himself & the vestry for 800^l of tobb^o & Cask per annum to be paid to y^e present or incumbent Minister or to y^e Church wardens the Vestry of Martin Brandon after y^e expiration of y^e said seven years agreem^t had refused to renewe y^e same unless y^e Petitioner would quitt all Pretensions to y^e Glebe w^{ch} he refusing to do, the s^d Vestry had forbid him any further exercise of his Ministry in y^e said Parish, And praying relief therein

Upon Consideration of y^e above s^d Petition It is Ordered that M^r Commissary Blair to [do] go to the said Parish of Martin Brandon and call together y^e vestry thereof, And after hearing both Partys on y^e Subject matter of y^e said Petition draw up a State of y^e case and deliver y^e same to M^r Benj^a Harrison the Queens Council at Law who is hereby required to report to this Board his Opinion therein

His Excell^{ty} laid before y^e Council M^r Auditor Byrd's Acc^{ts} of the Quitt rents *anno* 1701 and Revenue of two shillings per hogshhead to y^e 25th of April last

Ordered the consideration of the s^d Acc^{ts} be Referred till M^r Auditor Byrd comes to Town

A Petition of W^m Clerk & Tho: Hopkins Mates and y^e other officers and Seamen belonging to y^e Ship Abraham of Bristol Jn^o Street Master lately sunck at Point Comfort in James River being this day read in Council praying that what rigging and Stores belonging to y^e said Ship are saved may be condemned in y^e Court of Admiralty for y^e Paym^t of their wages

Ordered that y^e said Petition be referred to M^r Benj^a Harrison Council for y^e Queen to consider and give his opinion what may be lawfully done for y^e relief of y^e Pet^r in y^e said Matter

Upon reading a Lett^r to his Excell^{ty} from L^t Coll W^m Randolph Clk of y^e house of Burgesses representing that he hath been so afflicted with y^e Gout that he cannot propose in any reasonable time to go abroad neither can he pretend to officiate such a Place as Clk of y^e House of Burgesses w^{ch} required his personal attendance his Excell^{ty} was pleased to appoint W^m Randolph Junior Son to y^e said L^t Coll W^m Randolph to officiate as Clk of the house of Burgesses during his fathers illness and ordered that a Commission be prepared Accordingly

Aug^t 15th 1702

Present

His Excellency

Edm^d Jenings
Benj^a Harrison

Rob^t Carter
James Blair Esq^r

A Commission being (according to order) prepared impowring W^m Randolph Junior to officiate as Clk of y^e house of Burgesses during

his fathers illness was signed by his Excell^{cy} in Council and thereupon y^e said W^m Randolph took y^e oaths appointed by act of Parlim^t to be taken instead of the oaths of allegiance & Supremacy sub^d [subscribed] y^e test and took y^e oath of Clk of y^e house of Burgesses

Upon a Certificate presented to this board from y^e Court of Elizth Citty County recommending Andrew Patteson for a Pilott The said Andrew Patteson is admitted Pilott and Ordered that a Commission be prepared for him According to the tenor of y^e said Certificate

Aug^t 17th 1702

Present

His Excellency

Edm^d Jenings
Rob^t Carter

James Blair Esq^{rs}

His Excell^{cy} communicated to y^e Council a Speech w^{ch} he intended to make to y^e house of Burgesses and y^e same was Read

The Petition of James [Jane] Chandelor wife of W^m Chandelor of Westmoreland County now committed to y^e Prison of y^e said County on Suspicion of drowning his man Serv^t is Referred to M^r Benj^a Harrison Council for y^e Queen to consider and Report his Opinion therein

M^r Benj^a Harrison Council for y^e Queen (to whom it was Referred to consider y^e Petition of W^m Clerk and other officers and Seamen belonging to y^e Ship Abraham of Bristol John Street Master lately Sunk at Point Comfort in James River wherein they pray that the Sailes & Riging saved out of y^e said Ship may be Condemned of [for] their wages having this day given his Report in y^e following words
Viz

“I am humbly of opinion that y^e Petitioners ought to take y^e ordinary Process in y^e Court of Admiralty for their Relief
Aug^t 17th 1702 B Harrison

His Excell^{cy} and y^e hon^{ble} Council do hereby Order that y^e said Petition^r make application to Coll W^m Leigh Judge of y^e Court of admiralty and that he give directions for issuing the usual Process According to y^e above Report

Aug^t 18th 1702

Present

His Excellency

Edm^d Jenings
Benj^a Harrison

Rob^t Carter
James Blair Esq^{rs}

Whereas Jane Chandelor wife of William Chandelor of Westmoreland County by her Petition hath represented that her s^d husband being committed to the Prison of Westmoreland County for Suspicion of drowning his man Serv^t in Machetock River the Court of Westmoreland have obstructed all meanes of the said Chandelors defence by Ordering their Clk not to permitt him a copy of y^e dipositions ag^t him

and verdict of y^e Jury of Inquest And therefore praying that copys of y^e same may be ordered him the better to enable him to defend himself at his Trial And Whereas M^r Benj^a Harrison Council for y^e Queen hath reported to this Board that y^e Pet^r [petitioner's] husband ought to have a Copy of the Crowners [coroner's] Inquest but not of the depositions taken ag^t him

His Excell^{ty} & y^e hon^{ble} Council are hereby pleased to ord^r that M^r James Westcomb Clk of y^e said County of Westmoreland give y^e said W^m Chandelor a copy of the Crowners Inquest when demanded

M^r Commissary Blair acquainted his Excell^{ty} and the hon^{ble} Council that pursuant to their order of the 15th of July last he had written to M^r de Joux the French Minister at the Mannakin Town and also made enquiry of sev^{ll} other Persons there wheither y^e said M^r de Joux doth conform [to] the Liturgy of the Church of England and that y^e said M^r de Joux by a Lett^r he had written to M^r Commissary Blair w^{ch} he produced in Council doth possitively affirm that he constantly every Lords day reads y^e Service of y^e Church of England and administers the Sacram^{ts} as by the Liturgy is directed

His Excell^{ty} having rec^d a Lett^r from Cap^t James Moodie Commd^r of her Matys Ship Southampton giving an Acc^{tt} that her Matys Ship the Centurian was arrived in the Bay from New England asked y^e advice of y^e Council if it were Necessary for her Maty's Service to detain the said Ship to give Convoy to any Mercht^s Ships that are at present in y^e Country Whereupon they are of Opinion that their being very few Ships in y^e Country and those not ready to Sail it is not Necessary to stop y^e said Ship Centurian upon any such Acc^{tt}

Aug^t 20th 1702

Present

His Excellency

Edm^d Jenings
Benj^a Harrison

Rob^t Carter
James Blair Esq^r

His Excellency laid before y^e Council a Lett^r from y^e hon^{ble} Coll^o Jn^o Custis desiring that his absence from this Assembly may be excused he being lame of y^e Gout and his family very Sickley

Aug^t 21th 1702

Present

His Excellency

Edm^d Jenings
Benj^a Harrison

Rob^t Carter
James Blair Esq^r

The Nattoway Indians making complaint to his Excell^{ty} and the hon^{ble} Council that a Woman & three Children belonging to their Nation had been lately carryed away by sev^{ll} Indians w^{ch} they suspected to be some of those who are Tributary to this Governm^t or at least that they knew where the said Captives were

Ordered that James Adams Interpreter to y^e Pamunkey Chickahominy and Nanscatico Indians bring before his Excell^{ty} & y^e hon^{ble} Council on y^e fifth day of next Gen^l Court two of y^e great men of each of the said Nations to answer such matters as shall be there objected ag^t them by y^e said Nattoway Indians who are in like manner required to depute two of their men to attend his Excell^{ty} and y^e hon^{ble} Council the said day

Aug^t 23^d 1702

Present

His Excellency

Ed: Jenings

Benj^a Harrison and

James Blair Esq^{rs}

His Excellency laid before y^e Council a Lett^r from M^r Auditor Byrd dated y^e 20th instant excusing his absence by reason of his indisposition

Whereas y^e Settling of the Quitt rents by inch of Candle hath been found in some Countys to be very Prejudicial to her Matys Revenue It is therefore Ordered that y^e Quittrents of y^e sev^l Countys within this her Matys Colony & dominion be exposed to publick Sale to such as shall offer most for y^e same on y^e fourth day of next October Gen^l Court and thence continued during y^e setting of y^e said Court untill y^e said Quittrents be sold

And for y^e improvem^t of her Matys Revenue of y^e Quittrents Ordered that Notice be given throughout every County within this her Matys Colony & Dominion that y^e Lands on y^e south side of Blackwater Swamp will be laid open after y^e twentieth day of Novemb^r next and that from and after y^e said day all her Matys Subjects shall have full Liberty to take up and Patent y^e said Lands in y^e accustomed manner and ordered that a copy of y^e two abovesaid orders be sent to y^e Sherieff of every County to be by them Published

Aug^t 25th 1702

Present

His Excellency

Edmund Jenings

Jn^o Lightfoot

Matth: Page

Benj^a Harrison

and

James Blair Esq^{rs}

His Excell^{ty} laid before y^e Council y^e Lists of y^e Melitia returned from y^e sev^l Countys and also y^e lists of y^e 5th men, and acquainted the Council that he intended to send y^e said Lists to y^e house of Burg^s for their Perusal And his Excell^{ty} further acquainted y^e Council concerning [a plan] to have a Council of War of all the field officers for settling such rules and orders to be observed in case of any Invasion or other accident when it should be Necessary to call together any Forces: and he was in hopes to have had all y^e Council here that so something might have been done at this time

His Excell^{ty} asked y^e advice of y^e Council if it is necessary to give any new orders to Cap^t James Moodie Command^r of her Matys Ship Southampton Whereupon y^e Council are of opinion that y^e said Cap^t Moodie hath formerly rec^d such orders as were thought best for her Matys Service and that their is no need to give any other at present but that he persue these he has heretofore rec^d

Aug^t 27th 1702

Present

His Excellency

Edm^d Jenings
Jn^o Lightfoot
Matth. Page

Benj^o Harrison
Rob^t Carter
James Blair Esq^{rs}

Upon application from Surry County that some Persons may be added to y^e Commission of y^e Peace of that County

Ordered that a New Commission issue and that Maj^r Arthur Allen, M^r Sam^l Thomson, M^r W^m Edwards & M^r Joseph Jn^o Jackman be added, the said Major Arthur Allen to be first in Commission

Whereas upon perusal of y^e Survey and Plott of Land laid out for y^e Chickahominey Indians his Excell^{ty} and the hon^{ble} Council Judging it not for her Matys interest to allow such a large tract of Land to y^e said Indians thought fitt to Lay y^e said Survey with their opinion thereon before y^e house of Burgesses now Assembled for their Consideration And Whereas y^e said house of Burgesses by their Resolve of y^e 24th instant have referred to y^e hon^{ble} Gen^l Court to consider determine & decide all doubts disputes differences and controversies whatsoever w^{ch} may arise by means of y^e Land being so laid out for y^e said Indians

Ordered that the Sherieffs of y^e sev^l Adjacent Countys make Publication throughout their Respective Countys that his Excell^{ty} and y^e hon^{ble} Council have appointed y^e sixth day of next October Gen^l Court for hearing and determining all disputes differences and Controversies relating to the lands laid out for y^e said Chickahominey Indians that so all Persons concerned may have timely Notice to attend And it is further ordered that a copy of this order be sent to James Adams interpreter to y^e said Chickahominey Indians who is required to intimate y^e same to them and to bring all such of y^e said Indians as can conveniently come before y^e Hon^{ble} Gen^l Court on y^e said day

Whereas y^e hon^{ble} Council and house of Burgesses of this present Gen^l Assembly have given their Opinion that it is best that y^e Ships now in y^e Country have Leave to go as they are Loaden It is therefore ordered that the Embargo laid by order of Council dated y^e 15th of July last be heceforth taken of and that the Collectors and Naval officers have leave to clear all Ships & Vessells in their respective districts untill further Order

Upon application of y^e Burgesses of Elizth City County Ordered that a New Commission of y^e Peace issue for y^e said County & that M^r Bertram Servant and M^r Henery Royall be added

M^r Treasurer Carter made oath before his Excell^{cy} in Council to his Acc^{ts} of y^e imposition on Liquors and Serv^{ts} and Slaves to y^e 24th of June last

Aug^t 28th 1702

Present

His Excellency

Edm^d Jenings
Jn^o Lightfoot
Matth: Page

Rob^t Carter
and
James Blair Esq^{rs}

His Excell^{cy} asked y^e hon^{ble} Council if they knew any thing Necessary to be offered at present to y^e house of Burgesses being he intended to dissolve them and then he communicated to y^e Council what he intended just now to say to y^e house

The following orders being read and approved was signed by his Excellency in Cou cil viz

By his Excellency

Virg^a ss^t

Whereas by one act of Assembly made y^e 6th day of Aug^t 1701 Ent an Act for y^e better strengthning y^e frontiers and discovering the approaches of an Enemy It is enacted that When any Notice shall be given to y^e chief officer of y^e Militia for y^e time being in any Frontier County either by Land or Sea of y^e approach of an Enemy such chief officer is authorized impowred & Required to issue his warrant for y^e impressing horse & man & boate & hands as ye occasion shall Require to carry y^e said Notice to y^e Govern^r or Command^r in chief for y^e time being and to y^e chief Officer of y^e Melitia in y^e next adjacent Frontier County, and also to call together such of y^e Melitia as he thinks fitt and wth y^e advice of y^e Commission Officers who shall meet him to march y^e said Melitia ag^t y^e Enemy as by y^e s^d act is more fully exprest now to y^e end y^e said act & all & every y^e directions therein sett down may be duly & punctually observed by all Collonells and Commanders in chief & other officers of the Melitia within this her Matys Colony & Dominion I Francis Nicholson Esq^r &c by and wth the advice of her Matys hon^{ble} Council of State do hereby order and require the Clks of every County Court within this Colony to give to y^e Command^r in chief of y^e Melitia in their respective Countys a true Copy of y^e said Act for y^e better strengthning the Frontiers and discovering y^e approaches of an Enemy wich said Commanders in chief are in like manner Required to give Copys of y^e same to every Cap^t under their respective Comands and y^e said Cap^{ts} are required to give copys thereof to each Commission officer in his Troop or Company and to cause y^e same to be published at every perticular Muster that so none may pretend Ignorance of their duty on such an Occasion

And Whereas by one other act made in this present Sessions of Assembly Ent an act for y^e Regulation & Settlem^t of ferrys and for dispatch of Expresses and for y^e speedy transporting of forces over Rivers and Creeks diverse Powers and Authoritys are thereby given

to y^e Commanders in Chief of y^e Melitia both for dispatching and for y^e impressing boates and flatts for transporting men & horses Provision and Ammunition of war upon Notice of any Insurrection Invasion or Landing of an Enemy in this her Matys Colony & Dominion I therefore by and wth y^e advice and consent aforesaid hereby strictly enjoin the said clks of all & every County and Countys within this Colony upon receipt of y^e Laws of this Sessions of Assembly forthwith to Send a copy of y^e above recited Act to y^e Coll or Commanders in chief of their respective Countys for his and their better Compliance in y^e execution of y^e Powers and authoritys to him thereby given

And forasmuch as by one other act made in this present Sessions of Assembly Ent an Act prohibiting Seamen being harboured or entertained on Shore for y^e Encouragem^t of such as shall take up any Runaway Seamen It is enacted y^t a reward of twenty shillings shall be paid to y^e taker up if done 10 miles or upwards from y^e Ship or Vessell the Seamen belong to and if under 10 Miles ten shillings And also that y^e Constable who shall Convoy any Runaway Seaman on board y^e Ship he belongs to shall Receive y^e Sum of five shillings if und^r ten Miles ten shillings if above ten Miles to be paid by y^e Navall Officer of y^e district where such Ship or Vessell rides in manner as by y^e said act is directed that therefore no Person taking up any such run away Seaman or Constable Convoying on board may be frustrate of their Just reward by y^e said act allowed I have thought fitt by advice aforesaid to Require y^e Respective Clks of every County within w^{ch} any of her Matys Navall Officers reside to give to him y^e said Naval Officer a true copy of y^e said act prohibiting Seamen being harboured or entertained on Shore Hereby further in her Matys Name requiring the said Navall Officers to pay all due obedience to y^e same as they will Answer y^e Contrary at their Perill

And Whereas by an Order of his late Majesty in Council I am required to furnish the men of war that attend this Collony wth men upon their application to me that they are in want thereof I do hereby require and Command her Matys Coll^{rs} & Navall officers of every district within this her Matys Colony & Dominion that if hereafter any Seamen should happen to be brought into their respective districts taken up from any Ship or Vessell foundered or by any other Casualty lost at Sea or that belong to any Ship or Vessell that shall happen to be lost by any Accident whatsoever within their said districts that they cause the said Seamen and every of them to be secured and safely Conveyed on board any of her Matys Ships of War now or for y^e time being in this Colony Hereby requiring all her Matys Officers Civil and Military and all others her Matys Subjects whatsoever to be aiding and assisting to y^e said Coll^{rs} and Navall officers in securing y^e said Seamen and Conveying them on board as aforesaid And I do further require all Masters of Ships & Vessells now being or that shall hereafter arrive within this Colony & Dominion that they do not on any Pretence whatsoever discharge any Seaman belonging to their said Ships or Vessells without first Notifying y^e same to me and receiving my orders thereupon of w^{ch} y^e respective Coll^{rs} and Navall officers are hereby enjoyned to give Notice to every Command^r of Ships and

Vessells arriving in their respective Districts at y^e time of their Entry Hereby further Commanding and requiring y^e Sherieffs of every County within this her Matys Colony & Dominion to cause Publication hereof to be made in all Churches and Chappells and other publick Places in their Respective Countys to y^e end all Persons concerned may comply wth y^e sev^{ll} directions herein sett down Given under my hand and y^e Seal of y^e Colony at her Matys Royal College of W^m and Mary this 28th day of Aug^t 1702

Fr Nicholson

At a Council held at her Matys Royal College of William and Mary
Octob^r y^e 15th 1702

Present

His Excellency Francis Nicholson Esq ^r &c	
Edmund Jenings	Benj ^a Harrison
John Lightfoot	James Blair Esq ^r ^s

A Lett^r from the hon^{ble} M^r Auditor Byrd dated y^e 13th instant was read in Council excusing his Absence by reason of his indisposition

His Excellency read in Council her Matys Lett^r dated y^e 21st day of May 1702 signifying to his Excellency her Royal will and Pleasure that Collonell Lewis Burwell be discharged from the Place of Councelor of this his Matys Colony and Dominion it having been represented to her Maty that he was desirous by reason of his Age and infirmity to be excused from undertaking the said Place and y^e said Lett^r was ordered to be Recorded

Her Matys Lett^r dated 21st May 1702 appointing Philip Ludwell Esq^r to be one of her Matys Council here

Her Matys Lett^r dated y^e s^d 21st May appointing William Bassett Esq^r to be one of her Council here

Her Matys Lett^r dated y^e s^d 21st May appointing Henery Duke Esq^r to be one of her Matys Council here

Were severally read by his Excell^{cy} in Council and his Excellency acquainted the s^d three Gentlemen (who were then present) that their Letters being all of one date and having rec^d no orders from the R^t hon^{ble} the Lords Comm^{rs} for trade and Plantations as to their Precedency at y^e Council Board he would not pretend to determine anything in that Matter but when he recommended them he placed them thus Viz Philip Ludwell W^m Bassett & Henery Duke and he was in hopes by the first Oppertunity to receive her Matys Commission & Instructions wich would decide that Point: Whereupon they all three declared they were willing to abide by y^e Regulation his Excellency had made untill such time as her Maty should please to send in his Excellys Commission and Instructions and then take such Place as her Maty should think fitt thereby to allow them

Then the said Philip Ludwell, William Bassett & Henery Duke Esq^{rs} took y^e oaths appointed by act of Parlim^t to be taken instead of the oaths of Allegiance and Supremacy subscribed y^e test and took y^e Oath of Councelor and were admitted Accordingly

October y^e 23^d 1702*Present*

His Excellency

Edmund Jenings
Jn^o Lightfoot
Benj^a Harrison
Rob^t CarterJohn Custis
James Blair
W^m Bassett
Henery Duke Esq^r

Pursuant to an Order of Council dated y^e 21st of Aug^t the Pamunkie Chickahominy and Nanscatico Indians having sent two great men each of their said Nations to answer the Complaint made by the Nattoway Indians who this day appearing before his Excell^{cy} and Council were asked if they knew anything of the Captives carried away from the s^d Nattoways, Upon w^{ch} they all declared they did not know any thing relating to y^e s^d Captives And the s^d Nattoways Indians making Nothing appear ag^t them they were dystemist

The Nattoway, Pamunkie & Chickahominy Indians complaining that the Tuscorurs Indians come in great bodies into this Country to hunt whereby the game w^{ch} is their chief Support is destroyed and also they are in danger of being Assaulted by the said Tuscoruro Indians and praying Consideration thereof. Ordered that the s^d Complaint be referred to be Considered at some more Convenient time

October 24th 1702*Present*

His Excellency

John Lightfoot
Benj^a Harrison
Rob^t CarterJohn Custis
and
W^m Bassett Esq^r

Upon reading a Lett^r from Cap^t James Moodie Commander of her Matys Ship y^e Southampton and M^r Thomas Layton purser of the said Ship Wherein they represent to his Excellency that the 12 months Provisions w^{ch} they brought out of England was expended on y^e second of June last and that ever since they have supplied the s^d Ship wth Provisions upon their own Credit but now being refused Money for their Bills of Exchange unless endorsed by his Excellency or some Gentleman residing in the Country they prayed his Excell^{cy} Consideration thereof that her Matys Ship might be supplied Whereupon his Excellency having caused M^r Layton y^e Purser of the said Ship to be called into y^e Council Chamber acquainted him that y^e reason his Bills were refused was because y^e bills formerly drawn by y^e Captains and others Concerned in y^e Ships of War here have not been answered by y^e Comm^{rs} of y^e Victualling Office: and particularly that his Excell^{cy} having advanced to Cap^t Jn^o Aldred upwards of One hundred pounds sterling upon a Lett^r of Credit from y^e said Comm^{rs} he had not yet rec^d any Paym^t thereof and y^e reason he apprehended to be that they believed he msut have had some Proffitt

here by y^e advance of y^e said Money Whereas indeed he had no other Consideration but only to serve y^e Crown: But his Excell^{ty} declared that as he always thought it his duty to venture not only his fortune but also his Life for her Matys Service If Cap^t Moodie & all his officers would certify under their hands that y^e Credit now desired for victualling y^e said Ship was absolutely Necessary for her Matys Service And that Without his Excell^{ty's} Credit they cannot Possibly Subsist nor her Matys interest and Service be carried on His Excell^{ty} in that case will supply y^e said Cap^t James Moodie as far as shall be Necessary and for preventing the like Straits and inconveniencies will represent the same to his Royal highness Prince George of Denmark Lord high Admiral of England that due care may be taken for y^e future

October 27th 1702

Present

His Excellency

Edmund Jenings
John Lightfoot
Rob^t Carter

John Custis
and
James Blair Esq^{rs}

His Excellency in Council signed the following Warrants on M^r Auditor to be paid out of her Matys Revenue of the 2^s per hogshead viz

To his Excellency for half a years Sallary ending y^e 25th of this instant October One thousand pound

To his Excellency half a years house rent ending y^e same time seventy five p^ds

To the Gnetlemen of the Council half a years Sallary One hundred seventy five pounds

To M^r Blathwayt Esq^r her Matys Surveyor Gen^{ll} half a years Sallary fifty pounds

To the Sollicitor of the Virginia Affairs half a years Sallary fifty pounds

To M^r Benj^a Harrison as her Matys attorney Gen^{ll} half a years Sallary twenty p^ds

To M^r W^m Robertson Clk of her Matys Council half a years Sallary twenty five p^ds

To Edward Ross Gunn^r at James City half a years Sallary five pounds

To M^r W^m Robertson for so much paid sev^{ll} Min^{rs} for their attendance one Gen^{ll} Court and Assembly ten pounds

To M^r William Robertson for so much paid sev^l Messengers to New York Maryland and other remote parts Ninety four pounds sixtien shillings & Eight pence

To M^r W^m Robertson for so much paid for sev^{ll} charges about y^e Indians and other Contingences Eighty Nine pounds ten shillings

To M^r Commissary Blair half a years Sallary out of y^e Quitt rents fifty pounds

Post Meridiem

present as before

His Excellency laid before y^e Council her Matys Royal Lett^r dated at St James's the _____ day of _____ 1702 Wherein her Maty is pleased to Signify her Royal will and Pleasure (upon the Address of the Council and house of Burgesses of this colony in relation to y^e assistance to be given to New York) that his Excell^{ty} should in her Matys Name further Recommend to the Council and Assembly what had been already proposed by his late Maty for assistance to be given by her Matys Plantations on y^e Continent of America to each other and particularly by Virginia to New York & that his Excellency should Continue to use his best perswasions to incline them to a voluntary Compliance: And her Matys said Lett^r being read together with y^e following Papers viz a copy of a Memorial presented by M^r W^m Byrd to the R^t hon^{ble} y^e Lords Comm^{rs} for trade and Plantations y^e s^d Lords Comm^{rs} for trade and their Report to her Maty upon y^e Assemblys address And also a Lett^r from M^r Micajah Perry Merch^t in London giving an Acc^{ts} of his Negotiation in that Affair: After reading Whereof

His Excell^{ty} asked y^e advice of y^e Council when it would be most Convenient to call an Assembly to Consider of her Matys Royal Commands for assistance to her Province of New York The Council having fully Considered the same are of Opinion that their having been three sev^l Sessions of Assembly this Summ^r it will to [too] great a Charge to the Country to have another called now that their being no Assembly now in being: before Writts can issue and y^e Elections be made the Season of the Year will be so far advanced that it will be very inconvenient to have a meeting of y^e Assembly by reason of y^e frosts and Cold Weather w^{ch} usually begins about that time, And if the Assembly should meet then 'tis to be feared they would scarce be perswaded to stay from home in y^t cold Season so long as to consider deliberately a matter of that Consequence as is now to be laid before them so y^t upon the whole matter they are further of Opinion y^t it will be most for her Matys Service and y^e ease of this Country that y^e meeting of the Assembly be put of till Next Spring. And accordingly

Ordered that an Assembly be called to meet the 17th day of March next and y^t writts issue out of M^r Sec^{ry}s office for new Elections as usual

His Excell^{ty} then caused to be read his Excell^{ty} the Lord Cornburys Letter dated at Albany the 11th of July last desiring that in case of need y^e frontiers of that Province may receive the Assistance requisite from this Governm^t and asked y^e advice of y^e Council what answer he should return to his Lordship Whereupon they are of Opinion that his Excell^{ty} send a Copy of what was formerly sent to Lieu^t Gov^r Nanfan, and Likewise a Copy of what hath been now agreed on in relations to her Matys Royal Lett^r for assisting y^e said Province of New York w^{ch} they conceive is all y^t can at present be done in y^t affair

Whereas her Matys Service required y^e meeting of y^e Gen^l Assembly the 17th day of March next and this Board taking into Consideration how Necessary it is for her Matys Service and y^e good of this Country that y^e Revisal of the Laws w^{ch} has been so long depending should be completed and y^e sev^l Laws agreed upon by y^t Com^{tee} be laid before y^e next Assembly Do therefore recommend to y^e Com^{tee} appointed for Revisal of the said Laws at their next meeting in November to perfect what remains to be done to y^e said Revisal so as the same may be in a readiness to be laid before y^e Assembly and for that end that Notice be given to every respective Member of the s^d Com^{tee} that they fail not to give their attendance at y^e s^d meeting. And Whereas some of y^e Members of y^e said Committee are also Clks of County Courts such Clks are hereby authorised and Impowered respectively to appoint some Sufficient and able Person to officiate in their respective Places during their absence on this Committee

Ordered y^t it be recommended to y^e Com^{tee} for Revisal of y^e Laws to give directions that y^e Capitol be fitted up ag^t April next for y^e reception of the Gen^l Court and y^e sev^l offices thereunto belonging according to y^e directions of y^e Assembly

Whereas sev^l Lett^{rs} from England advise that a Man of War may be speedily expected here to relieve his Matys Ship Southampton who is to Convoy home what Ships are in this Country It is therefore Judged for her Matys Service that an Embargo be laid and an Embargo is Accordingly hereby laid on all Ships and Vessells within this her Matys Colony and Dominion bound for England untill further order and the Collectors and Navall officers of the sev^l Districts are hereby prohibited to clear any Ship or Vessell bound for England untill they shall receive further directions

A Lett^r from Thomas Tench Esq^r President of her Matys Council in Maryland was read giving an Acc^{tt} of some Indians that had brought English goods into the Susquahanna Fort & of a great Mortality at New York

His Excell^{ty} Communicated to the hon^{ble} Council a Lett^r from John Povey Esq^r Recommending one M^r Jn^o Thrails to have his Place of Sollicitor of the Virginia Affairs And his Excell^{ty} asked if any of the Gentlemen of the Council had any Objection ag^t the said M^r John Thraile's having the said office, if not, he would employ him as such

Complaint being made to his Excell^{ty} that Cap^t Dan^l Lewis Comander of y^e Sarah Galley now in Nansimond River in his Voyage from Barbados having taken up some men of a Wreck at Sea belonging to New York had taken from them ten Ounces of Gold and a Negro boy w^{ch} he refuses to deliver

Ordered that y^e sev^l Papers relating to y^e said Complaint be delivered to M^r Benj^m Harrison the Queens Council at Law to consider and report his Opinion therein

Whereas her Maty by her Order in Council dated the hath been pleased to direct that the Princess Sophia be inserted in the Prayer for the Royal family after Katherine the Queen Dowager It is hereby Ordered that the same be observed in all Churches and Chappells within this Colony

Whereas her most sacred Maty out of her Religious care for the encourageing of Piety and vertue and for the preventing and punishing of vice Prophaneness and Immorality hath Issued forth her Royal Proclamation to that Purpose bearing date at her Matys Court at Whitehall the 26th day of March 1702 in the first year of her Reign and to the end her Matys Loving Subjects of this her Colony and Dominion of Virginia may be thereby excited to the Practice of Vertue and all Persons in any office of Governm^t whatsoever may take effectual care in their respective Stations to Suppress the Crimes therein mentioned: Therefore his Excell^{cy} endeavouring as much as in him lyes to follow her Matys Pious and glorious example, doth by advice and Consent of her Matys hon^{ble} Council of State hereby order and direct that a Copy of her Matys said Proclamation be sent to every County within this Colony and y^t the Sherieffs cause y^e same to be read and Published in all Churches and Chappells and other publick Places within their respective Countys And Whereas diverse good and Wholesome penal Laws have been made in this Country as well for y^e punishing of vice as the Prevention of sev^{ll} other evil Practices wich [which] sev^{ll} Laws were particularly mentioned and the Execution of y^e same enforced by his Excell^{cy} Proclamacon dated the 19th day of December 1699 his Excell^{cy} by and wth y^e advice and Consent aforesaid doth hereby require all Justices of y^e Peace and other Magistrates and Officers Civil and Military and all others whom it doth or may Concern to use their uttmost endeavours in their sev^{ll} Stations not onely y^t the Crimes mentioned in her Matys afores^d Royal Proclamation be effectually discouraged and suppressed but also that y^e sev^{ll} penal Laws sett down and enumerate in & by the aforesaid Proclamation dated the 19th of Decemb^r 1699 be putt in due Executions as they will answer the Contrary at their Peril

The Petition of the Inhabitants of y^e upper Parts of Accomack County praying that the Court of y^e County may be ordered to cause a Bridge to be built over Swansecut Creek is Referred to the hon^{ble} Coll^o Jn^o Custis

The Petition of M^r Mary Rider praying that y^e Ferry man appointed at hog Island may be ordered to Land his Passengers at some other Place than on her Plantation is Referred to y^e Consideration of y^e Gen^{ll} Assembly

The Petition of George Nosworthy Thomas Swan and Daniell Sullivan praying allowance of five pounds ten shillings for so much they disbursed for their Necessary expences in taking the examinations of sev^{ll} wittnesses ag^t Sam^{ll} Boush suspected of Piracy Referred to y^e hon^{ble} M^r Auditor Byrd

Sev^{ll} Petitions and Claims from diverse Clerks of County Courts for transcribing y^e Gen^{ll} Lists of Inhabitants pursuant to an order of Council and also for writing the Muster Rolls of y^e Melitia being presented to this Council are Referred to the hon^{ble} M^r Auditor Byrd for such allowance as he shall see just

Cap^t Thomas Mountfort by his Petition setting forth that he having brought thirteen hogsheads of Tobb^o from Accomack and paid y^e impost and Cockett for the same to Coll^o Custis was forced to pay

it over againe to the Naval officer of York River where he Ships y^e said Tobb^o and praying an Order to be reimbursed for y^e same

The said Petition is Referred to M^r Auditor Byrd being a Matter relating to her Matys Revenue

A Lett^r of M^r William Bolton representing that he had paid double duty for forty two hogsheads of tobb^o purchast by him in Accomack and Shipt in y^e upper district of James River for w^{ch} he Prays to be reimbursed is also Referred to M^r Auditor Byrd

His Excellency asked y^e Gentlemen of the Council if they had anything to offer for her Matys and y^e Countrys Service to the Consideration of this Council they answered they knew of Nothing at present

The Council Adjourned

October the 28th 1702

Present

His Excellency

Edmund Jenings
John Custis

and

James Blair Esq^rs

His Excell^{ty} in Council signed Warrantes to the Sherieffs of y^e several Countys for collecting her Matys Quitt rents for y^e year 1702.

As also diverse Patents for Land and Probates and Administrations being presented by M^r Secretary were signed by his Excell^{ty} in Council

At a Council held at Williamsburgh the 31st day of Decem^r 1702

Present

His Excellency Francis Nicholson Esq^r

Edmund Jenings
Jn^o Lightfoot
Matthew Page

Benj^a Harrison

James Blair

Philip Ludwell Esq^rs

On Consideration of one of their Excellencys the Lords Justices Instructions dated the 13th day of September 1698 in these words viz and that "all possible means may be used for the Security of the Merch^{ts} Ships in their return home you are hereby directed to take care y^t in time of War no Ships do come from Virginia but in Fleets or at such time as shall be Notified from hence for their meeting of Convoys, and in case of other danger, you are to expect directions from hence what Precaution shall be Necessary for their Security

The Council being in doubt as to y^e meaning of the s^d Instruction Whether Merch^{ts} Ships without a Convoy shall be accounted a Fleet, and how many such Merch^{ts} Ships shall constitute the same, Do therefore desire that his Excell^{ty} will please to represent the same to the Right Hon^{ble} the Lords Comm^{rs} for Trade &c that directions may be sent how this Board shall proceed hereafter in relation to the Ships trading here when no Convoys are in the Country or can probably be expected, And forasmuch as after Embargoes have been laid here

pursuant to the aforesaid Instruction the Ships in Maryland continue to sail as usual, whereby they have the Advantage of the Markett and the Inhabitants of this Colony and traders here, are not only deprived of that benefit but are also at great charge in Seamens wages and the damage of their Vessells by the worme and other Accidents the Council do further pray that the same may be represented that so the Inhabitants and traders to this Colony may be und^r No greater restraint than those Concerned in the same trade in our Neighbour Province

His Excell^{cy} laid before the Council sev^{ll} Lett^{rs} from Cap^t James Moodie Command^r of her Matys Ship the Southampton dated the 16th 20th 22^d & 29 of this month intimating that he had rec^d orders to sail from hence wth the Copys of his Excell^{cy} lett^{rs} to him dated the 19th & 21th instant. As also a Copy of a Lett^r to y^e Presid^t of her Matys Council in Maryland giving him Notice that Cap^t Moodie designed to sail & to sev^{ll} Navall Officers in this her Matys Colony ordering them to intimate the s^d intended Sailing to the Masters of Ships & Vessells in their respective districts. Wich were sev^{lly} read in Council

Upon reading sev^{ll} Lett^{rs} to his Excell^{cy} from Cap^t James Moodie Command^r of her Matys Ship the Southampton dated the 16th 20th 22^d & 29th of this month wherein he sayth that he hath rec^d orders from the Lord high Admiral of England and from Cap^t Leake directing him to Sail for Newfoundland to Joine y^e s^d Cap^t Leake and in case he is gone to make the best of his way to England in w^{ch} Lett^{rs} the s^d Cap^t James Moodie hath not only used diverse very reflecting and presumptuous expressions but also hath refused to send his orders or give an attested copy of them to his Excell^{cy} (notwithstanding he showed them to M^r Commissary Blair and Coll^o Philip Ludwell) to the end his Excell^{cy} and the hon^{ble} Council might have Judged wth would most conduce to her Matys Interest & Service and the advantage of trade upon this Occasion. It is the unanimous opinion of the Hon^{ble} Council that for want of true knowledge of such orders they cannot proceed to give any directions to the Merch^{ts} Ships in this Colony, w^{ch} may tend to the great Prejudice of her Matys Service and the trade of this Country, And therefore desire his Excell^{cy} to issue his warr^t to the s^d Cap^t James Moodie Commanding and requiring him to bring or send to his Excell^{cy} on tuesday next being the 5th day of Jan^{ry} 1702/3 an attested copy of the orders he hath rec^d from the Lord high Admiral and also from Cap^t Leake that this Board may consider wherein the s^d Cap^t James Moodie may be Serviceable to her Matys interest and the benefit of trade in the execution of the same And that his Excell^{cy} give order to the s^d Cap^t James Moodie at the same time to bring or send to his Excell^{cy} a copy of the Journal of his Proceedings since he come into this Colony that so it may appear wheither he hath Complied wth the orders he hath from time to time rec^d

Whereas Cap^t James Moodie Command^r of her Matys Ship Southampton in his lett^{rs} dated the 16th 20th 22^d & 29th instant Complains of his being in want of Provisions that he wants sev^l men that his water Cask are in a bad Condition and his men Naked and in

great Want of Cloathing for w^{ob} reasons he cannot proceed so soon on his Voyage According to the orders he hath rec^d His Excell^{cy} and the hon^{ble} Council having maturely Considered the same Do find that whenever any application hath been made by the s^d Cap^t Moodie for Credit for Provisions or any other matter it hath been duly Considered in Council and such Orders and Supplyes have been given him as was desired as may appear by the Journals of form^r Councils and his Excell^{cy}'s lett^{rs} to him to his own & his Purser's Satisfaction that the s^d Cap^t Moodie hath had his Exce^{ll^{ys}} warr^t for impressing Seamen and to strengthen the same an Act of Assembly hath lately past for apprehending Runaway Seamen by Vertue whereof diverse [several] have been taken and delivered to him And as to his Water Cask & the Nakedness of his men it is the first time any such representation hath been made to this Board so that if he is in want of any the above Particulars or cannot Sail pursuant to his Orders it is no fault of his Excell^{cy} & Council and his Excell^{cy} & the hon^{ble} Council do further conceive it for her Matys Service And Accordingly Ordered that the s^d Cap^t James Moodie give a positive answer whether he intends immediately to Sail from hence & whether he intends to touch at Newfoundland pursuant to the aforementioned Orders And that he either bring or send such answer to his Excell^{cy} on Tuesday the 5th day of Jan^{ry} Next

Ordered that Cap^t James Moodie deliver her Matys Sloop Elizth with all her Riging tackle apparell & Boat to the Coll^r or Naval officer of the District from whence he takes his departure who are hereby authorized to receive and keep the same for her Matys Service

Whereas it hath been represented by Cap^t James Moodie Command^r of her Matys Ship y^e Southampton that he is in want of diverse Seamen to make up his Complem^t his Excell^{cy} and the hon^{ble} Council being willing as far as it is possible to supply her Matys s^d Ship Do hereby in her Matys Name strictly charge and Command all officers Civil and Military and all other her Matys good and Loving Subjects within this her Colony & Dominion of Virg^a to use their uttmost endeavours to discover seize and apprehend all vagrant and Runaway Seamen and them safely to Convey on board her Matys s^d Ship the Southampton in mann^r mentioned in the late act of Assembly for apprehending Runaway Seamen for w^{ich} the Respective Rewards by the s^d Act allowed is hereby Ordered to be duly paid Certifying such as shall Conceale harbour or entertaine any such Vagrant or Runaway Seamen that they shall be proceeded ag^t wth the uttmost Severity the Law will allow And it is furth^r ordered that a Copy hereof be sent to every County within this Colony and that the Shrieffs cause the same to be read in all Churches Chappells & other publick Places within their s^d Respective Counties

Whereas upon Cap^t Moodies leaving this her Matys Colony & Dominion it will be destitute of any Gaurd by Sea and it appearing by a Lett^r from Cap^t Nathaniell Bostock Command^r of her Matys advice Boat the Eagle dated y^e 4th instant this day read in Council that he will be in a Condition to cruise very speedily Her Matys Hon^{ble} Council are of Opinion that it will be for her Matys Service

and the Safety of this Colony and more effectual for the detecting illegall traders that the s^d Cap^t Nathaniell Bostock attend on this Colony And therefore they request his Excell^{cy} to write to the Presid^t of her Matys Council in Maryland to order the s^d Cap^t Bostock hither wth all Speed to attend on this Governm^t And forasmuch as all y^e Seamen that can be had in this Country will scarce be Sufficient to Supply her Matys Ship the Southampton the hon^{ble} Council do farth^r desire his Excell^{cy} to write to y^e s^d Cap^t Bostock that he take care to man her Matys Vessell und^r his Command before he comes from Maryland for his bett^r information & assistance therein to send him the List of Seamen now in Maryland who have run away from her Matys Service w^{ch} his Excell^{cy} hath been pleased this day to Communicate to this Board

Upon reading a lett^r from his Excell^{cy} the Lord Viscount Cornbury Gov^r of her Maty Province of New York dated the 19th of Novemb^r last desiring that the Sum of 900^{li} being the Quota appointed to be paid by this Colony toward the erecting fortifications on the frontiers of the s^d Province of New York may be remitted thither by the very beginning of the Spring His Excellency asked the advice of her Matys hon^{ble} Council whether since his Excell^{cy} the Lord Cornbury is so pressing and seems to apprehend y^e frontiers of his Governm^t in danger it will be Conveinent to call the Assembly soon^r than the 17th March was appointed to consider of the s^d assistance to be given to New York Whereupon the Council are of Opinion that the Assembly cannot conveniently meet soon^r then the s^d 17th March for y^e Resons sett down in their form^r Resolve on that Subject on y^e 27th Octob^r last

Jan^{ry} the 1st 1702/3

Present

His Excellency

Edmund Jenings
Jn^o Lightfoot
Matthew Page

Benj^a Harrison
James Blair
Philip Ludwell Esq^{rs}

Upon reading this day in Council sev^{ll} Lett^{rs} from Cap^t Moodie Command^r of her Matys Ship Southampton and perticularly one Lett^r to his Excell^{cy} dated y^e 29th of Decemb^r one lett^r to the hon^{ble} Edmund Jenings & one to M^r Mungo Inglis wherein he uses diverse threatning expressions ag^t Coll^o W^m Willson Coll^o Miles Cary & L^t Coll^o Tho: Ballard tending to y^e breach of her Matys Peace His Excell^{cy} caused James Wallace Clerk to be called in & declared that he intended to make use of him as an Evidence for the Queen ag^t the s^d Moodie and Accordingly the s^d James Wallace being Sworne & examined deposed as followeth Viz as to the lett^{rs} written by Cap^t James "Moodie to "his Excell^{cy} he acknowledges he Saw one lett^r dated the 29th of "Decemb^r and that he believes he saw y^t of the 20th of the s^d month "but that he never was concerned in composing any of y^e lett^{rs} that "he never Saw the lett^r to Coll^o Jenings nor that to M^r Inglis but that "Cap^t Moodie told him he had written to them Being Interrogated

“whether his Excell^{cy} did not carry the deponent along with him to
 “y^e s^d Cap^t Moodie and desired him to advise the s^d Cap^t Moodie
 “to desist from prosecuting his quarrel ag^t Coll^o Cary he the deponent
 “acknowledges that his Excell^{cy} did so and that upon discoursing
 “concerning the ground of Cap^t Moodies quarrell he the deponent did
 “say that that such designs were unlawful and wicked and being further
 “asked to give an Acc^t of what had past between Cap^t Moodie and the
 “deponent and what he knew of any threatnings used by the s^d Cap^t
 “Moodie ag^t Coll^o W^m Willson Coll^o Miles Cary or Coll^o Ballard
 “made answer that he could say no further then what he had done in
 “the Paper he gave to his Excell^{cy} in answer to his Memorandum and
 “denied to answer any further but afterward owned y^e he hath heard
 “Cap^t Moodie threaten that he would Cane or horsewhip them but
 „cannot possitively Rememb^r whether he hath heard him say he would
 „be revenged on them Signed James Wallace

Upon the examination of the s^d James Wallace his Excell^{cy} said
 that he equivocated and desired that it might be taken of Whereupon
 M^r Commissary Blair making some Objection His Excellency com-
 manded him to put it in writing w^{ch} he did and delivered in the follow-
 ing words Viz Jan^{ry} 1st 1702/3 his Excell^{cy} in Council Commanding
 the Clerk to sett down that “Mr James Wallace answering upon oath
 “equivocated before him & the Council upon this I said if the Council
 “was Concerned in that Censure of M^r Wallace I for my part declared
 “that I heard nor observed no equivocation in what M^r Wallace had
 “said upon this his Excell^{cy} commanding me to set down this my
 “opinion in Writing I desired that y^e Clerk might sett it down his
 “Excell^{cy} answering that the Clerk should not sett it down and Com-
 “manding me againe to put it in Writing and set my hand to it In
 “Obedience to y^e s^d Command I set my hand to these presence [presents]
 James Blair

Whereas Complaint hath been this day made to his Excell^{cy} in
 Council by Coll^o W^m Willson of the County of Elizth City that Cap^t
 James Moodie Command^r of her Matys Ship the Southampton on
 the 19th of Decem^r last whilst y^e Complainant wth other her Matys
 Justices of y^e Peace was holding Court for y^e s^d County of Elizth City
 did wth sev^{ll} of his men belonging to the s^d Ship come to the s^d Court
 whilst Setting and their wth his Sword & Cane in his hand walk too
 & fro before the door of the s^d Court house to the terror of those that
 were present & as soon as the Court was Adjourned and the Justices
 come out of the Court house he the s^d Moodie taxt [taxed] the complain^t
 wth abuse w^{ch} he s^d this Complain^t had offered him and s^d he would
 have Satisfaction & be revenged of the s^d Complain^t & bid him to take
 heed to himself for he would Certainly be revenged of him before he
 left the Country: And therefore praying his Excell^{cy} that the hon^r
 & Peace of the Govern^t may be preserved & the Lives of her Matys
 Subjects secured And Whereas it appears by the depositions of sev^{ll}
 Persons taken before her Matys Justices of York County & this day
 read in Council that the s^d Cap^t James Moodie did at the Court house
 of the s^d County of York on y^e 24th day of Septemb^r last utter diverse
 threatning words and publish a Certaine writing ag^t Coll^o Miles Cary
 Naval officer of York River contrary to her Matys Peace

It is therefore Ordered that the above Complaint of the s^d Coll^o W^m Wilson together wth sev^{ll} depositions taken before her Matys Justices of York County as also the deposition of James Wallace Clerk this day taken in Council be referred to M^r Benj^a Harrison her Matys Council at Law to Consider and Report his opinion w^{ht} can be done in Law thereupon

Coll W^m Wilson having in presence of his Excell^{cy} & Council made oath that by reason of Cap^t Ja: Moodys threatnings he has just cause to apprehend his life is in danger It is the opinion of the hon^{ble} Council that his Excell^{cy} renew his Commands to y^e said Cap^t Ja: Moodie Requiring him and all the officers & Seamen under his command to keep the Peace towards all her Matys Subjects and Particularly towards Coll^o Wilson Coll^o Miles Cary & Lieu^t Coll^o Tho: Ballard be in like manner required to behave themselves peaceably towards the said Cap^t Moodie and for preventing all occasion of disturbance that they may be cautioned to avoid coming into the said Ja: Moodie Company

The Council having taken into Consideration what will be best for her Matys Service and the advantage of trade in relation to the Ships now in the Country bound for England Are Unanimously of Opinion that if Cap^t James Moodie Command^r of her Matys Ship Southampton is resolved to touch at Newfoundland he is not a proper Convoy for the s^d Ships. And Whereas it is very probable that all or most of y^e Ships now in the Country will be ready to sail by the fourth of March next the Council are further of Opinion that the Embargo be continued untill the said fourth of March and that all such Ships as shall be ready at that time sail in a fleet. And in case Cap^t Moodie shall declare that he intends to proceed directly to England Then this board do conceive it for her Matys Service that his Excell^{cy} issue his Warrant to the said Cap^t James Moodie to stay till the s^d 4th day of March in order to take the said Merch^{ts} Ships under his Convoy it being but four weeks longer than the time he proposes to sail. And that it be left to y^e said Cap^t Moodie to appoint the Place where the said Fleet shall make up

A Lett^r from the R^t hon^{ble} the Comm^{rs} of her Matys Customs to his Excell^{cy} intimating that they had appointed M^r Sampson Trevethan to be Surveyor of the Customs in Elizth River was read and ordered to be recorded in the Council Bookes

Upon reading the Petition of James Bushell Clerk complaining ag^t the Vestry of Marttin Brandon Parish together wth the Reports of M^r Commissary Blair [and] M^r Benj^a Harrison to whom the same was Referred by an order [of] Council dated the 15th of Aug^t last; It is Ordered that M^r Benj^a Harrison her Matys Council at Law prosecute the said Vestry of Marttin Brandon upon the Subject Matter of the said Complaint

His Excell^{cy} acquainted the Council that pursuant to the Order of the 27th of October last M^r Benj^a Harrison her Matys Council at Law had Reported to him his opinion upon the Deposition of John Shule [possibly Shute] relating to some Gold and a Negro boy taken up by Cap^t Lewis Commander of the Sarah Galley out of a Sloop

belonging to New York wreckt at sea being the goods of one M^r John France a Passenger cast away in the said Sloop wich report was this day read in Council) And that upon inquiry Cap^t James Moodie Command^r of her Matys Ship Southampton had informed his Excell^{cy} that it was usual in such cases to allow one third to the taker up for Salvage and that the other two thirds belonged to y^e Lord high Admiral Upon w^{ch} his Excell^{cy} had directed his Warr^t to y^e said Lewis to pay two thirds of y^e s^d Gold and Value of the Negro boy to the s^d Cap^t Moodie by whome he intended to send the same to his Royal Highness Prince George of Denmark Lord high Admiral of England

The Petition of John Hilleyard of Warwick County praying that a horse formerly belonging to one Jno Welsh of the said County and become deodend and may be granted to him. Referred to M^r Auditor Byrd concerning her Matys Revenue

The Petition of Edw^d Ross praying that a Survey may be made of the old burnt musquets &c now in y^e Magazine at James City & that the same may be Ordered to be sold for paying contingent charges read & Referred to M^r Auditor Byrd

His Excell^{cy} acquainted the hon^{ble} Council that he intended to have laid before them sev^{ll} matters relating to her Matys Revenue and particularly concerning Land but M^r Auditor not being here he would defer it till some other time And then asking if any of the Gentlemen of the Council had any thing further to propose for his Matys Service they answered that they knew of Nothing at present
And then the Council Adjourned

Jan^{ry} the 5th 1702/3

Present

His Excellency

Edmund Jenings
James Blair

Philip Ludwell Esq^{rs}

Cap^t Moodie Commander of her Matys Ship Southampton having in Obedience to his Excell^{cy}'s Warrant and Order of Council dated the 31st of Decem^r last sent copys of his order from the Lord high Admiral and from Cap^t Leake the same were read in Council together wth the said Cap^t Moodies lett^r w^{ch} inclosed them dated the 4th instant And upon reading thereof his Excell^{cy} declar'd that as to what Cap^t Moodie says that to give Copys of his orders he Never heard of any Presid^t for the like. His Excell^{cy} thinks it is without Presid^t to deny them. That as to Cap^t Moodys being now under the orders of the Lord high Admiral and so not safe in obeying anothers, It doth not appear that the s^d orders of the Lord high Admiral doth exempt Cap^t Moodie from Obeying the Orders of this Governm^t so long as he remains within the Capes: but if Cap^t Moodie doth insist upon it then his Excell^{cy} hath nothing further to say to him: That his Excellency hath always had Copys of the Journals from the Commd^{rs} of the Ships of warr attending here. And as to the copys of Cap^t Moodys 52 General Instructions w^{ch} he sent up It is the Opinion of this Board that it doth

not relate to his Excell^{ty} and Council but onely to the M^{rs} of Ships & Vessells

Upon reading the copy of Cap^t Moodies orders from the Lord high Admiral and from Cap^t Leake wth his Lett^r of the 4th instant wherein he saith that he designes as soon as may be to follow his Orders and endeavours for Newfoundland if possible and that he should be glad to know what his Excell^{ty} & the Council will propose for her Matys Service in his way It is Ordered that a full Council will be held here on Wednesday the thirteenth instant to consult what shall be most for her Matys Service and the benefitt of trade on this Occasion

His Excell^{ty} ordered to be inserted in the Journals of this Council that Cap^t Moodie did show his Orders to the Clk of the Council at Williamsburgh tho now he makes such a Scruple of giving copys of them to his Excell^{ty}

Whereas Cap^t James Moodie Commander of her Matys Ship Southampton and Thomas Layton Purser have by their Letters to his Excell^{ty} represented that they want Credit for One hundred pounds and pay his Excell^{ty}s noate on M^r Bertram Servant for so much His Excell^{ty} was pleased to declare that though he had no benefitt or consideration for advanceing money for y^e use of the said Ship he would give them Credit for y^e said Sum of One hundred pounds in M^r Servants hand upon Cap^t Moodys and M^r Laytons signing bills on the Comm^{rs} of the Victualling Office for y^e like Sume payable to his Excell^{ty}

His Excell^{ty} acquainted the Council that forasmuch as he had Rec^d diverse Comp^{ts} from Cap^t James Moodie Commander of her Matys Ship Southampton ag^t Coll^o W^m Wilson Coll^o Miles Cary & Lieu^t Coll^o Thomas Ballard, and also Complaints made by the s^d Coll^o W^m Wilson & Coll^o Cary ag^t the said Cap^t Moodie he intended Next council to grant a Commission to sev^{ll} Gentlemen to meet at the court house of Elizth City County for taking the depositions of such Witnesses as shall be brought by either Party for proving their said Comp^{ts} to the end Justice may be done thereon. And ordered that the Clk of the Council intimate the same to the s^d Cap^t Moodie that he may prepare such Proofs as he shall think fitt to make use of ag^t the day of the Meeting of the said Comm^{rs} w^{ch} shall be Notified to him when appointed

Ordered that Notice be given to M^r Benj^a Harrison her Matys Council at Law to attend his Excell^{ty} and Council on Wednesday the 13th instant

Ordered that the Coll^{rs} & Naval Officers of the sev^{ll} Districts within this Colony give Notice to the Cap^{ts} and Commanders of the Ships & Vessells in their respective districts to make what dispatch they can in their Loading And that (though the Embargo is not yett taken off) a full Council will be held at Williamsburgh the 13th instant for considering of the most proper time for their Sailing in a Fleet

Jan^r. the 13th 1702/3

Present

His Excellency

Edmund Jenings
Matthew Page
James Blair

Philip Ludwell
W^m Bassett
Henry Duke Esq^r

A Letter from Coll^o Benj^a Harrison excusing his Absence from

A Letter from Coll^o Benj^a Harrison excusing his Absence from this Council by reason of his indisposition, read

A Lett^r to his Excell^{cy} from Jno Thraile Esq^r Sollicitor of the Virginia affairs intimating that he had put his Excell^{cy}'s new Commission into the hands of M^r Micajah Perry Merch^t in London, was read together [with] the Copy of an Order of her Maty in Council appointing the sum of _____ to be paid out of her Matys Revenue of Q^{tt} rents in this her Matys Colony and Dominion for sev^{ll} Arms & Ammunition Ordered to be sent in hither according to an Estimate of the Price & charges thereof laid by the Comm^{rs} of the Ordinance

His Excell^{cy} and the Council taking into Consideration what will be most for y^e advantage of Trade in relation to the Ships now in the Country and finding that it will be very much for her Matys interest and Service and the Security of the said Ships that they have a Convoy but forasmuch as Cap^t James Moodie Commander of her Matys Ship Southampton in his Lett^r of the 4th instant saith that being now under the orders of the Lord high Admiral he is not safe in obeying another which being Considered at the last Council held the 5th instant His Excell^{cy} in Council did declare his Opinion thereupon and caused the same to be sent to y^e s^d Cap^t James Moodie to w^{ch} he hath given no Answer. By reason of w^{ch} delay the hon^{ble} Council cannot proceed to give any Orders to y^e said Cap^t Moodie in relation to y^e said Ships They therefore think it for her Matys Service that his Excell^{cy} issue his Commands to the said Cap^t Ja: Moodie Requiring him to give his possitive answer whether he doth insist that he is not under the Order of this Governm^t or whether he will take the said Ships under his Convoy and Sail directly for England upon his receiving Orders from his Excell^{cy} for that Purpose

M^r Benj^a Harrison her Matys Council at Law (to whom all [it] was Referred to Consider the Comp^{ts} of Coll^o W^m Wilson together wth the deposition taken ag^t Cap^t James Moodie Commander of her Matys Ship Southampton, gave in his Report in these words viz "May it Please your Excell^{cy}

"I have Considered the Order of y^r Excell^{cy} & the Council of the "first instant relating to the Comp^{ts} of Coll^o W^m Wilson ag^t Cap^t "James Moodie together with the Papers therein mentioned; And "thereupon I am humbly of Opinion that (the said Wilson having "sworn the Peace ag^t him) the said Moodie be Oblidged to give Bond "wth good Security for the keeping of her Matys Peace towards all "her good Subjects but more esepcially towards the said Coll^o W^m "Wilson

"Jan^r y^e 13th 1702/3

B Harrison

M^r Mungo Inglis being called before his Excell^{ty} in Council was showed the Copy of a lett^r written by Cap^t James Moodie Commander of her Matys Ship Southampton relating to Coll^o Wilson & Coll^o Miles Cary and being asked if he thought that was a true Copy of a Lett^r sent to him: Answered that he had not y^e Original Lett^r but believed that to be the copy of it so far as he could remember

Whereas Cap^t James Moodie Command^r of her Matys Ship Southampton hath by diverse Lett^{rs} to his Excell^{ty} Complained ag^t Coll^o W^m Wilson Coll^o Miles Cary and Lieu^t Coll^o Thomas Ballard: and sev^{ll} Complaints being also made by the s^d Coll^o W^m Wilson & Coll^o Miles Cary ag^t the said Cap^t James Moodie his Excell^{ty} was pleased this day to declare in Council that he thought it for her Matys Interest and Service and Necessary for y^e Preservation of the Peace of this Country that a Commission issue to such Gentlemen as shall be thought proper for taking the examinations of such witnetsses as either Party shall make use of for proving their said Complaints, and for determining the same: Or that Process [be] taken out by her Matys Council at Law in her Matys Name and in Name of the said Cap^t James Moodie ag^t Coll^o W^m Wilson Coll^o Miles Cary & L^t Coll^o Thomas Ballard upon the Complaint mentioned in the s^d Cap^t Moodies Letters and in like manner that Process be taken out in her Matys Name & in the Name of the said Coll^o W^m Wilson & Coll^o Miles Cary ag^t the said Cap^t Ja: Moodie: And

Ordered that all y^e Lett^{rs} and Papers relating to the said sev^{ll} Compl^{ts} be delivered to M^r Benj^a Harrison her Matys Council at Law to whom it is referred to Consider and make Report to his Excell^{ty} and Council what can in Law be done thereupon

A Petition being presented to his Excell^{ty} And the hon^{ble} Council by Jno Wilcox M^r of y^e Ship Exeter Merch^t Henery Sutton M^r of the Ship W^m & John, John Delves M^r of the Ship Unity: Philip Gadsden M^r of the Ship Calabar Merch^t George Wray M^r of the Park Galley & Tho: Tudor M^r of the Briganteen George: praying that they may be permitted to sail for England wth her Matys Ship Southampton, the same is Referred till Cap^t Moodie returns his answer to the Orders of Council this day made relating to him Convoying y^e said Ships

Whereas Cap^t Jn^o Wilcox and other Commanders of Ships and Vessells have by their Petition this day represented to his Excell^{ty} in Council that Cap^t James Moodie hath sent up James River to hasten the Ships there in Order to go under his Convoy: His Excell^{ty} in Council was pleased to direct that a Copy of the aforesaid Petition be sent to the s^d Cap^t James Moodie and y^t he give his Excell^{ty} [an] Acc^{tt} whether he hath given such Notice by what Authority he did y^e same and how far he proposes to Convoy the said Ships

The Council adjourned till friday Next

Jan^{ry} the 15th 1702/3

Present

His Excellency

Edmund Jenings
Rob^t Carter
James Blair

Philip Ludwell
W^m Bassett
Henery Duke Esq^{rs}

Upon reading the Order of his Royal highness Prince George of Denmark in the following words Viz His Royal Highness Prince George of Denmark

Lord high Admiral of England & Ireland &c & of all her Matys Plantations &c and Generalissimo of all her Matys Forces

You are required and directed, Notwithstanding any former Orders w^{ch} you have rec^d to make the best of y^r way wth her Matys Ship under y^r Command to Newfoundland where you are to joine the Squadron commanded by Cap^t John Leake and follow such Orders as he shall give you for y^r further Proceedings Given under my hand this 24th of June 1702

George

To the Command^r of her Matys Ship
Southampton Virginia

By Command of his Royall Highness

J Burchett

together wth the Orders of Cap^t Jno Leake dated y^e 14th of Aug^t last to the Commd^r of her Matys Ship Southampton directing him to make the best of his way wth her Matys Ship und^r his command to S^t Johns in Newfoundland to Joine him y^e said Cap^t Leake and in case he should be gone from thence before the Arrival of the said Ship and no orders to the contrary then the s^d Commander to make the best of his way after the said Cap^t Leake to England as is more fully exprest in the said orders His Excell^{cy} and the Council having also read sev^{ll} lett^{rs} from Cap^t James Moodie Commd^r of her Matys s^d Ship the Southampton relating thereto Do observe by the said Letters that Cap^t Moodie did not receive the aforementioned Orders till y^e 14th of Decem^r last, and at that time (as the s^d Cap^t Moodie hath represented in his Letters) he was not in a Condition to sail nor could be in less than five weeks by reason of his want of Provisions Sickness of his men and other inconveniencies since w^{ch} his Excellency hath had an Acc^{tt} that Commodore Leake is safely Arrived in England wth his fleet and prizes, so that in all Probability the Service for w^{ch} Cap^t Moodie was designed is long since over And it having been represented to his Excell^{cy} and the Council not only by y^e said Cap^t Moodie with advice of his Officers but also by diverse Masters of Merch^t Ships that the Season of the Year will not permitt her Matys said Ship to go upon the Coast of Newfoundland pursuant to the aforementioned Orders And there being now in this her Matys Colony & Dominion diverse Ships and Vessells bound for England some Whereof are Near ready to Sail and others will be in a readiness in a short time: His Excell^{cy} and the Council taking also into Consideration the case of the s^d Ships And finding that by one of their Excell^{cy}s the Lords Justices instructions dated the 13th of Septemb^r 1698 no Ships or Vessells are to be permitted to sail out of this Colony in time of war except in Fleets or at such time as shall be Notified for their meeting of Convoys and that their is no advice of any such Convoy designed heither this Spring so that if this Oppertunity is once lapsed the said Ships may in all Probability ly in this Country all this Summer w^{ch} will not only be the ruine of

the Ships and Loading but also endanger the lives of the Seamen His Excell^{ty} and the Council, wth all deference to the Orders of his Royal Highness are humbly of Opinion that [it] will be very much for her Matys interest and Service and the advantage of all her Matys Subjects concerned in Tobb^o and Shipping as well in England as here that the said Cap^t James Moodie take under his Care all such Ships & Vessells as shall be ready to sail wth him on y^e 4th day of March next and Convoy them directly for England And that his Excell^{ty} issue his Orders to y^e said Cap^t Moodie Accordingly. And her Matys Council are further of Opinion that Considering the sev^{ll} reasons above sett down his Excell^{ty}'s s^d Order und^r his hand and the Seal of y^e Colony will be Sufficient to indemnify the said Cap^t James Moodie for his staying for the said Ships and Sailing wth them directly for England in w^{ch} Opinion they are more fully Confirmed upon considering that Part of the Orders given by the R^t hon^{ble} the late Lords Comm^{rs} of the Admiralty to the said Cap^t Moodie for attending this Colony dated y^e 25th June 1701 in these words Viz And when you shall receive orders from this Board for y^e returning home you are not to leave y^e Colony before you have given timely Notice thereof to the Governor that so if any immediate Occasion should happen of Service the same may not be disappointed for want of y^e said Gov^{rs} knowing how you intend to proceed

Whereas it hath been Judged for her Matys interest & Service that Cap^t James Moodie Commander of her Matys Ship Southampton take under his Convoy all such Ships and Vessells as shall be ready to sail with him for England on y^e 4th day of March Next His Excell^{ty} by Advice of her Matys hon^{ble} Council leaves it to y^e s^d Cap^t Moodie to appoint y^e Place for y^e fleet to make up, Requiring him the s^d Cap^t James Moodie with all Speed to send his Excell^{ty} an Acc^t of such Place as he shall think most Convenient for that Purpose that so his Excell^{ty} may Notify the same to y^e M^{rs} of the Ships & Vessells in this her Matys Colony and Dominion and also to those in her Matys Province of Maryland to meet at y^e time and Place appointed

It is the opinion of her Matys hon^{ble} Council, and Accordingly Ordered that in case Cap^t James Moodie Commander of her Matys Ship Southampton shall refuse to stay and take under his Convoy such Ships and Vessells as shall be ready to Sail wth him for England on y^e 4th of March next pursuant to the Order this day past in Council then the said Ships and Vessells shall sail together in a Fleet Notwithstanding their want of Convoy on the said 4th of March next

The Proceedings of this Council being read to y^e M^{rs} of the Ships who Petitioned his Excell^{ty} on y^e 13th instant they all declared their Satisfaction therewth

Odered that the Collectors and Navall Officers of the sev^{ll} Districts within this Colony take care that after the Fleet w^{ch} is designed to go under Convoy of her Matys Ship Southampton is sailed they do not clear any Ship or Vessell bound for England untill further Order

His Excell^{ty} in Council signed writts for Electing Burgesses to serve in the Gen^{ll} Assembly w^{ch} is to meet y^e Seaventeenth of March next

A Proclamation for returning Lists of all Officers Civil and Military and all the Acc^{ts} of y^e County and Parish Levies &c being prepared was read and approved in Council And Ordered to be sent to y^e sev^{ll} Counties

January the 19th 1702/3

Present

His Excellency

Edmund Jenings
James Blair

Philip Ludwell Esq^{rs}

His Excell^{cy} laid before y^e Council a Letter from Cap^t James Moodie Commander of her Matys Ship Southampton dated yesterday in Answer to the Order of Council of the 15th instant and his Excell^{cy}s order thereon wherein he raises some Scruples ag^t the said order, and referres to his Lieu^t for what he had further to say: Upon reading whereof his Excell^{cy} caused Robert Mastertown first Lieu^t to y^e said Cap^t Moodie to be called in and demanded of him what he had to propose in behalf of his said Cap^t, who Answered that Cap^t Moodie desired that his Excell^{cy} would write to her Maty and to his Royal Highness Prince George of Denmark Lord high Admiral of England that he may be safe in obeying the orders of his Excell^{cy} for staying and Convoying the Merch^{ts} Ships: His Excell^{cy} by advice of her Matys Council did thereupon acquaint the s^d Lieu^t that as to writing to her most sacred Maty he never did presume to do any such thing: but that a Copy of the Journal of Council wherein all the Proceedings relating to y^e said Cap^t Moodie are contained shall be sent to her Matys principal Sec^{ry} of State w^{ch} is the way he is Ordered to transmit Acc^{ts} of all matters to her Maty and that his Excell^{cy} will (as he always doth) send another Copy of all Proceedings relating to y^e s^d Cap^t James Moodie to y^e Sec^{ry} of the Admiralty for y^e use of his Royal highness so that it is y^e Opinion of his Excell^{cy} and the hon^{ble} Council that what Cap^t Moody desires will be more effectually represented that way than by lett^{rs} since all the reasons upon w^{ch} the sev^{ll} orders to Cap^t Moodie were Grounded will appear upon the Journal And more especially it will be seen that the last Order to the said Cap^t Moodie was made after mature deliberation by a Greater Number of her Matys Council than can usually be gott together at this Season of the year and upon such reasons they doubt not will be Judged of weight by all concerned

His Excell^{cy} did also lay before y^e Council another lett^r from Cap^t James Moodie of yesterdays date sent by his Lieu^t wherein he takes notice that his Excell^{cy} saith he hath Communicated all his the said Cap^t Moodies Lett^{rs} to the Council and for what end is best known to his Excell^{cy} that he hath sent his Purser for more Credit in case he should stay And that he hath rec^d an order to his Lieu^t for releasing one Merriweather said to be an Inhabitants of King William County Whereas he is one of those that Run away from the Ship Nicholson as is more fully set down in the said Lett^r And thereupon his Excell^{cy}

in Council declared that as to y^e Communicating Cap^t Moodies Lett^{rs} he was obliged to do it that the hon^{ble} Council might Judge what was Necessary to be done in the sev^{ll} matters therein represented That as to giving the Purser more Credit in case he stays his Excell^{cy} will furnish him with what shall be Necessary upon his writing to him as formerly And lastely as to Merriweather if Cap^t Moody is satisfied that he is a Runaway he is hereby Authorized to detain him

His Excell^{cy} caused M^r Mastertown Lieu^t of her Matys Ship Southampton and M^r Layton Purser to be called in and after reading the aforementioned Proceedings of this Council asked if they had any thing further to offer and if they were satisfied wth the answer given them upon w^{ch} they both declared that they had nothing further to offer to his Excell^{cy} that they were well satisfied with what they had heard from his Excell^{cy} and the Council and would acquaint Cap^t Moodie therewth

Ordered that in case Cap^t Moody doth not stay for the Merch^{ts} Ships now in this Colony the said Ships shall make up in York River in Order to their Sailing in a Fleet on the 4th of March Next as by a former Order is directed

At a Council held at her Matys Royal College of W^m and Mary

Feb^{ry} 24th 1702/3

Present

His Excellency

Edmund Jenings
John Lightfoot
Benj^a Harrison

James Blair
Philip Ludwell
W^m Bassett
Henery Duke Esq^{rs}

His Exc^{ll^y} laid before the Council the sev^{ll} Papers following Viz

Two letters from Thomas Tench Esq^r Presid^t of her Matys Council in Maryland the one dated y^e 6th and the other the 13th of this month acquainting his Excell^{cy} that all the Ships in that Province will be ready to sail by the fifteenth or twentieth of March. And that the Masters were to Address his Excell^{cy} for Causing Cap^t Moody stay till that time to take them und^r his Convoy

A Petition or Address of sev^{ll} Cap^{ts} and Commanders of Merch^{ts} Ships in her Matys Province of Maryland setting forth y^t Whereas his Excell^{cy} had been pleased to give them Notice of y^e Southampton Man of Warr being God-willing bound for England by the 4th of March Next They prayed his Excellency further consideration of the State of their Ships most of them being Near loaden and will be ready to Joine the Virg^a Fleet und^r Convoy of her Matys said Ship Southampton by the twentieth of y^e said month of March And that therefore his Excell^{cy} would please to lay his Commands on Cap^t James Moodie or otherwise procure the Stay of y^e said Ships till that time

A Petition of the said Cap^{ts} and Commanders of the Merch^{ts} Ships in Maryland to Cap^t James Moodie Commander of her Matys

Ship the Southampton representing that they will be ready to put themselves under his Convoy by the 20th of March Next and praying That he would stay for them

A Petition of George Clay and other Cap^{tn} and Commanders of Ships in York River, And also a Petition of diverse Captains and Commanders of Ships in Rappahanock River in this her Matys Colony & Dominion setting forth that by reason of the rains and bad Wheather they have been much hindered in their Loading and that they cannot possibly gett ready against y^e time appointed for their Sailing, and representing the great dammage that may ensue to her Matys Revenue and to their particular owners and Freighters if her Matys Ship the Southampton should not stay to take them under Convoy. And Praying that y^e time of the departure of the Convoy may be deferred till y^e 15th of March Next at w^{ch} time they will be ready to sail

And Likewise a Letter from Rich^d Lee Esq^r Naval officer of Potomack River that their are four Ships in y^t district that will be ready to sail by the tenth of March Next

All which were read in Council and his Exce^{ll^y} asked the advice of her Matys Council whether they thought it for her Matys interest & Service that Cap^t James Moodie Commander of her Matys Ship the Southampton stay Longer for y^e said Merch^t Ships or go at the time already appointed. The Hon^{ble} Council taking y^e same into Consideration are Unanimously of Opinion that it will very much conduce to her Matys Service, the Advancem^t of her Matys Revenue the good of her Matys Subjects and the Safety of the said Ships that Cap^t James Moodie stay some time longer than the time formerly appointed in regard there are twenty eight Masters of Ships in this Colony and the Province of Maryland who have now Petitioned and will be ready to sail in a short time. And that it appears by a Lett^r from M^r Micaiah Perry Merch^t in London dated the 14th of Novemb^r last that no other Convoy can suddenly be expected here. And therefore desire his Excell^{cy} to issue his Orders to the said Cap^t James Moodie to stay till y^e Eighteenth day of March Next and take the said Ships under his Convoy And that he be required to send an immediate answer whether he will stay & take y^e said Ships under his Convoy

His Exce^{ll^y} acquainted y^e Council that if Cap^t Moodie shall refuse to stay till y^e 18 of March pursuant to y^e above Order of Council he did not think fitt to permitt any of the Ships to go with him. And it is thereupon Ordered that y^e said Ships shall sail together on y^e s^d 18th of March whether they have a Convoy or not

His Exce^{ll^y} Communicated to y^e Council the copy of a Letter w^{ch} he write [had written] to Cap^t James Moodie in y^e 19th instant requiring him to be present at this Council in [or] that he should send Cap^t Mastertown his Lieu^t & his Purser & that he expected to have seen some of them here. And also that Cap^t Moodie should have sent a Copy of his Journal as by a former Order he was directed. It is this day Ordered That the said Cap^t Moodie be againe required to send to his Excell^{cy} a Copy of his said Journal pursuant to y^e former Order of Council.

His Excell^{ty} was pleased to declare that if Cap^t Moodies Purser shall want further Credit for Provisions the better to enable him to stay till y^e departure of y^e fleet his Excell^{ty} will supply him and Ordered that Notice b given to y^e said Cap^t Moody thereof

Ordered that if Cap^t Moodie shall return an Answer to his Excell^{ty} that he intends to stay till y^e 18th March pursuant to the Order this day past in Council, y^t then Notice be given to y^e Ships in this her Matys Colony and also to those in Maryland that y^e fleet will sail precisely on the said day. And it is further Ordered that y^e Collectors and Naval Officers in this Colony give Notice to y^e Masters of Ships in their respective districts that such as shall not be ready at y^t time will not be thereafter permitted to sail untill further Order

Upon reading a Letter from Cap^t James Moodie Commander of her Matys Ship Southampton dated y^e 9th instant intimating that he understood the M^{rs} of y^e Merch^{ts} Ships expected longer time grounding their Opinion on y^t part of his Excell^{ty}s Order to y^e Naval officers that those who could not gett ready by the 24th instant to give his Exce^{lly} notice thereof. And therefore he gives his Exce^{lly} to know that he intends to sail at the time appointed there being a Necessity for his so doing by reason of want of Provisions and Cordage His Excell^{ty} did thereupon declare that he was very well satisfied that y^e Orders he had given to y^e Naval officers were for her Matys Service but thought it was no Concern of Cap^t Moodies to question them. That as to his want of Provisions his Excell^{ty} hath already declared that he will supply him: And as for Cordage he believes he cannot suffer much more on that Acc^{tt} for staying Eightien days beyond his time when it may bring such an advantage to her Matys Revenue and y^e good of her Subjects

Upon representation from the Court of King William County that at a Court held for y^e said County in y^e 20th day of Jan^{ry} last and thence Continued to the 26th of y^e said month sev^{ll} Inditem^{ts} were exhibited ag^t Tho: Fentham, Rob^t Napier James Johnson & W^m Baker Viz five ag^t the said Fentham for forgery and five for Perjury and two ag^t the said Johnson for Perjury the Court being doubtfull that it might not be within their Jurisdiction (especially the forgery for w^{ch} If convicted the Party to have his Ears cut off) they prayed the Opinion of M^r Benj^a Harrison her Matys Council at Law who offered Nothing but that even y^e forgery lay within the Jurisdiction of the Court to try Whereupon they proceeded to y^e Tryal according to a Copy thereof sent to his Excell^{ty} wherein there are sev^{ll} Judgm^{ts} ag^t y^e said Fentham & Johnson in y^e Execution Whereof they pray his Excell^{ty} to signify his Pleasure His Excell^{ty} in Council is pleased to Order and direct y^t y^e Execution of the Judgm^{ts} past by y^e said Court of King William County ag^t y^e abovementioned Thomas fentham and James Johnson be suspended untill the Next Gen^l Court, And Ordered that it be referred to M^r Benj^a Harrison her Matys Council at Law to consider and report his Opinion whether y^e said Fentham and Johnson be Bailable, and if they are that then the Justices of King W^m County take sufficient Baile for their appearance at y^e Capitol on the 4th day of Next Gen^l Court & if they are not Bailable that then

y^e said Justices take care that y^e said Fentham & Johnson be safely secured and made forthcoming at next Gen^l Court

Upon a Petition presented to his Exc^{ly} by Nathaniell West Gent setting forth y^e y^e Petitioner intermarrying wth the widdow & Executrix of M^r Gideon Macon late of New Kent County who did by his last will and testam^t in Writing dated y^e 10th of October 1700 did give & bequeath 200£ a peice to his four daughters and there being Money due to the testators Estate in England and particularly in y^e hands of M^r Rich^d Park late of London Merch^t the Sum of 601^l:9:9^d as by Acc^{ts} Currant may appear and the Petitioner being informed that y^e s^d Park is removed from y^e s^d Place whereby the Petitioner in his qualification aforesaid is rendred Uncapable to take his remedy ag^t y^e s^d Park but their being effects of the said M^r Parks in the hands of one M^r Tho: Cox of New Kent County the Petitioner is certainly informed that the said Cox did upon y^e first notice of y^e said Parks Remove alter the Property of y^e said effects and designs wth what Speed he can to remove therewth out of this Colony and therefore praying (in behalf of the Orphan's) that such Proceedings may [be] had therein as shall seem meet, Which Petition being Considered by the hon^{ble} Council They are of Opinion that y^e same doth not ly before this Board, but y^t y^e Petitioner must take hs remedy as the Law directs

Isaac Haggoman of y^e County of Northampton by his Petition representing that he intermarrying wth the Widdow of Andrew Andrews late of y^e said County Gent two of y^e Children of y^e said Andrews had chosen Jn^o Custis Esq^r for their Guardian but forasmuch as they still Live wth y^e Petitioner & their Mother, He therefore prayed that he & his wife may have y^e Guardianship of y^e said Children, The said Petitioner is left to Make his application to y^e County Court as Usual

Edw^d Hill Esq^r Coll^r of the Upper district of James River came before his Exc^{ly} in Council & produced a Letter from the Hon^{ble} Comm^{rs} of her Matys Customs dated 9th Aug^t 1701 Wherein he has leave to go for England to attend his Affairs There, & presten^d [presented] Littlebury Epps Gent to be his deputy during his Absence desired his Excell^{cy} Approbation And thereupon y^e said Littlebury Epps tooks y^e oaths appointed by act of Parliam^t to be taken instead of the oaths of Allegiance & Supremacy subscribed y^e Test & took y^e oath of Collector

Nothing further Offering for her Matys Service

The Council Adjourned

Wil Robinson *Cl. Con*

[C. O. 5, Vol 1313, N^o 16^x or fo. 72.]

Virginia S^a

By his Excellency

Seal

Whereas her most sacred Majesty hath been pleased (by the Right hon^{ble} Daniel Earl of Nottingham her Matys principal Secretary of State) to signify unto me her Declaration of war ag^t France & Spain, with command to cause the same be published and proclaimed in this her Matys Colony and Dominion: Therefore I Francis Nicholson Esq^r her Matys Lieu^t and Governor Gen^l of

Virginia Do hereby in her Matys name Command & Require the Collonels and Commanders in chief of the Militia in all and every the Countys within this Colony with all convenient Speed to appoint a Muster of all the Militia under their respective Commands, or of so many of them as can be conveniently got together to meet at such Place as they shall think fitt to appoint, and there to cause her Matys Declaration of war against France & Spain (a copy whereof I have ordered to be herewith sent) to be openly published and proclaimed by sound of Trumpet & beat of Drum And I do likewise require the Justices of the Peace of the said several Countys to cause the said Declaration of War to be read at the first Court held for their said Countys to the end all her Matys Subjects may have notice thereof, and conforme themselves accordingly

And whereas upon this occasion it highly concerns all her Matys dutifull & Loving Subjects to implore the Protection of Almighty God, and his blessing upon her Matys arms, and those of her Allies in so just and necessary an Undertaking for preserving the liberty and ballance of Europe and preventing the mischiefs threatning the same by the exorbitant Power of France, I have therefore thought fitt to order and appoint that Wednesday the seventh day of October next be set apart and kept as a day of solemn & publick fasting & humiliation by all and every the Inhabitants of this her Maties Colony & Dominion to deprecate the wrath of Almighty God justly due to us for our Sins, and to implore his Mercy towards us in the Preservation of her Matys sacred Person and granting her a long and prosperous Reign over us, giving Success to her Armes and those of her Allies against the common Enemy both by Sea and Land, containing unanimity between her Majesty, and preserving this her Matys Colony & Dominion from all attempts of our enemys, and continuing to us that Peace and quiet we at present enjoy. And that in all & every Parish and Parishes where there is a Minister there be publick Prayers and a Sermon in the Church suitable to the occasion. And that in such other Churches & Chappells where there is no Minister, Publick Prayers & an homilie be read by the Clerk or Reader, Hereby injoining the said Ministers and Readers respectively to read the two last Collects in the Commination, together with that Prayer appointed by the Rubrick to be read in time of War & Tumults, w^{ch} said Prayer is hereby appointed to be constantly used in all Churches and Chappells within this Dominion untill I shall give Orders to the Contrary. And I do further will and Require all her Matys Subjects reverently and religiously to observe and keep the said seventh day of October next by abstaining from all servile and bodily Labour and religiously attending the Service of the day as they tender the favour of Almighty God Hereby commanding and requiring the Sherifs of every County within this Colony to cause this my Order to be read and published in all Churches Chappells and other publick Places within their respective Counties as they will answer the contrary at their Peril. Given under my hand & the Seal of the Colony at her Matys Royal College of William and Mary day of September 1702 in the first year of her Matys Reign

Fr: Nicholson

These are in her Matys name to require the Sherif of each County to summon the Field officers viz the Collonel Lieu^t Coll^o & Major of their respective Countys to meet me at the City of Williamsburgh on the 20th day of October next in order to hold a Gen^l Council of War. And the s^d Field Officers are hereby commanded to give strict Orders to every Person under their respective Commands to provide themselves with arms & ammunition as the Law directs, And to intimate to them that there are two Ships now in York River bound to England that such as are unprovided may take this opportunity of sending to England for the same. Hereby also requiring the said Feild Officers to cause the sev^l Laws relating to the Militia, and also such orders as they have from time to time received from me be put in effectual execution And for the ease of all her Matys Subjects I have thought fitt to give notice that (after the Muster appointed by the within order for publishing her Matys Declaration of War) No General Muster of any County, nor particular Muster of Troop or Company shall be required till the begining of March next

And whereas diverse Claimes for publick Services presented to the Gen^l Assembly were rejected on acco^t of their being no Country charge, and it being reasonable that such Claimes should be satisfied, I do therefore hereby make known that all Persons having Claims for publick Services & transmitting the same to the Council office betwixt [this] and the 4th day of next October Gen^l Court shall be paid out of her Matys Revenue provided the said Claimes be duly proved & certified as the Law directs, and the Sheriffs are to give notice to the late Burgesses to return to the Council office such Claimes as are in their hands.

Fr Nicholson

[C. O. 5, 1313, N^o 16^{xiii} cont^d.]

Virg^a S^{ct}

By his Excellency

A Proclamation

Whereas I have lately received advice from England that her most sacred Majesty hath been graciously pleased to renew my Comission to be her Majesty's L^t & Govern^r generall of this her Colony & Dominion of Virg^a w^{ch} Comission I Expect by the first safe opportunity & intending upon receipt thereof to issue new Comissions to all officers Civil & military within this her Maj^{ty}s Colony & Dominion I have therefore thought fit by advice of her Maj^{ty}s Hon^{bl}e Council to require the Justices of the Peace in each County to transmitt to me a true list of all the present Justices & Coroners in their respective Counties, and in case of any Vacancy by Death or otherwise to recomend to me such Persons as they shall think fit to Supply the same And I do in like manner require & Comand the Coll: & Comand^rs in cheife of each respective County to returne to me an Exact List of all y^e Comission officers of the Troops & Company's under their respective Comands with y^e names of such Persons as they shall Judge most proper to Supply vacancies if any be w^{ch} Lists the s^d Justices & Com-

anders in cheife are to transmitt to me by the Burgesses who shall be chosen for the s^d County's to serve in this ensuing Assembly And whereas her most sacred Majesty hath been further graciously pleased to Order Arms & Ammunition to be sent into this her Colony & Dominion for one thousand foot & four hund^d horse leaving the Disposall thereof to my care I do hereby make known that all Persons who have not as yet provided themselves with Arms & Ammunition as the Law directs may be Supplied out of the s^d Stores when they come in upon paying first Cost & charges in. And forasmuch as sever^{ll} orders of Councill have issued requireing the respective County Courts to return a true account of the County and Parish Levy's within their s^d County's & also an acco^t of all Sloops Flats & Boats, notwithstanding whereof Diverse of the said County Courts have neglected to make such returns I do therefore by advice aforesaid in her Maj^{ty}s Name require the Justices of the County Courts to take effectuall care that the s^d acco^t of Sloops Boats &c together with their County Levy's be duely returned into the Councill office by the Burgesses who shall be chosen to serve in the Ensuing Assembly for their said County's. And further to give strict charge at the next Court held for the said County to the Vestry's of every Parish within the same to send by the said Burgesses a true acco^t of their respective Parish Levies together with an acco^t of any Glebe belonging to the s^d Parishes & of what value, what Lands houses Donations or Legacies have been given for the promoteing of Schools or for Other pious uses when & by whom given & how employed to the end the s^d acco^ts may be Laid before the Generall Assembly Hereby requireing the Sherriffs to cause Publication hereof to be made in all Churches Chappells & other publick Places in their respective Bayliwicks Given under my hand & the Seale of the Colony this 15th day of January *Anno Dom* 1702

Fr: Nicholson

A Proclamation to returne Lists of all officers Civil & Military wth the Lists of Parish & County Levy's

I do further appoint this Proclamation to be read at the Election of Burgesses to the end they may know what to call for

Fr: Nicholson

Virg^a S^{ct}

By his Excellency

Whereas I have many matters of moment to comunicate to a Gener^{ll} Assembly greatly tending to the well being & Preservation of this her Maj^{ty}s Colony & Subjects here Inhabiting I have therefore thought fitt by & with the Advice & Consent of the Councill that as soon as possible a Gener^{ll} Assembly be held

These are therefore in her Maj^{ty}s Name to will & require you to Summon all the freehold^{rs} & them only within your County to meet at the usuall Place for Election of Burgesses at such convenient time as you shall appoint then & there to Elect two of the most able & discreet Persons of your County to serve as Burgesses to whom they are to communicate their Just greivances (if any such) to the Intent they may be redressed And that your Burgesses so Elected meet me &

y^e Councill on the 17th day of March next at her Maj^{ty}s Royall Colledge of W^m & Mary adjoining to the City of W^ms^burgh then & there to receive what I have to comunicate unto them & likewise to advise & Consult of such matters as may be for the glory of God the Honour of her Majesty & the publick weale of this Colony herein you are not to faile as you will answer the Contrary at your utmost Perill also to make due returne of this writt. Given under my hand & the Seale of the Colony this 15th day of January 1702

Fr: Nicholson

To the Sherriff of Isle of Wight County
A writt for Election of Burgesses in Isle of
Wight County

At a Council held at her Majestie's Royal College of William
and Mary March y^e 19th 1702

Present

His Excellency Francis Nicholson Esq ^r &c	
Edmund Jenings Sec ^r y	James Blair
Jn ^o Lightfoot	Philip Ludwell Esq ^r s

His Excellency in Council signed a Commission impowering William Byrd, Edmund Jenings and Henry Duke Esq^{rs} or any two of them to administer the Oaths appointed by Act of Parliament to be taken instead of the Oaths of Allegiance and Supremacy, the Test and Oath of a Burgess to every elected member of the General Assembly now mett.

William Byrd Esq^r present

Lieuten^t Coll^o William Randolph Clerk of the House of Burgesses having by a Letter to his Excellency desired to be discharged from the said Office, upon a Petition this day presented to his Excell^{cy} by Robert Beverley Gent His Ex^{cy} was pleased to appoint him the said Robert Beverley to be Clerk of the House of Burgesses, and a Commission being accordingly prepared was Signed by his Excellency in Council.

His Excellency was pleased to communicate to the Council what he intended to say to the House of Burgesses in relation to the several matters requiring their meeting.

March 20th 1702

Present

His Excellencie	
Edmund Jenings Sec ^r y	Philip Ludwell
John Lightfoot	James Blair Esq ^r s

Upon reading a Representation from the Justices of Essex County complaining that M^r Thomas Merriweather Sherif of that County hath refused to render an acco^t to the Court of his collection, in con-

tempt of an Order of the said Court made; And also that M^r Francis Merriweather Clerk of the said County Court had refused to enter an order of the said Court, and praying Redress therein, His Excellency having acquainted the Council that he had ordered the s^d M^r Thomas and Francis Merriweather to attend here on Wednesday next—The further consideration of the said Representation and Compl^t is referred till that time.

March 22^d 1702

Present

His Excellencie

Edmund Jenings Sec^r
Jn^o Lightfoot
Benj^a Harrison
Rob^t Carter

James Blair
Philip Ludwell
W^m Bassett
Henry Duke Esq^r

His Excellency laid before the Council the copy of part of a Letter from the R^t Hon^{ble} the Lords Comm^{rs} for Trade and Plantations dated the 4th of Novem^r 1702 inclosing the copy of a Letter from her Maj^{ty} dated the 20th of August last signifying her Matys Royal will and pleasure that his Excellency should forthwith cause the Sum of three thousand three hundred eighty eight pounds three Shillings and four Pence (being the cost and charges of diverse Stores of War Ordered to be sent to this her Maj^{ty}'s Colony & Dominion) to be paid & satisfied out of her Majestys Revenue of Quitrents by transmitting Bills of Exchange for the said Sum payable to the Treasurer or pay Master of the Office of her Maj^{ty}'s Ordinance for the time being.

Pursuant whereunto his Excellency signed a Warrant on M^r Auditor Byrd for payment of the said Sum of 3,388^{li} 3^s 4^d in manner directed by her Maj^{ty}'s said Letter.

His Excell^{ty} laid before the Council a Letter from the R^t hon^{ble} the Lords Comm^{rs} for Trade and Plantations dated the 11th of Novem^r last inclosing her Maj^{ty}'s Royal Proclamation for a Thanksgiving throughout England, and signifying her Maj^{ty}'s Royal will & pleasure that the like day of Thanksgiving be solemnized in this her Majestys Colony and Dominion, And thereupon his Excellency communicated to the Council what he intended to say to the House of Burgesses on that Subject, and several other matters contained in the Lords Comm^{rs} for Trade their Letter of the 4th of Novem^r last.

This Board taking into Consideration that there are diverse Ships and Vessells left in this Country not yet Loaden, and conceiving it necessary for the Security of the said Ships in their Return home for England, are of opinion that it is for her Maj^{ty}'s Service, and accordingly Order that an Embargo be laid on all Ships and Vessells bound for England untill the thirteenth of May next: Requiring the Collectors and Naval Officers of the several Districts in this Colony to give notice hereof to the M^{rs} of all Ships & Vessells within their respective Districts, And whereas his Excellency hath been pleased

to communicate to this Council a List of several Ships now in her Maj^{ty}'s Province of Maryland who could not get ready to sail under Convoy of her Maj^{ty}'s Ship the Southampton, and probably may be ready ag^t the time fixt for the Ships here their Sailing; It is the opinion of the hon^{ble} Council that it will very much contribute to the mutual defence & security of the Ships both in this Colony and in that her Maj^{ty}'s Province that they be joined in one Fleet, and therefore think it convenient to impart to the President and Council of the said Province of Maryland the proceedings of this Council in relation to the present Embargo, to the end they may give such directions to the Ships there for repairing to this Colony as they shall see requisite.

Whereas Cap^t Nathaniel Bostock Commander of her Maj^{ty}'s Advice Boat the Eagle is arrived here from Maryland pursuant to the directions of the President and Council of that Province, on consideration how the said Advice Boat may be best employed for her Maj^{ty}'s Service, It is ordered that Cap^t Bostock return with all speed to Maryland to forward as much as possible the Ships in that Province in their Lading in order to their more speedy joining the Ships bound out of this Colony for England on the 13th of May next. And in regard the said Cap^t Bostock hath represented that there is a necessity for careening the said Advice Boat: His Excell^{cy} and the hon^{ble} Council recommend to him to careen her Maj^{ty}'s s^d Vessell during his stay in Maryland. Desiring the hon^{ble} President and Council of her Maj^{ty}'s said Province of Maryland that so soon as the Ships there shall be ready to sail for this Colony to joine the Ships there bound for England They will please to order the said Cap^t Bostock hither for her Maties Service in this Government.

Upon reading at this Board a Letter to his Excellency from the hon^{ble} the President and two of the Council of her Maj^{ties} Province of Maryland together with diverse Affidavits transmitted therewith relating to diverse irregular and unwarrantable proceedings and actions of Cap^t Nathaniel Bostock Commander of her Maj^{ty}'s Advice Boat the Eagle His Excell^{cy} and the hon^{ble} Council (in consideration thereof and in compliance with the desire of the said President and Council, as well as for the other reasons mentioned in the proceedings of Council this day had concerning the s^d Cap^t Bostock) Have thought fitt to order him the said Cap^t Nath^l Bostock back to her Maj^{ty}'s said Province of Maryland, that the President and Council may have an opportunity to call him to an acco^t for his said actions & behaviour.

March 23^d 1702

Present

His Excellency

Edm^d Jenings Secr^y
Benj^a Harrison
James Blair

William Bassett
and
Henry Duke Esq^{rs}

John Low of the County of Nansemond by his Petition to his Excellency complaining of diverse abuses offered to him by Daniel

Sullivan & Henry Jenkins of the said County in beating and threatening the Petitioner. The said Complaint is referred to her Maj^{ty's} Council at Law to Prosecute the said Dan^l Sullivan thereupon. M^r Henry Jenkins the other party complained ag^t being at present a member of the House of Burgesses.

The Petition of Henry Jenkins one of the Justice of Nansemond County complaining of diverse abuses offered him in the execution and discharge of his duty by John Low of the said County, and also that Major Thomas Godwin and his Son Joseph Godwin had rescued the said Low out of the custody of the Constable when committed by the Petitioner for breaking her Maj^{ties} Peace, and had likewise threatened the Petitioner and praying redress therein: Referred to her Maj^{ty's} Council at Law to Prosecute the said Major Thomas Godwin and the other Persons named in the said Petition upon y^e Subject matter of the said Complaint.

Jn^o Lightfoot, Matth^w Page & Rob^t Carter Esq^{rs} present

Ordered

That the Naval Officers of the sev^l Districts in this her Maj^{ties} Colony make up their acco^{ts} of the Impositions on Liquors, Serv^{ts} and Slaves to the 25th of this moneth, and transmitt y^e same forthwith to M^r Treasurer in order to be laid before this General Assembly.

March 24th 1702

Present

His Excellencie

Edmund Jenings Sec ^{ry}	Robert Carter
John Lightfoot	Jn ^o Custis
Matthew Page	James Blair
Benj ^a Harrison	W ^m Bassett
	& Henry Duke Esq ^{rs}

A Proclamation being prepared (pursuant to the directions of the Right hon^{ble} the Lords Commissioners for Trade & Plantations Signified in their Letter of the 11th Novem^r last) for a day of Publick Thanksgiving to be solemnized throughout this her Maj^{ties} Colony and Dominion for the great & glorious Success of her Maj^{ties} arms by Sea and land, was read & approved in Council.

March 25th 1703

Present

His Excellencie

Edm ^d Jenings Sec ^{ry}	Jn ^o Custis
Jn ^o Lightfoot	James Blair
Matth ^w Page	Philip Ludwell
Benj ^a Harrison	W ^m Bassett
Rob ^t Carter	Henry Duke Esq ^{rs}

M^r Thomas Merriweather high Sheriff of the County of Essex appearing this day before his Excellency in Council to answer the Complaint of the Justices of the Peace of the said County for refusing to produce his Levy book, and render an acco^t to the said Justices of his Collection pursuant to an order of Court for that purpose: and having (according to order) given in his answer in Writing to the said Complaint, His Excellency & the hon^{ble} Council (after having called before them M^r Rich^d Covington & Mr^r James Boughan Burgesses for the said County of Essex and heard them upon the Subject matter of the said Complaint) took y^e same into consideration, And thereupon Ordered that it be referred to the Court of the said County of Essex to order payment to be made to the sev^l Partys aggrieved of the quantity of Tobacco due to them in sweet scented and Aronoco Tobacco according to the Proportion of those kinds of Tobacco made in that County with suitable conveniencie. And in case M^r Thomas Merriweather shall refuse to comply therewith that the Court give notice to his Excellency, to the end directions may be given for prosecuting him upon his Bond.

M^r Francis Merriweather Clerk of Essex County Court appearing this day before his Excellency and Council to answer the complaint of the Justices of the Peace of the said County for refusing to enter an order of Court as by the s^d Justices he was directed, and having (according to order) given in his answer thereto in writing wherein he acknowledges the matter of fact; M^r Rich^d Covington & M^r James Boughan Burgesses for the said County of Essex were called in & heard touching the said Complaint, and they being withdrawn, The Council took the said Complaint & answer into consideration, And thereupon are unanimously of opinion that the said M^r Francis Merriweather's refusing to enter the Courts order is a high contempt of the authority of the said Court and a Neglect of his duty: But in regard [in as much as] this is the first Complaint that hath been made against him His Excellency and the hon^{ble} Council are desirous to be as moderate in their censure as the nature of the offence will allow, And therefore Order that the said M^r Francis Merriweather do in open Court make a publick acknowledgement of his said Offence under his hand, and enter the same upon the Records of that County.

M^r Francis Merriweather came before his Excellency in Council and declared that for the more ease of the Court of Essex County as well as of himself he was desirous to quitt his office of Clerk of the said County Court Whereupon his Excellency and the hon^{ble} Council are pleased to Supersede the Censure this day past on him, and it is recommended to M^r Secretary to commissionate some other fitt Person for Clerk of the said Court.

March 27th 1703

Present

His Excellencie

M^r Secretary Jenings
Benj^a Harrison
Rob^t Carter

John Custis
and
James Blair Esq^rs

His Excellency demanded of M^r Benj^a Harrison her Maj^{ty}'s Council at Law to give his opinion, who are the Persons qualified either singly or in Bodys to administer any Oaths within this Government. The said M^r Harrison desiring time to consider of it, It was accordingly granted him.

March 29th 1703

Present

His Excellencie

Edmund Jenings Secr^y
Benj^a Harrison
Rob^t Carter

John Custis
James Blair
Philip Ludwell
& Henry Duke Esq^r^a

Upon the Petition of Anthony Armistead praying that a Hue & Cry may issue for apprehending a Negro man of his named Thomas Swan who hath broke open a Store belonging to Bertram Servant of Elizabeth City County, and taken away diverse goods, gold, Silver, and rings, and is supposed to be run into the Governm^t of North Carolina.

Ordered that a Hue and Cry issue out of the Secretary's Office according to the prayer of the said Petition.

March 30th 1703

At M^r Auditor Byrd's Chambers in Williamsburgh

Present

His Excellencie

W^m Byrd Aud^r
Edm^d Jenings Secr^y
Jn^o Lightfoot
Matthew Page
Benj^a Harrison

Robert Carter
Jn^o Custis
James Blair
Philip Ludwell
Henry Duke Esq^r^a

His Excellency laid before the Council her Maj^{ty}'s Royal Letter for a Contribution of money &c to New York, and recommended the same to their consideration and put the question whether they will comply with her Maj^{ty}'s commands in granting the nine hundred pounds, since their giving their opinion in that matter before the House of Burgesses proceed thereon, he conceives will be a means to induce that House to accomplyance.

The Council desired time to draw up an answer to the said question, And accordingly drew up the same in these words viz

To which question we do humbly and unanimously make answer that we shall be always ready to contribute to the utmost of our power for her Maj^{ty}'s Service either as Council to her Majesty, or as we are part of the Gen^l Assembly.

That accordingly so soon as yo^r Excellency communicated to us her Maj^{ty}'s gracious Letter relating to New York. We advised that a General Assembly should be called with all possible expedition.

That after the said Assembly had mett we heartily joined with yo^r Excell^{cy} in recommending the said Letter to the serious and mature deliberation of the House of Burgesses.

That the said House being possess^t of the said Letter for near^{ly} a fortnight and as we suppose almost ready to come to a Resolution thereupon: We humbly conceive that in all Grants of money for the Council to declare their opinion before the House of Burgesses give their answer about them is contrary to the practice and proceedings of Assemblys, and we are doubtfull might beget a misunderstanding in the said House being tender of their Priviledges, and by consequence might prove prejudicial to her Maj^{ty}'s Service in general, and to the good management of this affair in particular: And therefore with Submission are unwilling to declare our previous assent or dissent to the Resolution of the said House in this matter.

His Excellency then acquainted the Council that (since he found they disagreed in the Main to his recommending her Maj^{ty}'s commands to the House of Burgesses upon the terms proposed in his former question) he now put this question to them whether they as a Council, or as a Council in Assembly Judge it for her Maj^{ty}'s Service to use their endeavours to perswade the House of Burgesses to a compliance either by message, Conference, or such other way as they think proper.

To w^{ch} the Council humbly make answer that we shall be very ready to do her Majesty the best Service that lyes in our power by messages, Conferences or any other way that may be thought proper as occasion shall be given from the proceedings of the House of Burgesses.

His Excellency desired the opinion of the Council whether it be proper for him to move any further to the House of Burgesses either by Speech, or message in relation to her Maj^{ty}'s Royal commands for assistance to New York.

To which the Council humbly make answer that we know nothing at present that is wanting on his Excellencys part in relation to her Maties commands for assistance to New York, but if anything occurs to his Excellency for promoting that Service, we shall be ready to give our opinions therein as often as his Excell^{cy} shall think fitt to require the same.

The Council being returned from M^r Auditor Byrd's to the Council Chamber.

The Council's answers to his Excell^{cy}'s questions were read, And thereupon his Excell^{cy} declared that as to what the Council say in their answer to the first question viz "that in all Grants of money for the Council to declare their opinion before the House of Burgesses give their answer about them is contrary to the practice and proceedings of Assemblys." His Excell^{cy} cannot allow any prescription in this Country, nor any President or custome to take place contrary to the Prerogative; but if Presidents could be admitted, yet it cannot be made appear that ever there was a Paralel case to this.

Then his Excellency communicated to the Council two letters from his Excell^{cy} the Lord Viscount Cornbury Governor of New

York dated the 11th of June & 19th November last, which he intended to send to the House of Burgesses and at y^e same time to acquaint the House that if the Country cannot at pres^t advance the money he will lend them so much without interest.

March y^e 31st 1703

Present

His Excellency

M^r Secretary
Jⁿ^o Lightfoot
Matthew Page
Rob^t Carter

Jⁿ^o Custis
James Blair
Philip Ludwell
W^m Bassett

& Henry Duke Esq^{rs}

M^r Benjamin Harrison her Maj^{ties} Council at Law this day reported his opinion upon the order of his Excell^{ty} in Council dated the 27th Instant in these words viz

“May it please yo^r Excellency

“Upon consideration of yo^r Excellency’s question of Saturday last who are the Persons qualified either singly or in Bodys to administer any Oaths within this Governm^t.

“ I am humbly of opinion that yo^r Excellency & the Council either in Council or General Court, or separately may administer Oaths relating to all matters cognizable before you.

“ That all County Courts and the several Magistrates thereof, the Judge of the Court of Admiralty, and the Commissary of the Lord Bishop of London may administer Oaths relating to such matters as by Law do concerne their respective Judicatures or of which they may otherwise take lawful cognizance.

“ That all Coroners, Escheators, Collectors & Naval Officers and all other Officers and Persons particularly impowered by any Law may administer Oaths relating to those matters whercof they are respectively authorized to take cognizance.

“ And generally that all Persons having the power of Judicature have also consequently the power of administering Oaths relating to such matters as are cognizable before them.

“ At present I cannot give any more particular answer in this matter so I humbly submit this to yo^r Excellencys consideration.
“March y^e 31st 1703

B. Harrison

Whereupon his Excellency was pleased to direct that M^r Harrison do cite the particular Statutes of England and Laws of this Country which give power to the several Persons mentioned in the above Report to administer any the Oaths aforementioned.

April 2^d 1703*Present*

His Excellency

William Byrd

James Blair

Matthew Page

Philip Ludwell

Benj^a HarrisonW^m Bassett Esq^r^s

Guy Smith Clerk elected one of the Governors of William and Mary College took the Oaths appointed by Act of Parliament to be taken instead of the Oaths of Allegiance & Supremacy, and Subscrib'd the Test being administered to him by his Excell^{cy}.

April 3^d 1703*Present*

His Excellency

Edmund Jenings Sec^{ry}

John Custis

John Lightfoot

James Blair

Matthew Page

Philip Bassett

Benj^a HarrisonHenry Duke Esq^r^s

Whereas Cap^t Alex^r Bowdidge Commander of the Ship Thomas & Joseph now in York River hath brought into this Country diverse Naval Stores for the use of her Maj^{ty}^s Ship Southampton, and hath this day laid before his Excell^{cy} and Council the Charter Party past between the Principal Officers and Comm^{rs} of her Majestys Navy and him the said Cap^t Bowdidge whereby he is obliged to deliver the said Stores to the Commander of her Maj^{ties} Ship Southampton, or [to] whom he shall direct taking his receipt for his being regularly discharged thereof, and praying the directions of his Excellency & Council what he shall do therein now the said Ship Southampton is sailed.

Ordered that the said Alex^r Bowdidge send a copy of the particulars w^{ch} he has on board, that his Excellency and the Council may consider where the said Stores may be best secured for her Maj^{ty}^s Service.

April 5th 1703*Present*

His Excellency

Edmund Jenings Sec^{ry}

James Blair

John Lightfoot

and

John Custis

Philip Ludwell Esq^r^s

Upon considering how the Naval Stores on board the Ship Thomas & Joseph Alex^r Bowdidge M^r, shall be best secured for her Maj^{ties} Service, His Excell^{cy} by advice of her Maj^{ties} Council signed the following Warrant

Virginia ss^e

By His Excellency

Whereas Cap^t Alex^r Bowdidge Commander of the Ship Thomas & Joseph hath brought into York River diverse Naval Stores for the use of her Maj^{ty}^{ies} Ship Southampton, and hath prayed directions to whom he shall deliver the said Stores now that her Maj^{ty}^{ies} said Ship is sailed for England.

I have therefore thought fitt by advice of her Maj^{ty}^{ies} hon^{ble} Council to Order and Require the said Cap^t Alex^r Bowdidge to deliver unto Major William Buckner Collector of her Maj^{ty}^{ies} Customs in York River all and every the Naval Stores Shipt by the Comm^{rs} of her Maj^{ty}^{ies} Navy on board the s^d Ship Thomas & Joseph for the use of her Maj^{ty}^{ies} said Ship Southampton together with a just and true acco^t of the said Stores under the hand of him the said Cap^t. And I do likewise Impower and Require the said Major William Buckner to receive the said Naval Stores, and safely to secure them in some convenient House either at York or Gloucester Town untill further Order giving the said Captain a receipt for the same. Requiring the said Major William Buckner with all convenient speed to transmitt to me an exact accompt of the said Stores signed by the said Captain and himself together with an acco^t of his proceedings in pursuance of this Order. And for the said Cap^t Alex^r Bowdidge his delivering, and the said Major William Buckner's receiving the said Stores this shall be a sufficient warrant. Given under my hand and the Seal of the Colony this 5th day of April 1703 in the second year of her Maj^{ty}^{ies} Reign.

Fr: Nicholson

April 6th 1703*Present*

His Excellency

Edmund Jenings Sec^{ry}
John Lightfoot
Matthew Page
Banj^a Harrison

John Custis
James Blair
Philip Ludwell
W^m Bassett

& Henry Duke Esq^{rs}

A Commission from his Royal Highness Prince George of Denmark Lord high Admiral of England &c to his Excellency Francis Nicholson Esq^r to be Vice Admiral of this her Maj^{ty}^{ies} Colony and Dominion of Virginia dated the 11th of September 1702, was this day opened in Council, together with a Deputation from the Right hon^{ble} the Council of his Royal Highness dated the 18th of the said moneth directed to Matthew Page, Robert Carter, and Philip Ludwell Esq^{rs} empowering them to administer to his Excellency the Oaths appointed by Act of Parliament to be taken instead of the Oaths of Allegiance & Supremacy as also the Test and to return his Subscription of the said Test: His Excell^{ty} did in pursuance thereof take the said Oaths, and subscribed the Test, being tendred to him by Mat-

thew Page and Philip Ludwell Esq^{rs} two of the said Comm^{rs}, who thereupon delivered to his Excell^{cy} his Commission for Vice Admiral aforesaid.

Ordered that the said Commission for Vice Admiral with the Deputation for administering the Oaths, and Joseph Burchet Esq^r his letter therewith sent, be recorded in y^e Secretary's office.

April 8th 1703

Present

His Excellencie

Edmund Jenings Secr^y
John Lightfoot
Matthew Page
Benj^a Harrison
Robert Carter

John Custis
James Blair
Philip Ludwell
William Bassett
Henry Duke Esq^{rs}

His Excellency laid before the Council an Address presented to him yesterday by the House of Burgesses wherein they represent several difficulties which will be likely to hinder their proceedings especially if the Assembly sitt during the General Court, And therefore pray his Excellencie that they may have leave to adjourn themselves till some convenient time after the General Court. And thereupon his Excellency was pleased to ask the advice of the Council whether there be an absolute necessity for continuing this present Session, or if a Recess be necessary, Which being considered by the Council They are of opinion that the House of Burgesses having already made some progress in reading the revised Laws, the height of the business of the Assembly will happen in time of next General Court; And therefore (since there's no absolute necessity for continuing this Session), they think it will be for her Maj^{ty's} and the Countrys Service, and the ease of the members that at this time a Recess be granted. But forasmuch as at the beginning of a Session, the Council have little business for several days, they conceive that the General Court time will be very proper for the meeting of Assemblys for the future.

His Excellency proposed to the consideration of the Council what time will be most convenient for the Assembly to meet again after this Recess: It is the opinion of the Council that the first day of next October General Court will be soon enough for the Assemblys meeting, since they do not apprehend there is any absolute necessity for it sooner

Then his Excellency desired the advice of the Council, whether if any accident or other reasons should happen which may obstruct the sitting of the Assembly next Fall, it may not be put off till the Spring without any detriment to the Queens or Countrys Service, Whereupon the Council declare that they are not at present sensible of any inconvenience or detriment likely to happen to her Maj^{ty's} or this Countrys Service, by the Assembly being farther delayed if any extraordinary emergencie should require the same.

M^r Auditor Byrd present

His Excellency having this day received an Address from the House of Burgesses in answer to his Speeches this Session of Assembly laid the same before the Council, and asked their advice, whether the answer given by the Burgesses in the said Address relating to the Quota of men & money required for New York is a full, absolute, and sufficient answer to his [her] Maj^{ty}'s Royal Letter.

The Council desire time till tomorrow morning to consider of the s^d question and to prepare an answer thereto.

April 9th 1703

Present

His Excellencie

William Byrd Auditor
Edm^d Jenings Secr^y
John Lightfoot
Matthew Page
Benj^a Harrison

Jn^o Custis
James Blair
Philip Ludwell
William Bassett
Henry Duke Esq^r's

The Council having prepared an answer to his Excellencys question put to them yesterday, presented the same in these words
May it please yo^r Excellency

We have considered yo^r Excellencys question concerning the Address of the House of Burgesses, and conceive their answer relating to a Quota of men and money required for New York to be very plain & full: but for the sufficiencie of it not having been privy to their debates nor acquainted with the grounds and reasons of their proceedings think it improper to give our opinion for or against their actions especially out of Assembly, having already done our duty as a part of that Body to the utmost of our power for her Maj^{ty}'s Service in that affair, and not knowing of any further methods we can take to induce them to any other answer.

Then his Excellen^{cy} asked the Council if they knew of anything further proper to be offered by him to the House of Burgesses in relation to her Maj^{ty}'s Royal commands for a Quota of men & money to New York, The Council thereupon declared their opinion that his Excell^{cy} hath already done all that is proper in that affair, and that they do not think it will be for her Maj^{ty}'s Service to urge it any further at this time.

His Excellency desired to know the Councils opinion as to sending the Quota of men to New York in case his Excellency the Lord Cornbury should send for them upon any invasion made by an enemy on that Province.

The Council having seriously considered the same are of opinion that is will not consist with her Maj^{ty}'s interest and the peace & safety of this Colony to send the said Quota of men to New York for the following reasons.

1 That every man sent out of this Government will be at least

twenty Pounds Sterling loss to her Majesty in her Customs of Tobacco in England tho absent but three moneths in a year.

2 That considering the circumstances of this Country, the Quota of men desired can't be had or raised as volunteers, the Generality being Freeholders and Masters of familys so that if the said Quota be exacted for New York it must be by a detachment out of the Militia consisting of the said Freeholders & house keepers.

3 That the said Detachment will be attended by other consequences very prejudicial, particularly that as soon as it is understood such a thing is intended, most of the single men and poorer sort of house keepers will remove themselves into the Neighbouring Colony of Carolina, the place to which our Runaway Servants and desperate debtors do now daily resort as being most accessible both by land & water, & where no Quota is required or wheresoever else they can escape the said Detachment, which in all probability will lessen the number in this Country more than what will actually be made use of in the said Service.

4^{thly} That if the Quota of men be sent, money must be found for their transportation, subsistance and pay, and we know of no money to be employed for such uses.

5^{thly} That considering the large open Frontiers this Country hath to defend both by Sea and land, and the scarcity of freemen who only are to be trusted on such occasions, and the remoteness of our habitations one from another, together with the fear of an insurrection from our Servants and Slaves, who we doubt not will be ready in casè of an Invasion to joine the enemy, The Council are of opinion that the Country rather wants men & arms for its own defence, than hath to Spare for the assistance of others.

We are likewise in the way of all Fleets coming through the Gulph from the West Indies, and in regard of our defenceless condition, and the vast dammage her Maj^{ty} would Sustain by our disturbance, not only by the destruction of one years Crop, but also by ruining our Plantations, and consequently the Trade & Custome of Tobacco for diverse years to come, we have reason to fear it may be our lott to be attacked as soon, if not before any of our neighbours.

Whereas there are several orders of Council and Journals of Assembly in the time of M^r Dionisius Wright late Clerk of the Council not yet entered upon the Council bookes. It is this day Ordered that M^r W^m Robertson the present Clerk of the Council take care to enter the said Journals of Council & Assembly in the respective Bookes appointed for that purpose.

Whereas the R^t hon^{ble} the Lords Comm^{rs} for Trade & Plantations by their Letter to his Excellency dated the 4th of November last, have been pleased to require that a complete collection of the Laws of this Country now in force should be transmitted to their Lord^{shps}.

His Excellency in Council is pleased to direct that M^r Secretary prepare a Transcript of all the Laws now in force within this her Maj^{ty}'s Colony and Dominion to be sent to the s^d Lords Comm^{rs} for Trade & Plantations pursuant to their Lordships said Letter.

April 10th 1703*Present*

The same as yesterday

His Excellency asked the advice of the Council if they knew of any [thing] further necessary to be offered to this General Assembly before the conclusion of this Session, And the Council declaring they knew of nothing at present, His Excell^{cy} was pleased to signify his intention of proroguing this Assembly to the 15th of October next, according to the advice of the Council on the 8th instant.

His Excellency acquainting the Council that he thought it was necessary to Signifie to his Excellency the Lord Viscount Cornbury Governor of New York the proceedings of this Assembly in relation to the Quota of men & money required by her Majesty for that Province, to the end his Lord^p may be satisfied that no men or money can be expected from hence, and thereupon desiring the advice of the Council what part of the said proceedings he should send: It is the opinion of the Council, and accordingly

Ordered that the Clerk of the Council prepare a Transcript of all the proceedings on the Journal of Council in Assembly this Session in relation to New York (except the Addresses to her most Sacred Majesty on that Subject) together with the proceedings of the Council yesterday relating to the Quota of men, And these the Council conceive will Sufficiently inform the Governor of New York as to what hath been done in that matter.

Whereas his Excellency and the Council are informed by several Masters of Ships lately arrived here from Bristol that a Convoy is ordered for this Country, and may be speedily expected being to sail from hence the first of July next, and at furthest on the 10th of the said moneth.

It is therefore Ordered that the Embargo formerly laid by Order of Council dated the 22^d of March last be continued till the first day of July next, and in case no Convoy shall arrive before that time, that the Embargo be continued untill further Order.

It being represented by the Naval Officer of the Eastern Shore District that he cannot come over the Bay twice in the year to make up his acco^{ts} with the Auditor without a greater charge than the perquisites of his Office can bear the Trade being so inconsiderable in that District.

Whereupon his Excell^{cy} and the hon^{bl}e Council are pleased to direct that the s^d Naval Officer shall only be obliged to attend M^r Auditor with his acco^{ts} at October General Court yearly and that for the half years Acco^{ts} from October to April it shall be sufficient for the future that the s^d Naval Officer make Oath to the same before the Justices of Northampton County Court, And the s^d Naval Officer is hereby required to transmitt to M^r Auditor at April General Court, the said Acco^{ts} together with a Certificate under the hand of the Clerk of the said Court that he hath made oath thereto.

At a Council held at her Maj^{ty's} Royal Capitol in the City of
Williamsburg April 19th 1703

Present

His Excellencie

William Byrd
Edm^d Jenings Sec^{ry}
John Lightfoot

James Blair
and
Philip Ludwell Esq^{rs}

Whereas Cap^t James Greenwell Commander of the Ship Richard & James of London hath laid before this Board an Order of her most Excellent Majesty in Council dated the 3^d of December 1702 whereby her Majesty is graciously pleased to order that no Stop or Embargo be laid on the said Ship Richard and James by the Governor or Commander in Chief of this her Maj^{ty's} Colony but to suffer & permitt her & her Loading to return from Virginia when the Master or Owners shall think fitt.

His Excellency in Council doth hereby order and Require the Collector & Naval Officer of the Upper District of James River (where the said Ship now rides) and all other the Collectors & Naval Officers within this her Maj^{ty's} Colony & Dominion punctually to Observe & comply with the said Order of her Majesty in Council by suffering and permitting the s^d Ship Richard & James to depart out of their Districts upon the application of the s^d Captain or the M^r of the s^d Ship for the time being for Clearing, w^{ch} the s^d Collectors & Naval Officers are hereby required to grant, notwithstanding any Order heretofore made for laying an Embargo on all Ships & Vessells here.

At a Council held at the City of Williamsburgh

April 24th 1703

Present

His Excellencie

William Byrd Aud^r
Edm^d Jenings Sec^{ry}
John Lightfoot
Matthew Page

James Blair
Philip Ludwell
W^m Bassett &
Henry Duke Esq^{rs}

His Excellency acquainted the Council with his intentions of going to New York to meet my Lord Cornbury as soon as the General Court is over pursuant to the desire of the Lords Comm^{rs} for Trade & Plantations Signified in their letter of the 4th of November last; And ordered that, if any thing extraordinary should happen during his absence, Expresses should be sent after him to Annapolis, and in case he were gone from thence to Philadelphia, and so to New York, if he should go so far, And for the better Governm^t of this Colony during his Excell^{ty's} absence.

It is ordered that a Proclamation issue notifying that the administration of the Governm^t is vested in the Presid^t and Council of this

Colony and declaring William Byrd Esq^r President during such absence.

Upon reading a letter from Henderson Walker Esq^r President of the Province of North Carolina complaining that the Maherine Indians do daily committ great injurys to the Inhabitants of that Province by destroying their Stocks & burning their timber & houses, refusing to pay Tribute or render obedience to that Government upon pretence that they are Tributarys to this her Maj^{ty}^a Colony and Dominion, altho their living is amongst the Inhabitants of the Province of North Carolina. It is the opinion of the hon^{ble} Council that it doth not appear that the s^d Meherine Indians live within the bounds of the Province of Carolina, but that the said Indians have always been reputed Tributarys and have accordingly paid Tribute to this Government as living under the same, And therefore the Province of North Carolina hath no pretence of demanding Tribute of them, but if any injuries or Outrages have been or shall be committed by the said Indians to the Inhabitants of North Carolina, upon due prooff thereof made; His Excellency & the hon^{ble} Council will take suteable measures for punishing the said Indians, and giving all reasonable Satisfaction to the Inhabitants of the said Province of North Carolina therein.

Upon a Petition presented to his Excell^{cy} and the Council by George Walker of Eliz^a City County, setting forth that forasmuch as all the furniture and Tackle belonging to the Ship Abraham of Bristol sunk at Point Comfort in James River, and now in possession of the s^d George Walker is perishable & in a perishing condition by the abundance of Ratts that continually harbour in the Sails w^{ch} were also much worn before landed, And therefore praying that some method may be used for the interest of those Persons to whom of right the said furniture and Tackle do belong.

It is therefore Ordered that the Court of Elizabeth City County make enquiry into the matter of fact laid down in the said Petition, and if they find the said Tackle and furniture in a perishing condition that they take the best method they can for disposing of the same for the benefit of the Owners, giving an acco^t to this Board of their proceedings therein.

Upon reading at this Board a Petition of the King and Great men of the Nattoway and Maherine Indians praying that Thomas Wynn may be appointed their Interpreter in the room of Thomas Blunt with thom they have expressed a dissatisfaction.

Ordered that a Commission be accordingly prepared Constituting & appointing Thomas Wynn Interpreter to the s^d Nattoway, Meherine, and Nansemond Indians in the room of the said Thomas Blunt.

Whereas the Nansemond Indians have made application to his Excell^{cy} that no Person may be allowed to take up land below a place called the Bear Swamp adjacent to their land, It is ordered that Thomas Wynn Interpreter to the said Indians make dilligent enquiry what & how much land the s^d Indians now possess, and what quantity of land there is below the s^d Bear Swamp w^{ch} they pray may not be taken up and that he make Report thereof to his Excell^{cy} & Council.

Whereas the Nattoway Indians have made complaint to his Excell^{ty} that the English Inhabitants of this Colony daily take up land & Seat nigher to their Town, so that in a short time they will have no Roome either for their Stocks or hunting, and praying that none may be permitted to Seat nigher to their Town than they are at this time seated, and also complaining that William May of Isle of Wight County hath Surveyed a Plantation belonging to them on the Nattoway Swamp.

Ordered that the Interpreter enquire into the matter of the said complaints and make report to this Board what truth he finds therein that such further proceedings may be had as shall be judged necessary in that matter.

Complaint being made by the Nattoway Indians that the Inhabitants of this Colony carrying Rum into their Town may prove of very dangerous consequence, by reason that many of their men getting drunk therewith may at such times be made an easie prey to any strange Indians who shall invade them.

His Excell^{ty} by advice of her Maj^{ty}s hon^{ble} Council doth hereby strictly forbid and prohibite all Persons whatsoever to carry any Rum or other Strong Liquor into the said Nattoway Town upon pain of suffering such punishm^{ts} as may justly be inflicted on them for their offending in a matter of such pernicious consequences. And it is ordered that a copy of this order be published by the Sheriffs in the sev^l adjacent Countys to the end none may pretend ignorance.

It being represented to this Board by Edmund Jenings Sec^{ry} of this her Majestys Colony that the Clerks of County Courts not being impowered to appoint Deputys it may so happen that the Clerks attending the Assembly, Council or General Court may be Clerks of County Courts, and their attendance on her Maj^{ty}s & Countrys Service may obstruct the business of their respective Countys, and praying that such Clerks may be permitted to officiate by Deputys, and that his Excellency would represent the same to her most Sacred Majesty for approbation & allowance for the future.

It is the opinion of the Council, that for encouraging of able & fitt Persons to officiate in the Offices of Clerk of the Council, Clerk of the House of Burgesses, and Clerk of the General Court, the said Clerks may be admitted to officiate by Deputys in those County Courts, where they or any of them are, or shall be Clerks for the future. And the Council pray his Excell^{ty} to represent the same to her most Sacred Majesty for her Royal approbation.

The Petition of Edmund Jenings Esq^r setting forth that he having Shipt 3837 Pounds of Tobacco on board the Dolphin Ketch bound for the Island of Barbados, and having paid the Penny per Pound for the same into the Collector of York District, the said Ketch and Tobacco were unfortunately burnt in York River before sailing, and praying to be admitted to Re-ship the like quantity of Tobacco duty free on any Ship or Vessell bound to any of the Plantations: Referred to the Trustees and Governors of her Maj^{ty}s College of William & Mary being a matter relating to the Revenue of the said College.

Upon reading at this Board a Petition of William Byrd of King & Queen County setting forth that upon Information given to his Excell^{cy} and Council of certain words spoken by the Petitioner ag^t the General Assembly an Order was made that he should be taken into custody untill he gave Security for his good behaviour, and being the Pet^r was never guilty of speaking such words out of malice but only as they had been told him by others he therefore prayed that certain witnesses may be examined, and if his innocence shall thereupon appear that he may be discharged from further trouble.

His Excell^{cy} and the hon^{ble} Council taking the s^d Petition into consideration and being satisfied that the said William Byrd hath behaved himself well and peaceably towards the Government ever since the aforementioned Order was past are therefore pleased to declare the said Order to be void, and to discharge the said William Byrd from all further trouble or Prosecution by reason thereof or of any matter or thing therein contained, Requiring the Justices of King and Queen County to take notice hereof, and to stop all further proceedings ag^t the said W^m Byrd upon the s^d Order.

Ordered

That the Clerk of the Council deliver back to M^r Auditor Byrd the bills of Exchange drawn by him pursuant to her Maj^{ty}'s directions for payment of three thousand three hundred eighty eight Pounds three Shillings & four Pence to the Treasurer or paymaster of her Maj^{ty}'s Ordinance for arms & Stores of War. There being no opportunity at present for transmitting the s^d bills to England.

His Excell^{cy} asked the Council if they knew of any thing further to be done at this time, and they declared they knew of nothing.

Post Meridiem in the General Court House at the Capitol
W^m Byrd Esq^r absent

His Excell^{cy} signed the following warrants on M^r Auditor to be paid out of her Maj^{ty}'s Revenue of two Shillings per hh^d & Port dutys viz

To his Excell^{cy} for half a years Sallary ending the 25th inst one thousand Pounds.

To his Excell^{cy} half a years house rent ending the same time Seventy five Pounds.

To the Gent of the Council half a years Sallary ending y^e 27th instant one hundred seventy five Pounds.

To W^m Blathwayt Esq^r, her Maj^{ty}'s Auditor & Surveyor General of America half a years Sallary ending the 25th instant fifty Pounds.

To the Sollicitor of Virginia affairs half a years Sallary ending y^e same time fifty Pounds.

To M^r Benj^a Harrison as her Maj^{ty}'s Attorney General half a years Sallary ending y^e same time twenty Pounds.

To M^r W^m Robertson Clerk of her Maj^{ty}'s Council half a years Sallary ending y^e same time twenty five Pounds.

To Edward Ross Gunner at James City half a years Sallary ending the same time five Pounds.

To M^r W^m Robertson Clerk of the Council for so much paid M^r Jn^o Freeman for his Journey to New York & back hither thirty Pounds.

To M^r William Robertson for so much paid several Ministers for their attendance on General Court and Assembly ten Pounds.

To M^r W^m Robertson for so much paid for several Expresses to remote parts of the Governm^t and charges about Indians eighty seven Pounds eight Shill.

To M^r W^m Robertson for so much paid several messengers & other contingent charges of the Governm^t ninety eight Pounds fifteen Shillings.

To M^r Commissary Blair to be paid out of the Quitt Rents half a years Sallary ending the twenty fifth instant fifty Pounds.

Diverse Patents for land and Probates and administrations being presented by M^r Secretary were signed by his Excell^{cy}.

His Excellency was pleased to sign Commissions to diverse Persons to be Sherifs of the several Countys within this Colony for this present year 1703.

At a Council held at her Majestys Royal College of
William & Mary June y^o 17th 1703

Present

His Excellencie

Edmund Jenings Secr^y
Matthew Page
Robert Carter

James Blair
Philip Ludwell
Henry Duke Esq^{rs}

His Excellency laid before the Council a letter from the Right hon^{ble} the Lords Comm^{rs} for Trade dated the 26th of January last, inclosing her Maj^{ty}'s additional instruction to his Excellency dated the Seventh of the same month, directing that no Ship or Vessel Sail out of this Colony in time of war without Convoy. The s^d Instruction & letter were read & Ordered to be entered in the Council Bookes.

Whereas her most Sacred Majesty by her Royal Instruction bearing date at her Court at S^t James's the 7th day of January 1702/3 in the first year of her Maj^{ty}'s Reign hath been graciously pleased to signify unto his Excellency that for preventing the mischiefs that may happen to the Trade of these her Maj^{ty}'s Plantations by Ships sailing from hence without Convoy in time of War, her Maj^{ty} had given directions that a convoy should proceed from England with the outward bound Ships the latter end of January last. Which Convoy is to return from Virginia the first or tenth of July next, with the Trade that shall then be ready to accompany them. And that another Convoy be likewise sent with such Ships as shall be ready to sail from England to Virginia & Maryland in July next. And further signifying to his Excell^{cy} her Maj^{ty}'s Royal will and pleasure that especial care be taken that during the time of war no Ship do sail from this her Maj^{ty}'s Colony otherwise than with Convoy, such

Ships only excepted as shall have Licence in manner specified in the said Instructions; Therefore

Ordered that the Collectors & Naval Officers of the sev^{ll} Districts within this her Maj^{ty}'s Colony and Dominion do forthwith give notice to all Captains & Commanders of Ships and Vessells in their respective Districts of her Maj^{ty}'s gracious care of their safety; and require them to make all convenient dispatch in their Lading that so they may be ready to sail with this Convoy w^{ch} is now daily expected. And that the s^d Collectors & Naval Officers clear no Ship or Vessell bound for Europe otherwise than according to her Maj^{ty}'s said Instructions.

And for the better preventing any Ship or Vessell that shall attempt to run away contrary to this Order, It is the opinion of the Council that his Excell^{cy} issue his order to Cap^t Nathaniel Bostock Commander of her Maj^{ty}'s Advice boat y^e Eagle to cruise in the Bay & stop all such Ships & Vessells as shall attempt to sail otherwise than under the said Convoy.

Captain Nathaniel Bostock Commander of her Maj^{ty}'s Advice boat the Eagle by his Letter to his Excell^{cy} dated the 15th instant, intimating that in pursuance of his Ex^{cy}'s order he was returned from Maryland to attend her Maj^{ty}'s Service in this Government, and that in order to preserve the said Vessells bottom it was absolutely necessary to have her careened and praying an order for six Carpenters to assist in that work.

His Excell^{cy} by advice of the Council doth hereby order & direct the said Cap^t Nathaniel Bostock to careen her Maj^{ty}'s said Vessell in Elizabeth River, and that he take care y^e same be done as speedily as may be. And for his furtherance in that work it is ordered that a warrant be prepared to be signed by his Excell^{cy} empowering the said Cap^t Bostock to impress so many Carpenters as shall be necessary on this occasion, he paying them for their Labour.

Whereas Cap^t Nathaniel Bostock Commander of her Matys Advice boat the Eagle hath prayed his Excell^{cy} to give order that he may be supplied with some money to pay workmen to be employed in careening her Matys Vessell, and with money for buying Provisions when he wants. His Excell^{cy} in Council was pleased to declare that whatever Bills the said Cap^t Bostock shall draw on y^e Comm^{rs} of the Navy or victualling office to any Person, for work done or Provisions furnished to the s^d Vessell, his Excell^{cy} will indorse the same. And that the said Cap^t Bostock may be better supplied with what money shall be necessary to pay small debts, His Ex^{cy} doth desire Coll^o William Wilson to advance y^e same as occasion w^{ch} his Excell^{cy} will reimburse to him upon producing Cap^t Bostocks receipts.

Cap^t Nathaniel Bostock having laid before his Excell^{cy} a Demand of several Gunners Stores wanting for the use of her Matys Advice boat the Eagle under his Command.

Ordered that Edward Ross Gunner at James City deliver to the s^d Cap^t Bostock or his order so many of the Gunners Stores demanded by him as can be furnished out of the Magazine at James City taking a receipt for what shall be so delivered.

Upon consideration of what orders are necessary to be given to Cap^t Nath^l Bostock Commander of her Matys Advice [Boat] the Eagle It is the opinion of the Council that it is for her Matys Service that so soon as the s^d Vessell is careened the said Cap^t Bostock do cruise in the Bay between Cape Henry & Point Comfort at all fair and seasonable opportunitys in order to defend this Colony from the attempts of enemys as far as the said Vessell is capable; and also to detect illegal Traders, and for his Information therein it is ordered that the Book of Rates, the sev^{ll} acts of Parliam^t & instructions relating to Trade which were formerly given to Cap^t Moodie be now sent to the s^d Cap^t Bostock. And it is Ordered that pursuant to one of the said Cap^t Bostock's Instructions from the late Lords Comm^{rs} of the Admiralty he be required to take care that he impress no man within this Colony without his Excell^{ty's} warrant, w^{ch} he is to make application for, upon his being in want of men, as by his s^d Instructions he is directed.

Whereas Cap^t Nathaniel Bostock Commander of her Matys Advice boat the Eagle hath laid before his Excell^{ty} an acco^t of the present condition of her Matys Sloop Elizabeth whereby it appears that the said Sloop is in want of many things to fitt her for Service. It is this day ordered in Council that Coll^o William Wilson, Major Anthony Armistead & the said Cap^t Nathaniel Bostock cause the said Sloop to be hauled out of the mudd where she now lyes sunk, and a Survey to be made of her by such Persons as they think most capable; and particularly that her bottom be viewed, and that they return an Acco^t to his Excell^{ty} in what condition they find y^e same together with an Estimate of the Charge necessary for refitting the said Sloop for Service, with their opinion in what time such refitting may be perfected to the end such further care may be taken therein as shall be judged necessary for her Matys Service.

The following order being prepared was read & approved in Council

By his Excell^{ty}

Whereas this her Matys Colony and Dominion lyes very much exposed to the insults of our Enemys in time of war having such large & open Frontiers both by Sea & land, and especially at this time it being credibly reported that a Squadron of French men of war are speedily expected in the West Indies, w^{ch} it is to be feared may make some attempt upon this Country; and also that by advice from New York it appears that the French are very strong in Canada, where they have several regular Troops ready to invade her Matys Plantations on the Continent as they shall see occasion; Now to the end all necessary endeavours may be used for our just defence in case of Invasion, w^{ch} God avert,

I Francis Nicholson Esq^r her Matys Lieuten^t and Governor Gen^{ll} of Virginia by advice & consent of her Matys hon^{ble} Council of State do hereby strictly require & command the Collonels & Commanders in chief of the Counties of Princess Anne, Elizabeth City, Northampton & Accomack, forthwith to appoint sufficient and in-

telligent Persons constantly to look out upon the Sea coasts hereafter mentioned viz for Elizabeth City County upon Point Comfort one man, for Princess Anne County between Cape Henry and Linhaven River two men, and between Cape Henry and Carrotuck Inlett two men, for Northampton County upon Smiths Island or Mockon Island and along the Seaboard Shore of the s^d County two men, and upon the Seaboard Shore of Accomack County two men. Which Persons so appointed if they see any Ships or Vessel upon the Sea are dilligently to observe their courses, motions & actions, & if there appear any Suspicion of their being enemys, they are to give immediate notice thereof to the next Commission Officer, who is hereby required to pursue the sev^l directions set down in the Act of Assembly made the 6th day of August 1701 Entituled an Act for the better strengthening the Frontiers & discovering the approaches of an enemy

And for preventing any surprize from the French or Indians by land, I do hereby likewise require the Collonels & Commanders in cheif of all the Frontier Countys dilligently to observe & pursue the directions of the afore cited Act of Assembly, and to caution all Persons living on the Frontiers that they forbear to go any great distance beyond the Inhabitants or outward Plantations, and that as much as possible they keep their Stocks within the known bounds.

And whereas the most effectual means for the defence of this Colony depends upon the well ordering and disciplining the Militia, I do by advice aforesaid hereby command and require the Collonels & Commanders in cheif of each County within this Collony forthwith to appoint a Gen^l Muster of all the Militia under their respective commands, and take especial care & give strict directions that all Persons serving in the Militia be well provided with arms & ammunition according to Law. And the s^d Coll^{os} & Command^{rs} in chief are at the said General Musters to give directions to the Captains of each Troop & Company under their command duly to exercise their said Troops & Companys once every three weeks, and to take care that all Persons without Priveledge or exemption be listed & Personally Performe their duty at the said Musters.

And to the end the State of the Militia of this Colony may be better known, the s^d Collonels & Commanders in cheif are required to provide three fair copys of the Muster Rolls of every Troop and Company under their respective commands according to the Specimen herewith sent, and to transmitt the same to me signed by all the Field Officers before the twentieth day of July next in order to be sent to England.

And further the said Collonels and Commanders in cheif are hereby commanded to cause the Captains under their respective commands [to] draw out every fifth man in their several Troops and Companys being young & able to go out to war upon any emergent occasion, which said fifth men, whether horse, foot, or Dragoons shall have liberty from among themselves to name their own officers. That is to say every ten of the said men so drawn out to name one officer, and any number under ten and not less than six to have the same Liberty to name one officer as aforesaid and the s^d Coll^{os} & Com-

manders in chief are to return to me an exact List of the names of the said fifth men and their officers so nominated that Commissions may be accordingly granted them.

And I do hereby will and direct that the said Collonels and Commanders in chief at their said Musters give notice to the Militia under their respective commands that forasmuch as this Country is in danger of being invaded not only by Sea but also by the French & Indians by land, the said Militia must be ready to march as soon as they shall receive my order, and that I think fitt to give them this timely notice that so they may not be surprized when any such accident shall happen, designing (with Gods permission) to march at the head of them myself.

Hereby further commanding and Requiring the Collonels & Commanders in cheif to cause dilligent enquiry to be made & an exact acco^t taken of all arms, Powder and Shott within their respective Countys, and of what quality the said arms are, and to return the said acco^t to me together with the Muster Rolls & Lists of the fifth men between this and the twentieth day of July next as they will answer the contrary at their peril. Given under my hand & the Seal of the Colony this 17th day of June 1703 in the 2^d year of her Matys Reign.

His Excellency acquainted the Council that when he was at New York he was inform'd not only by the Lord Cornbury but also by sev^{ll} other Gentlemen there of the ill condition the Frontiers of that her Matys Province are in, their Forts being ruinous, & their standing forces but in a mean condition to oppose the Enemy, especially considering the strength of the French in Canada, where tis said they have a great many regular Troops, and their late Practices amongst the five Nations of Indians in friendship with New York rendring it more than probable that they have a design on that Province: That therefore his Excell^{cy} being apprehensive of the danger this Colony is in, if the French should prevail upon the Frontiers of New York, concludes it to be absolutely necessary upon any advice of the motions of the French towards that Province, to draw a strong detachment of the Militia of this Colony towards our Northern Frontiers for our defence in case this Country should happen to be attacked next. And further his Excellency was pleased to acquaint the Council that being sensible of the danger that threatens New York, he had given his Excell^{cy} the Lord Cornbury bills of Exch^a for the nine hundred Pounds demanded by her Maty of the Assembly here, according as he had formerly promised upon the Assemblys refusing to comply with her Matys said Demand, and laid before the Council the Lord Cornbury's receipt for the s^d bills, which Receipt was ordered to be Entered in the Council bookes.

Whereas Coll^o Thomas Godwin Commander in cheif of te Militia in Nansem^d County hath informed his Excell^{cy} that the Maherine Indians having discovered a bark boat coming down the Maherine River with about seven men in it, the said Indians supposing them to be Spyes come from the Senequa Indians laid wait and killed five of the men in the said boat, the other two making their escape, but

when the said Indians came up to the Boat they found the Slain to be white men having sev^{ll} English goods with them.

Ordered that a copy of Coll^o Godwins Information be sent to the hon^{ble} Coll^o W^m Byrd, and that he send forthwith to y^e Manican Town to enquire if any of the French Refugees Inhabitants there be missing and return an acco^t to his Excell^{ty} thereof And because of the danger that attends the Frontier Plantations from the incursions of Indians now in this time of war, when it may reasonably be believed they will be set on by the French of Canada to committ murder & other depredations on this Colony it is also ordered that Coll^o Byrd appoint some of the Militia officers of Henrico County to visit the French Settlement at Manican Town once every week to charge them not to leave their habitations nor to stragle into the woods any distance from their Settlement, and also that the said officers observe what condition they are in, & what order they keep amongst themselves, and if anything material, to send an acco^t thereof to his Excellency.

Upon a Petition presented by William Chichester praying to be admitted Pilot in James River, He having produced several Certificates for proving his being qualified as the order of Council directs. The s^d W^m Chichester is appointed pilot & a Commission ordered accordingly.

William Bernard of Gloucester County by his Petition Setting forth that John Brown late of the s^d County dying without heir or relation in this Country, the s^d William Bernard administred as greatest Creditor upon the small Estate which he left; that upon a former Petition he obtained a Grant from his Excell^{ty} of eight Pounds w^{ch} he then supposed to be the Surplusage of the Estate after debts paid; but since that time there hath come to his hands the Sum of nine Pounds ten Shillings & three Pence, w^{ch} he humbly prays may be also granted to him, the Decedent having got the same in his Service.

Ordered that the s^d Petition be referred to M^r Auditor Byrd and if he has no objection ag^t the same that the balance be granted to the Petitioner.

The Petition of Silvanus Stokes the elder of the County of Charles City complaining of great abuses offered him by Cap^t Rich^d Bradford of the s^d County particularly by breaking open the door of his house and going into bed to his wife. Referred to the Hon^{ble} Coll^o W^m Byrd & M^r Benj^a Harrison her Matys Council at Law to enquire into the matter of the s^d Compl^t and if they find just occasion, that M^r Harrison do prosecute the s^d Bradford thereupon.

Upon reading at this Board the information of Walter Cock of the County of Surry mariner, that he had been told in London by Cap^t Lovett & M^r Perry that her Majesty had given order for holding the Gen^{ll} Courts of this Country at James Town as formerly, his Excell^{ty} asked the advice of the Council whether upon this Information a stop shall be put to the building of the Capitol. It is the opinion of the Council that the said Information being very improbable & grounded only on hearsay, no notice ought to be taken of it.

Whereas by one act of Assembly made at James City the 20th day of September 1664 Entitled an act for Frontiers to be seated with four able hands, It is Enacted that no Person should seat above the Plantations then seated but with four able hands well armed at their first Seating down.

Ordered that the Sheriffs of each Frontier County make enquiry what Plantations are seated in their s^d Countys contrary to the intent & meaning of the said act, and return an acco^t thereof to his Excellency.

His Excellency caused to be read in Council a lett^r from Coll^o Robert Carter being in answer to one of his Excell^{ty}s to him wherein his Excellen^{cy} commands him to bring with him a letter directed to him and dropt between the Capitol & the House of M^{rs} Whaley intimating that the Queen had appointed the Lord Portmore Gov^r of this Colony: The s^t Coll^o Carter in his answer denying that he dropt any such lett^r at Williamsburgh, nor wanted any lett^r that bares direction for him as he knows of. And now further declared in Council that he never had nor saw that letter w^{ch} is said to be dropt by him. His Excell^{cy} after having signified to the Council his dissatisfaction with the Reports that have been lately spread concerning a new Governor, told them that since [neither] her Maty nor the Lords Comm^{rs} for Trade have intimated any such thing to him, he therefore commanded them in her Matys name to forbear such discourse for the future.

Whereas several Persons have of late taken upon them to spread diverse false Reports tending to the disturbance of the Peace of this her Matys Colony, His Excell^{cy} in Council is pleased to Order as it is hereby Ordered that the Justices of the Peace of the respective Countys take care to have the Laws ag^t publishers of false news put in effectual execution as they will answer the contrary.

Whereas by one Act of Assembly made at James City the 23^d day of September 1667 It is provided that in time of war or danger all Ships and Vessells shall ride in such places as the Governor shall direct, and in regard of the great danger threatning this Colony now in this time of war, His Excellency and the hon^{ble} Council, for the better preserving the Ships and Vessels here from all surprize from our Enemyes have thought fitt to order & direct that all & every Ship & Vessel within this Colony, do ride at some of the places hereafter mentioned & at no other viz

In James River as high up the River as James City.

In Elizabeth River as high up the River as the Town.

In Nansemond River above the place where the Fort was.

In Pagan Creek as far up as the Creek will admitt with conveniencie.

In Warwick River above Sandy Point.

In Hampton River as high up the River as the Town Point.

In York River above Kings Creek.

In all the Rivers in Mopjack Bay as high up as the Rivers will admitt with conveniencie.

In Rappahannock River as high as the River will admitt with convieny.

In Corrotomen River above the place where the Fort was.
 In Potomack River as high up the River as Appomatus Creek.
 In Yoacomoco & Lower Machotucks as high up as these places
 will admitt with conveniencie.

In all the usual places upon the Eastern Shore as high up as the
 respective places will admitt with conveniencie.

And the Clerk of her Mattys Council is hereby directed to trans-
 mitt copys of this order to the Collectors & Naval Officers of every
 respective District in this Colony who are hereby commanded im-
 mediately to intimate the same to every Captain or Commander
 of all and every Ship & Vessell within their s^d respective Districts
 and to charge them & every of them to give all due obedience to this
 order as they will answer the contrary at their peril.

At a Council held at her Matys Royal College of
 William & Mary July y^e 13th 1703

Present

His Excellency Francis Nicholson Esq ^r &c	
William Byrd Auditor	Philip Ludwell
Edm ^d Jenings Sec ^{ry}	William Bassett and
John Lightfoot	Henry Duke Esq ^{rs}
James Blair	

His Excellency laid before the Council a letter from the R^t hon^{ble}
 the Lord Comm^{rs} for Trade dated the 20th of April last recommend-
 ing to his Excellency to take care that in the Courts of this Colony
 wherein his Excell^{cy} is authorised to preside, Justice may be impartially
 administred, and that as well there as in all other Courts established
 in this Colony all Judges and other Persons therein concerned do
 Performe their several dutys without any delay or partiality, and
 also desiring his Excell^{cy} to recommend to the Assembly the passing
 a Law for constituting a Court or Courts for determining of small
 causes for the ease of her Matys Subjects, And further requiring that
 an exact acco^t be transmitted to their Lordships by every Conveyance
 of the causes w^{ch} have been dispatched and those w^{ch} remain de-
 pending, and in general an Abstract of all proceedings in the sev^{ll}
 Courts of Justice within this Government.

Whereupon it is ordered that M^r Secretary prepare a Proclama-
 tion purs^t to the first part of the abovementioned letter, requiring
 all Justices of Peace and others concerned in the administration of
 Justice dilligently to Performe their respective dutys without any
 delay or partiality; and

Ordered that M^r Secretary take care to prepare such an Abstract
 of the proceedings in the several Courts as by the said Letter is
 required.

And upon that part of the s^d lett^r w^{ch} relates to the passing a
 Law for a Court for determining small Causes, It is the opinion of the
 Council that the Laws now in force do sufficiently provide for the
 determination of all causes whatsoever.

His Excellency laid before the Council her Matys Letter dated the 20th day of April last, Signifying her Matys express will and pleasure that no Governor Lieuten^t Governor, Commander in chief or President of the Council do give their consent to the passing any act for any Gift or Present to be made to them by the Assembly or others on any acco^t whatsoever upon pain of her Matys highest displeasure.

Ordered, that pursuant to a Clause in the said Letter the same be entered in the Council books & communicated to the Assembly at their first meeting.

Upon reading at this Board the orders from his Royal highness Prince George of Denmark Lord high Admiral of England &c to Cap^t Christopher Fogg, and the men of war under his command, whereby he is directed to sail from hence with such Ships as shall be ready to sail with him in fifteen days, His Excell^{cy} and the Council taking into consideration that the Ships in this Country and in Maryland (for which this Convoy is ordered) ly so dispersed & at such great distance, that it is not possible to give them such speedy notice as that they can be prepared to sail in that time, And that if the time for their Sailing be further prolonged, most of the said Ships will be ready to put themselves under Cap^t Fogg's Convoy, whereby a considerable advantage will accrue to her Majestys Revenue as well as to her Majestys Subjects concerned in the said Ships, are therefore of opinion that it is for her Majestys Service that Cap^t Fogg stay till the last day of this moneth (being the time Cap^t Dove sailed hence last year) that the said Ships may be ready to sail under his Convoy, and desire the said Cap^t Fogg to signify his Resolutions hereupon that this Board may proceed to give directions accordingly.

Pursuant whereunto Cap^t Fogg returned his answer in these words viz

“May it please yo^r Excell^{cy}

“I have considered yo^r Excell^{cy}'s decree concerning my staying “for the Merchant Ships and since yo^r Excell^{cy} and the Council are “of opinion that it is for her Matys Service and the advantage of “Trade, I am willing to stay four or five days longer than the time “limited by my orders, hoping yo^r Excell^{cy} will give directions to “those Merchant Ships accordingly.

Ch^r Fogge.

Whereas Cap^t Christopher Fogg Commander of her Matys Ship Falmouth and Cap^t Jn^o Smith Commander of her Matys Ship York are arrived in this her Matys Colony and Dominion with orders to stay fifteen days for such Ships & Vessells as shall be ready to put themselves under their Convoy for England: His Excellency and the hon^{ble} Council do hereby order & Require the Collectors & Naval Officers of the several Districts within this Colony to give immediate notice to the Masters of all Ships and Vessells in their respective Districts who intend to take the benefitt of this Convoy that they repair to Kiquotan at y^e mouth of James River & joine the said Cap^t Fogg their Commodore by the twenty eighth day of this moneth—

precisely (being the day fixt for the Fleet to Sail) and in order thereunto the said Collectors & Naval Officers are hereby impowered to clear all Ships and Vessells that shall be ready to clear between this and the twenty fourth day of this moneth inclusive, taking care that the Act of Assembly for preventing Ships running away after Embargos are laid be duly observed: But forasmuch as her Majesty hath been pleased to direct that no Ship sail from hence in time of war otherwise than under Convoy the said Collectors & Naval Officers are hereby prohibited to clear any Ship or Vessell bound for England after the s^d twenty fourth day of this moneth, untill further ord^r.

And for preventing the dangers w^{ch} may happen by our enemys discovering the measures taken here in relation to this present Fleet and Convoy, It is further ordered that no Ship or Vessell sail out of this her Matys Colony for any of her Matys Plantations untill the departure of the s^d Convoy, and that the Collectors and Naval Officers take Bond of the Masters of such Ships & Vessells accordingly.

Upon reading the Orders of his Royal Highness Prince George of Denmark Lord high Admiral of England &c to Cap^t Symonds Commander of her Matys Ship the Guernsey Commodore of the Fleet now arrived in Virginia & Maryland whereby the said Cap^t Symonds is directed to stay in this Colony for the space of two moneths, and ten days longer if he shall see necessity for it to make up the Fleets: It is the opinion of the Council, and accordingly.

Ordered that the Fleet do sail at y^e time appointed by the above recited orders which expires on the sixteenth day of September next, and the Collectors & Naval Officers are directed to give notice to the Masters of all Ships & Vessells in their respective Districts to get ready ag^t the said day and to repair to Kiquotan, being the place appointed for the Rendezvous of the said Fleet, Certifying them that they are to expect no further time will be allowed for their stay, and that such Ships as shall not then be ready cannot be permitted to sail till another Convoy offers, and the said Coll^{rs} & Naval Officers are accordingly to clear the said Ships in convenient time, but are hereby prohibited to clear any Ship or Vessell bound for England after the tenth day of the s^d moneth of September that they may have no pretence to defer their joining the Convoy on Acco^t that they were not timely cleared. And it is also ordered that after the departure of the Ships now bound out under the Convoy of Commander Fogg, no Ship or Vessell bound for England sail out of this her Matys Colony and Dominion untill Commodore Symonds sail hence with the Fleet intended under his Convoy; and that no Ship or Vessell bound to any of her Matys Plantations be permitted to sail out of this Colony after the twenty seventh day of August next till the departure of the said Convoy, that so all means of intelligence may be cutt off from our enemys touching the said Fleet. Requiring the severall Collectors & Naval Officers to take especial care that after the commencem^t of this general Embargo, they clear no Ship or Vessell bound to any of the said Plantations without taking Bond of the Masters of such Ships and Vessells pursuant to the directions of the Act of Assembly for preventing Ships and Vessells runing

away after Embargos are laid; that they shall not sail out of this Colony untill the departure of the said Convoy as afores^d.

Cap^t Nathaniel Bostock Commander of her Matys Advice Boat the Eagle having by a letter to his Excellency dated the 9th instant signified that he hath received orders from the Lord high Admiral to return into England, and also intimating his opinion & design to sail with Cap^t Fogg Commander of her Matys Ship Falmouth; His Excell^{cy} this day in Council asked Cap^t Fogg whether the s^d Advice Boat may be of Service to him in his return home with the Merch^t Ships. And the s^d Cap^t Fogg declaring his opinion that the said Vessell may be of Service for strengthening the Convoy; His Excellency and the Council do approve of the said Cap^t Bostocks going in company with her Matys Ships Falmouth and York as tending to her Matys Service & the further security of the Merchant Ships bound out under that Convoy.

Whereas the Right hon^{ble} the Commissioners of her Matys Customs by their Letter to his Excell^{cy} dated the 17th of March last, have Signified that notwithstanding the act w^{ch} prohibites the importation of Tobacco in bulk from the Plantations several frauds have been lately committed by Masters of Ships & others endeavoring to evade the intention of the said act, and desiring his Excell^{cy} to repeat his directions to the respective officers within this Colony in relation thereto.

It is therefore Ordered that a copy of the above Letter from the Comm^{rs} of the Customs be sent to every district within this Colony and the Collectors and Naval Officers are hereby strictly required to observe the directions therein set down, and to use their utmost endeavours to prevent the frauds and abuses therein complained of as they will answer the contrary at their peril.

A new Commission from her most Sacred Majesty constituting & appointing his Excellency Francis Nicholson Esq^r to be her Matys Lieutenant and Governor Gen^l of this her Colony and Dominion of Virginia, was this day read in Council. And thereupon his Excell^{cy} took the Oaths appointed by Act of Parliament to be taken instead of the oaths of Allegiance and Supremacy, as also the oath mentioned in an Act of Parliament made in the first year of her Matys Reign Entituled an act to declare the alterations in the Oaths appointed to be taken by the Act Entituled an act for the further Security of his Matys Person and the Succession of the Crown in the Protestant Line, and for extinguishing the hopes of the pretended Prince of Wales & all other pretenders, and their open and secret abettors; and for declaring the Association to be determined, and subscribed the Test, and thereafter took the Oaths for the due observation of the sev^l Acts of Parliament relating to Trade, appointed by the act of the 7th & 8th of his late Majesty King William. All which Oaths were (pursuant to a Clause in his Excell^{cy}'s Commission) administred to his Excell^{cy} by William Byrd, Edmund Jenings, and Jn^o Lightfoot Esq^{rs} three of her Matys hon^{ble} Council.

Then his Excell^{cy} administred the oaths appointed by Act of Parliament to be taken instead of the oaths of Allegiance & Supremacy,

the Test and Oath mentioned in the act Entituled an act to declare the alterations in the Oath appointed to be taken by the act Entituled an act for the further Security of his Matys Person and the Succession of the Crown in the Protestant Line, and for extinguishing the hopes of the pretended Prince of Wales and all other pretenders and their open and secret Abettors, and for declaring the Association to be determined, together with the oath of a Councelor to William Byrd, Edmund Jenings, Jn^o Lightfoot, James Blair, Philip Ludwell, William Bassett & Henry Duke Esq^{rs} being all the Gentlemen of her Matys Council now present.

Whereas by his Excell^{ty}s instructions it is directed that the Governor & Council shall take an oath as Judges of the Gen^l Court, It is thought most convenient that the said oath be by them taken in Court, and accordingly Resolved that the said oath be taken at the publication of his Excell^{ty}s Commission next October Gen^l Court.

Edmund Jenings Esq^r producing her Matys Letters Patents under the great Seal of England constituting him Secretary of this her Matys Colony and Dominion, the same was read, and thereupon he took the Oath for the faithfull discharge of his office.

William Robertson Clerk of her Matys Council took the oaths appointed by Act of Parliament to be taken instead of the Oaths of Allegiance & Supremacy, the Oath mentioned in the act Entituled an Act to declare the alterations in the oath appointed to be taken by the act Entituled an act for the further Security of his Matys Person, & the Succession of the Crown in the Protestant Line, and for extinguishing the hopes of the pretended Prince of Wales & all other pretenders & their open & secret Abettors and for declaring the Association to be determined, and then subscribed the Test and took the oath of Clerk of the Council.

Ordered that all officers Civil & Military within this Colony take the oath mentioned in the act made in the first year of her Matys Reign Entituled an act to declare the alterations in the Oath appointed to be taken by the act Entituled an act for the further security of his Majestys Person and the Succession of the Crown in the Protestant Line, and for extinguishing the hopes of the pretended Prince of Wales & all other pretenders and their open and secret Abettors, and for declaring the Association to be determined, And that a copy of the said oath be sent to each County when the Dedimus's for swearing the s^d officers are sent.

Ordered that M^r Secretary prepare new Commissions in her Matys name to all officers Civil and Military within this Governm^t.

Whereas several Admiralty passes were sent into this Colony for Merchant Ships trading here pursuant to the Agreement made with the Algerines, which Passes were distributed to the Collectors and Naval Officers of the several Districts. It is ordered that the said Collectors and Naval Officers transmitt an acco^t to his Excell^{ty} how the said Passes have been disposed of by them, and how many remain yet in their hands.

Ordered that the Naval Officers remitt Bills of Exch^a to M^r Aud^r for what shall be due to her Maty in their hands at the clearing

of the Ships bound out with Commodore Fogg, and that they do the like for what shall be due at the going out of the Fleet in September, that so M^r Auditor may have those opportunitys of sending them to England, the s^d bills either to be sent to M^r Auditors house or to the Council office as shall best suite with y^e convenience of the s^d officers.

July 14th 1703

Present

His Excellency

William Byrd
Edm^d Jenings
John Lightfoot

James Blair
Philip Ludwell
Henry Duke Esq^r^s

His Excellency communicated to the Council one of her most Sacred Majestys instructions relating to the encouraging the Inhabitants to build Towns, and particularly for the rebuilding and Settling of James Town. And thereupon his Excell^{cy} asked the advice of the Council what was proper to be done in relation to James Town. The Council are of opinion that the City of Williamsburgh being by an act of Assembly (not yet disallowed by her Maty) appointed the Seat of the Government, and the Capitol built therein at a very great charge to the Country, it is necessary to represent the same to her Majesty.

Whereas her Majesty hath been graciously pleased to order several arms & Stores of War to be sent in to this her Colony and Dominion, which arms & Stores are ship'd on board the Ship Cuthbert & Spranger, and are to be delivered in James River. It is the opinion of the Council that his Excell^{cy} issue his warrant to the Commander of the s^d Ship when he arrives to deliver the said arms & Stores to Edward Ross Gunner at James City to be by him secured in the Magazine there, or such other place as his Excell^{cy} shall see convenient.

Robert Beverley Gent Clerk of the House of Burgesses Representing that his necessary affairs require his going for England with the first conveniencie so that he will be compelled to be absent from his s^d Charge & office of Clerk of the House of Burgesses for some short time, and therefore praying his Excell^{cy} to give him leave and dispence with his absence, and to appoint a Clerk Assistant during y^e same to execute his said office and to take care of the Assembly Records & Papers.

Ordered, that the said Robert Beverley deliver to the hon^{ble} M^r Secretary Jenings and Major Peter Beverley Speaker of the present House of Burgesses the Keys of the said office, and make oath that all Papers received by him, and that have come to his hands as Clerk of the said House of Burgesses are now therein.

Pursuant whereunto the said Robert Beverley came before his Excell^{cy} in Council and made oath that all the Record Bookes, Laws and Papers belonging to the Assembly which he received as Clerk of the House of Burgesses are now in the office to the best of his knowledge. together with the Journal & other Papers of the time

of his officiating as Clerk afores^d. Whereupon he is discharged of his said office of Clerk of the House of Burgesses, and of his attendance thereon.

Whereas Complaint is made to this Board that Jn^o Woodson of Henrico County by connivance with Rich^d Ligon Surveyor of the said County hath clandestinely caused to be surveyed a certain Tract of land lying on the Jennytoe Creek in the said County containing two thousand seven hundred acres, altho the said Ligon knew that the said Tract of land was appropriated pursuant to the Act of Assembly for Cohabitations. And whereas through inadvertency a Patent was signed last April Gen^l Court for the s^d land to the above-named John Woodson.

His Excell^{cy} by advice of her Matys hon^{ble} Council doth hereby order & require the Sheriff of Henrico County to summon y^e said John Woodson and Richard Ligon to appear before his Excell^{cy} and Council on the fourth day of next October Gen^l Court at her Matys Royal Capitol to answer to what shall be then objected ag^t them concerning the Premises. And it is further ordered that the s^d Woodsons Patent be in y^e mean time stop^d in M^r Secretarys office.

Whereas his Excellency hath rec^d information that diverse Persons have seated land on the south side of Blackwater Swamp on colour of Surveys lately made, altho the said Surveys have been complained of & controverted as irregular. His Excell^{cy} in Council is pleased to order that the Sheriffs of the Countys of Surry & Isle of Wight do forthwith make enquiry what lands are seated on the southside of Blackwater Swamp within the Precincts of their respective Countys by colour of Surveys made since the said land was laid open by order of Council, and what Houses are built thereon & by whom, and that they return an acco^t thereof to his Excell^{cy} with all speed.

Whereas his Excellency and the Council are informed by a Letter from the hon^{ble} Coll^o Benj^a Harrison dated the 11th instant, that twenty strange Indians had set upon nine Nattoways, and killed five of them the King being one; and this Board having also received advice that several Partys of strange Indians have been seen about the Frontiers, and that some of them have given out, that they are only in search of the Tuscoruro Indians without any design to disturb the Inhabitants of this Country. It is the opinion of the Council, and accordingly

Ordered that the Interpreter to y^e Nattoway, Maherine & Nansmond Indians require them to take good heed to themselves, and that they do not ramble further from their respective Towns than is absolutely necessary; but if they apprehend themselves in danger at their Towns, that then they come in amongst the Inhabitants till the danger ceases.

The Petition of Sarah Williams widow, committed to the Prison of James City County for suspicion of murder of her bastard child, praying that she may be let out of Prison upon Bail, is referred to the Court of the said County of James City to do therein according to Law.

His Excell^{cy} laid before the Council a lett^r from the R^t hon^{ble} the Earl of Nottingham her Matys principal Secretary of State dated

the 25th of February last past signifying her Matys Royal commands that his Excell^{cy} should be very rigorous & severe in preventing any Ammunition or Stores of any kind from being carryed to the Spaniards in the West Indies; and likewise another letter from his Lord^p dated y^e 20th of March last Signifying her Matys Royal will & pleasure that his Excell^{cy} should by all possible methods hinder all manner of Trade & correspondence with the French:

Pursuant to w^{ch} two lett^{rs}, a proclamation ag^t corresponding with the French and Spaniards was prepared, read & approved in Council, and ordered to be sent to the sev^{ll} Countys within this Colony.

Upon reading Cap^t Bostocks report of the condition & defects of her Matys Sloop Elizabeth, his Excell^{cy} having acquainted the Council that Cap^t Symonds Com^{der} of Matys Ship Guernsey was willing to undertake the putting her in repair.

Ordered that it be recommended to the said Cap^t Symonds to take care of the refitting the said Sloop, and that such of the Cordage & other things sent in for her Matys Ship Southampton, as are not made use of by Cap^t Fogg for her Matys Ships Falmouth and York be applied towards the refitting of the said Sloop so far as shall be necessary, and that the further charge thereof be defrayed out of her Matys Revenue.

Ordered, that a Writ issue for the Election of two Burgesses to serve in the next Session of Assembly for Prince Georges County, and a writt for the election of a Burgess for King & Queen County in the room of Coll^o W^m Leigh deceased.

Whereas his late Majesty by his order in Council bearing date the 23^d of November 1699 was pleased to direct that the Com^{ders} of all Ships of war sailing to any of the Plantations should observe the Laws of those Plantations with relation to the carrying off of debtors, but more especially of indented serv^{ts}. It is the opinion of the Council & accordingly

Ordered that a copy of his s^d Majestys order be sent to the Captains of her Matys Ships of war now in this Colony, desiring them to take notice that the Laws of this Country prohibites the carrying off any Person without a Pass from the Secretary.

And nothing further offering for her Matys Service

The Court adjourned.

True copy

Wil Robertson *Cl Con*

At a Council held at her Majestys Royal College
of William and Mary August 26th 1703

Present

His Excellencie

William Byrd Aud^r
Edm^d Jenings Sec^{ry}
Philip Ludwell

W^m Bassett and
Henry Duke Esq^{rs}

This Board taking into consideration that the time limited by order of Council dated the 13th of July last for clearing of such Ships

as intend to sail for England under Convoy of Commodore Symonds, being so nigh to the time fixt for the said Ships sailing, it will be very difficult for the Collectors & Naval Officers to perfect their Lists and other matters belonging to their respective offices in due time to be sent for England; Have therefore thought fitt to order as it is hereby Ordered that all Ships & Vessells intending to go under Convoy of Commodore Symonds do clear on or before the 8th day of September next, notwithstanding the above recited Order of Council w^{ch} limites the time of clearing to the tenth day of the said moneth; Requiring the sev^l Collectors & Naval Officers to give notice hereof throughout their respective Districts, and to clear no Ship or Vessell bound for England after the said eighth day of September next untill further order. And the said Collectors & Naval Officers are hereby further required to transmitt to his Excell^{cy} with all convenient Speed after the s^d eighth day of September, three fair copys of the Lists of Ships Entring, the like of Clearing, and of the Gen^l List of Ships Entring & Clearing according to the Specimen mentioned in their Instructions, with three copys of the Invoices of the Loading of each Ship or Vessell so cleared from the time their last Lists were returned.

Robert Carter Esq^r present

His Excellency and the hon^{ble} Council having taken into consideration how the arms & Ammunition sent in for the use of the Militia of this Colony may be disposed of in the most convenient manner for her Maties Service, and upon inspection of the Estimate of the charge of the said Arms, finding the incident charges accruing & that that will necessarily accrue thereon, to be very considerable; Are of opinion that 12½ per cent be laid upon the prime cost of the said arms & Ammunition for defraying the s^d charge, & therefore

Ordered that an Estimate of the Price of each Species of the said arms (including the s^d 12½ per cent) be drawn & sent to every County, together with one of each sort of the said arms, and that the Collonels or Commanders in chief of the said respective Countys cause the said arms to be publickly showed at their General Muster in October next, giving notice to every Person not already provided with arms & Ammunition as the Law directs that they take care to furnish themselves out of her Matys Stores now at James City, Certifying such as shall be deficient after the s^d intimation that they shall be proceeded against and fined according to law. And for the more easie furnishing the several Countys with arms & ammunition out of the said Stores, every Collonel or Commander in chief is hereby directed to take an acco^t of all Persons within his County who shall desire any of the said Arms or Ammunition, and to send his Note to M^r Edw^d Ross Keeper of the Magazine at James City, who upon sight thereof is hereby ordered to deliver to such Person as the s^d Colonels or Commanders in chief, or any of them respectively, shall appoint so many of the several sorts of arms & proportion of Ammunition as shall be desired, provided always that if any Person desire horsemans arms, he shall be obliged to take a compleat Sett viz Carbine & belt, Pistols and holsters & Swords & belt; and also

every foot Soldier, to take Musquets, Sword & belt & Cartouch box; but in case the Person buying the said arms shall not have occasion for the whole, he may dispose of what he has not occasion for as he thinks fitt, And it is further Ordered that the respective Collonels & Commanders in chief who shall send for any of the said Arms, do dispose thereof according to the Estimate sent them, and be accountable for the price thereof to M^r Auditor at next April General Court.

Ordered that in consideration of the trouble Edward Ross Gunner at James City hath been at and must undergo in taking care of the Arms & Stores of war now in the Magazine there, his Sallary be advanced to fifteen Pounds Sterling per annum as he was allowed formerly, to be accounted from the 25th of April last.

Whereas Edward Ross Gunner at James City hath this day undertaken to clean & keep in good order all the arms now in the Magazine during the space of twelve moneths from this date; It is ordered that in consideration thereof he be allowed fifty Pounds Sterling One third to be paid the 25th of October next, one third the 25th of April 1704, and the remainder at the expiration of the year or sooner if all the arms shall be disposed of.

Ordered that notice be given to the Collonels & Commanders in chief of every County that after the General Muster appointed by law in October next, the private musters formerly appointed to be had every three weeks, be discontinued till next Spring.

Richard Ligon Surveyor of Henrico County attending was called in & heard what he had to offer to justify his proceedings in Surveying a Tract of land in Henrico County for Jn^o Woodson contrary to the order he received from the hon^{ble} Coll^o W^m Byrd in pursuance of the Act for Cohabitations; and it appearing to this Board that the said Richard Ligon hath acted contrary to his duty & to the directions he received from Coll^o Byrd in pursuance of the aforesaid act of Assembly and an order of Council thereupon; It is the opinion of the Council that the said Rich^d Ligon be suspended from his said office of Surveyor untill further order and that he appear before his Excell^{cy} and the hon^{ble} Council on the 4th day of next October General Court to answer what further shall be objected ag^t him in the s^d matter according to a former order of Council dated 14th of July last.

Upon reading a Complaint from the Court of Essex County representing that M^r Tho: Merriweather late Sheriff of the said County hath refused to produce his Levy book that the Court might have been enabled to have ordered payment to the County Creditors according to the order of Council dated the 25th of March last.

It is the opinion of the Council that the s^d Thomas Merriweather ought to be prosecuted on his Bond as Sheriff, and recommend to the Justices of the s^d Court to take care therein, they being the Persons to whom the s^d Bond is granted.

His Excellency laid before the Council a lett^r dated July 20th & sent him by M^r Commissary Blair before his departure for England together with his Excell^{cy}s answer thereto, and also read in Council two letters to his Excellency from the Lord Bishop of London, and

three lett^{rs} from his Lordship to M^r Commissary Blair relating to the differences between his Excell^{cy} & him the s^d Commissary, which letters came to his Excellencys hands since M^r Blair went for England, and his Ex^{cy} declared that it appeared M^r Blair had misrepresented him in England, & insinuated as if this Country was dissatisfied with his Ex^{cy}s Government with sev^l other aspersions, and desired the Council to speak if they knew that the Country was dissatisfied or uneasie.

M^{rs} Mary Whaley by her Petition praying that the Trustees of the City of Williamsburgh may be directed to pay her for so much of her land as was taken up for the s^d city, and because the certain quantity is not yet known that a Survey be made thereof.

Ordered that it be referred to the Trustees & directors of the s^d City of Williamsburgh to take such care therein as they shall judge expedient.

August the 27th 1703

Present

His Excellency

William Byrd
Edm^d Jennings
Robert Carter

Philip Ludwell
W^m Bassett
Henry Duke Esq^{rs}

Robert Carter Esq^r took the Oath appointed by Act of Parliament to be taken instead of the Oaths of Allegiance & Supremacy, the oath mentioned in an Act made in the first year of her Matys Reign Entituled and act declaring the alterations in the Oath appointed to be taken by the act Ent an act for the further security of his Matys Person & the Succession of the Crown in the Protestant Line & for extinguishing the hopes of the pretended Prince of Wales & all other pretenders & their open & secret abettors & for declaring the Association to be determined, and then subscribed the Test and took y^e Oath of a Cuncelor.

Upon the motion of M^r Treasurer Carter Ordered that the Naval Officers of the sev^l Districts make up their Acco^{ts} with him the s^d Treasurer for the imposition on Liquors, Serv^{ts} & Slaves on y^e 3^d day of next October Gen^l Court as hath been usual heretofore, only Coll^o Rich^d Lee in respect of the distance of his habitation hath leave given him to make up his acco^{ts} at such convenient time before the Gen^l Court as M^r Treasurer shall appoint, either at M^r Treasurers house or elsewhere.

A General *Dedimus* for administring the Oaths appointed by act of Parliament to be taken instead of the Oaths of Allegiance & Supremacy, the Oath mentioned in y^e act Entituled an Act to declare the alterations in the Oath appointed to be taken by the act Ent an act for the further security of his Matys Person & the Succession of the Crown in the Protestant Line & for extinguishing the hopes of the pretended Prince of Wales & all other pretenders & their open and secret Abettors, and for declaring the Association to be deter-

mined, as also the Test & Oath of their respective offices to all Officers, Ecclesiastical, Civil & Military, was read & approved in Council.

Whereas by one of her Matys Royal Instructions to his Excell^{ty} this day communicated to the Council, his Excell^{ty} is directed to permitt a liberty of conscience to all Persons (except Papists) so they be contented with a quiet & peaceable enjoyment of the same, not giving offence or Scandal to the Government: It is therefore Ordered that the Court of each respective County within this Colony transmitt to his Excellency an Acco^t of all Separate congregations or religious meetings of any Persons dissenting from the Church of England, & of what number of Persons the s^d meeting & every of them consist, and that they also certify to his Excellency whether the s^d Congregations or meetings be conformable to the Act of Parliament made in the first year of their late Matys King William & Queen Mary Ent^d an act for exempting their Matys Protestant Subjects dissenting from the Church of England from the Penaltys of certain Laws.

Whereas it is very necessary that all County Courts within this her Matys Colony & Dominion be provided with the Acts of Parliament & Statutes of England for the Service of the s^d Courts; It is Ordered that the Justices of Peace of the s^d sev^{ll} Countys take care to send for such a Collection of the s^d Acts as are now wanting in their Courts, and that they continue the like care for the future that the Courts be duly provided with the Laws & Statutes of England as from time to time they come out.

His Excellency read in Council part of a lett^r written by him to the R^t hon^{ble} the Earl of Nottingham her Matys Principal Secretary of State dated y^e 28th of July last as also part of his Letter to the Right hon^{ble} the Lords Comm^{rs} for Trade of the same date relating to the Reports spread through this Country of a new Governor being appointed here, and that his Excell^{ty} was turned out for maleadministration, wherein his Excell^{ty} prays their Lordships that if any Person shall accuse him, they may be obliged to give it under their hands, with liberty for him to answer when & where her Maj^{ty} shall please to appoint.

Then his Excellency caused to be read in Council an Address from the Clergy of this her Matys Colony and Dominion to the R^t Reverend Father in God Henry Lord Bishop of London complaining against M^r Commissary Blair, together with an Address to his Excellency wherein they request his Excell^{ty}'s favour in transmitting their Address to my Lord of London.

Post Meridiem

Philip Ludwell Esq^r absent

Whereas Cap^t Jn^o Symonds Commander of her Matys Ship Guernsey & Commodore of the Virginia and Maryland Fleets, hath by his lett^r dated the 26th instant signified to his Excell^{ty} that upon the Petition of several Masters of Ships in this her Matys Colony and her Matys Province of Maryland, he doth condescend to stay for the said Ships untill the first day of October next: It is therefore

Ordered that the time for clearing the Ships designed for England under Convoy of the said Commodore Symonds be further enlarged till the 22^d day of September, after which time all Collectors & Naval Officers are hereby strictly prohibited to clear any Ship or Vessel bound for England untill further order. And it is likewise Ordered that the said Collectors & Naval Officers transmitt to his Excellency with all convenient speed after the said twenty second day of September three fair copys of the List of Ships Entering in their s^d Districts, three copys of the Clearing Lists and the Gen^l Lists of Ships Entering and clearing according to the Specimen mentioned in their Instructions together with three copys of the Invoices of each Ship & Vessel so cleared from the time their last Lists were sent to the s^d 22^d of September.

Ordered that the Naval Officers of the several Districts within this Colony make up their acco^{ts} with M^r Auditor Byrd of all moneys becoming due to her Majesty in their said Districts on acco^t of the 2^s per hh^d port dutys and head money, to the time of Clearing of the Ships bound out under Commodore Symonds. And for that end that they attend M^r Auditor at his house on the 24th day of September precisely, bringing with them bills of Exchange for what shall be due, in order to be sent for England by this Fleet; but in regard of the great distance Coll^o Richard Lee lives at, his attendance with his acco^{ts} is dispenced with on that day, provided he bring or send his said Acco^{ts} & bills to M^r Auditor in due time before the said Fleet sails. And in consideration of the said Naval Officers making up their Acco^{ts} at the going out of this Fleet, their usual attendance on M^r Auditor next October General Court is hereby dispenced with *pro hac vice*.

At a Council held at Williamsburgh October y^e 1st 1703

Present

His Excellency
Edm^d Jenings Sec^{ry} W^m Bassett &
Henry Duke Esq^{rs}

Robert Quarry Esq^r one of the Gentlemen nominated in her Matys Royal instructions to his Excellency, to be of the Council of this her Matys Colony, took the Oaths appointed by Act of Parliament to be taken instead of the Oaths of Allegiance & Supremacy, the Oath mentioned in the Act made in the first year of her Matys Reign Entituled an Act for the further Security of his Matys Person and the Succession of the Crown in the Protestant Line, and for extinguishing the hopes of the pretended Prince of Wales, and all other pretenders and their open & secret Abettors and for declaring the Association to be determined, and subscribed the Test and took the Oath of a Councelor and then took his place at the board.

Robert Quarry Esq^r present

Collonel Benjamin Harrison by his Letter of the 27th instant praying that his attendance at this Council may be excused in respect

of his extreme weakness by a long and tedious sickness, His attendance is excused accordingly.

Coll^o Philip Ludwells absence from Council is excused (upon his lett^r) by reason of his indisposition.

Upon complaint of the Court of New Kent County setting forth that an information having been presented to that Court by the Churchwardens of S^t Peters Parish ag^t Elinor Dempsee Servant to John Lightfoot Esq^r, Notwithstanding the dilligence of their Sheriff to apprehend her and bring her to Justice, She was not to be found, and they fear is detained by the s^d Jn^o Lightfoot Esq^r in contempt of their order;

Ordered, that a copy of the abovesaid compl^t be sent to the said Jn^o Lightfoot Esq^r and that he make answer thereto at y^e next meeting of the council.

An information sworne to before his Excell^{cy} by John Scott of New Kent County relating to two Shoemakers belonging to the Estate of Jn^o Lyddal dec^d & detained by John Lightfoot Esq^r being read in Council, and his Excell^{cy} having intimated to the Council that sometime ago a Petition was presented to him concerning that affair w^{ch} he referred to y^e s^d Coll^o Lightfoot for answer, and w^{ch} he hath hitherto neglected to do;

It is thereupon Ordered that a copy of the above Information be sent to the s^d Coll^o Jn^o Lightfoot for his answer, and that he also shew cause why he hath not returned his answer to the s^d Petition as by his Excell^{cy} he was required.

John Lynes of York County Petitioning for a *Supersedeas* to stop the execution of two Judgements obtained ag^t him in York County Court by Barrantine Howles, It is the opinion of the Council that there being no proceedings of York Court produced to verifie the matter of fact laid down in the said Petition, This Board cannot take any cognizance thereof, and therefore Ordered that the said Petition be rejected.

Joshua Norment by his Petition praying that a *Supersedeas* may issue to stop the proceedings in a suite brought ag^t the Petitioner in King and Queen Court by Sam^l Cradock as Guardian to Richard Philips an Infant.

Ordered that a Writt of *Supersedeas* issue according to the prayer of the said Petition, the Pet^r giving Security according to Law.

Upon the Petition of Margaret Brisco executrix of the last will and Testam^t of Evan Lewis deceased complaining that Cap^t Arnold Com^{d^{er}} of the Angola frigate now in York River detains the estate of the s^d decedent, he having been Cooper on board y^e s^d Ship;

Ordered that the abovenamed Cap^t Arnold transmitt to his Excellency an answer to the matter of complaint laid down in the Petition with all speed.

The Petition of M^{rs} Napier in behalf of Robert Napier her husband is referred to be considered at the next General Court.

Upon consideration that there is no extraordinary business requiring the meeting of the Gen^l Assembly w^{ch} stands prorogued to the 15th of this instant October, It is the opinion of the Council that

the same be further prorogued till the 17th of November next, and Proclamation being accordingly prepared for that purpose was signed by his Excellency in Council.

Whereas upon consideration that diverse of the Ships designed for England under Convoy of Cap^t John Symonds Commander of her Matys Ship Guernsey & Commodore of the Virginia & Maryland Fleets, have not yet completed their Lading. This Board think it very much for her Matys Service and the benefite of Trade that the s^d Commodore Symonds should stay sometime longer for the said Ships; and the said Commodore out of the regard he hath to the advancement of her Matys Revenue & the interest of those concerned in the s^d Trade and Shipping, having this day in Council condescended to stay till the fifteenth of this present moneth in order to take under his Convoy all such Ships as shall then be ready to sail with him: It is therefore Ordered that the Collectors & Naval Officers of the several Districts have leave to clear all Ships and Vessells bound for England until the s^d fifteenth day of this instant, taking Bond for their joining the Convoy as the Law directs, after w^{ch} s^d day, the Collectors & Naval Officers are prohibited to clear any Ship or Vessell bound for England untill further order.

Ordered that the Embargo formerly laid on Ships and Vessels bound to her Matys Plantations be from henceforth taken off, the apprehensions of danger for w^{ch} the said Embargo was laid being now removed by the Season of the year.

Whereas information is given to this Board that there is in the hands of M^r Joseph Chermeson at M^r Fouaces Plantation forty Pounds Sterling w^{ch} hath been remitted by my Lord of Londons order for M^r de Joux late minister at Manican Town his Pension,

Ordered that the s^d Joseph Chermeson appear before his Excell^{cy} & the hon^{ble} Council on the fourth day of next October General Court; and that in the mean time he take care to keep the said money in his hands in order to be made forth coming for such uses as his Excell^{cy} and the Council shall think fitt.

His Excellency in Council was pleased to sign Commissions of the Peace for the several Countys of this Colony, and Dedimus's for swearing the respective officers.

And then the Council (having nothing further under consideration) adjourned.

True copy

Wil Robertson *Ck Con*

At a Council held at the Capitol in the City of Williamsburgh

October y^e 20th 1703

Present

His Excellency

M^r Auditor Byrd
M^r Secretary Jenings
John Lightfoot
Matthew Page

Robert Carter
Philip Ludwell and
Henry Duke Esq^{rs}

His Excellency in Council signed the following warrants on M^r Auditor Byrd to be paid out of her Majestys Revenue of 2^s per hogthead &c viz

To his Excell^{cy} half a years Sallary ending the 25th instant one thousand Pounds.

To his Excell^{cy} for half a years house rent ending the same time Seventy five Pounds.

To the Gentlemen of the Council half a years Sallary ending the same time one hundred seventy five Pounds.

To W^m Blathwayt Esq^r half a years Sallary ending y^e same time fifty Pounds.

To W^m Robertson Clerk of the Council half a years Sallary ending y^e same time twenty five Pounds

To the Sollicitor of the Virginia Affairs half a years Sallary ending same as above fifty Pounds.

To M^r W^m Robertson for so much paid several ministers for their attendance one Gen^l Court five Pounds.

To M^r Benj^a Harrison as attorney General half a years Sallary twenty Pounds.

To Edward Ross Gunner at James City half a years Sallary Seven Pounds ten Shillings.

To Edward Ross for landing & cleaning the Arms &c Sixteen Pounds thirteen Shillings & four Pence.

To M^r W^m Robertson for as much p^d for several messages & other contingent charges Sixty eight Pounds fifteen Shillings & Six Pence.

To M^r Secretary Jenings for charge in transcribing the Laws in force & copys of the Revisal twenty four Pounds.

To M^r Secretary Jenings towards his charges in his voyage for England one hundred p^{ds}.

True copy

Wil Robertson *Ck Con*

[C. O. 5, Vol. 1313, No. 30 (viii^a) folio 190]

Virg^a 55^t

By his Excellency
A Proclamation

Whereas the Gener^l Assembly is appointed to meet at her Maj^{ty} Royall Colledge of W^m & Mary adjoining to the City of W^{ms}burgh the 17th of this Instant March & it being for her Maj^{ty} & Colonies Service that the s^d Gener^l Assembly be prorogued to a further time Therefore I Francis Nicholson Esq^r her Maj^{ty} L^t & Governo^r Gener^l of Virg^a by virtue of the power and authority to me given by his late Maj^{ty} L^{tes} Patents bearing date at Westminster the 20th day of July in the tenth year of his said late Majesty's Reigne & since continued to me by her present Maj^{ty} Proclamation bearing date at the Court of S^t James the 9th day of March in the first year of her Reign doe by this Proclamation in her Maj^{ty} Name publish & declare that I have prorogued the s^d Assembly & it is hereby prorogued to the 19th of this Instant March at w^{ch} time I do hereby require every

respective member that they faile not in givinge their attendance accordingly. Given under my hand & the Seale of the Colony this 16th day of March 1702/3 in the Second year of the Reigne of our Sovereigne Lady Anne Queen of England &c.

Fr: Nicholson,

A Proclamation prorogueing
the Assembly.

[C. O. Vol. 1313, No. 30 (viii(b) Cont^d)

Virg^a sst

By his Excellency
A Proclamation

Whereas her most Sacred Majesty hath been pleased to signify her Royall will & pleasure to me by the R^t hon^{ble} the Lords Com^{rs} for Trade & Plantations that I should cause a day of solemn & publick Thanksgiving to be kept & observed throughout this her Colony & Dominion of Virginia for the great & glorious Successes of her Maj^{ty} Armes by Sea & Land. Therefore I Francis Nicholson Esq^r her Maj^{ty} L^t & Governo^r Gener^{ll} of Virg^a by advice & Consent of her Maj^{ty} Hon^{ble} Councill of State & R^t worshipfull house of Burgesses of this Colony now assembled have thought fit to appoint Thursday the first of Aprill next to be set apart kept & observed as a day of solemn & publick Thanksgiving to Almighty God [for] these His mercy's by the s^d Councill & house of Burgesses at her Maj^{ty} Royall Colledge of W^m & Mary where I have appointed a Sermon to be preached suitable to that occasion, And I do in like manner by advice & Consent of her Maj^{ty} Hon^{ble} Councill order & appoint Tuesday the 4th of May next to be set apart kept & observed as a day of General thanksgivinge by all & every the Inhabitants of this her Maj^{ty} Colony & Dominion and that in all & every Parish & Parishes where there is a Minister there be publick Prayers & a Sermon in the Church suitable to the occasion and in such other Parishes where there is no Minister publick Prayers & an homily be read by the Clerk or Reader. And for the better solemnizing the s^d day of thanksgivinge I do hereby strictly charge & command the Coll^o & Command^{rs} in cheife of y^e Militia & the other officers thereof respectively to cause the Militia of each Parish both horse, foot & Dragoons to repaire to the Church of their respective Parishes with their Armes & after devine Service & the other Religious Dutys of the day are ended to draw up & fire three severall vollys as a testimony of their Joy on this great occasion. Hereby Commanding that y^e s^d Day of publick thanksgivinge be Religiously observed by all her Maj^{ty} Loveing Subjects as they tender the favour of Almighty God and to y^e end all her Maj^{ty} good and Loveing Subjects may be the more fully informed of those great Successes which God almighty hath been pleased to give to her Maj^{ty} Armes & those of her Allies I have directed a Copy of her Maj^{ty} Royall Proclamation bearing date the 3^d of November last to be herewth sent to every County Requireing the Sherriffs to cause the same together with this my Proclamation.

to be read & published in all Churches, Chappells, Court houses & other publick places within there respective County's as they will answer the Contrary. Given under my hand & the Seale of the Colony this 24th day of March 1702 in the second year of her Maj^{ty} Reigne.

A Proclamation for

Publick Thanksgiveing

Fr: Nicholson.

[C. O. 5, Vo. 1313, No. 30 (viii^e) folio 191]

Virg^a s^t

By his Excellency

A Proclamation

Whereas his late Majesty William the third by the grace of God late of England, Scotland, France & Ireland King Defend^r of the faith &c By his Royall Commission bearing date at Westminster the 20th day of July in the tenth year of his Reigne was graciously pleased to Constitute & appoint me Francis Nicholson Esq^r his L^t & Governo^r Gener^l of this Colony & Dominion of Virg^a. And whereas her most Sacred Majesty Anne by the grace of God of England, Scotland, France & Ireland &c^a Queen Defend^r of the faith &c by her Royall Proclamation bearing date at her Court at S^t James's the Ninth day of March in the first year of her Reigne having been graciously pleased to continue me in the severall powers & Authority's in the s^d Commission mentioned & it being therein declared that in case of my death or absence from this Colony & Dominion & that there be no Person upon the place Commissionated to be her Maj^{ty} L^t Governo^r or Command^r in cheife that then y^e present Councill of Virginia do take upon them the administration of the Governm^t. And that the first of the Councill shall preside with such powers & pre-eminences as any former President hath used & enjoyed. And whereas the R^t Hon^{ble} the Lords Commis^{rs} of Trade & Plantations by their Letter dated the 4th of November 1702 have well approved of my proposall of going to meet her Maj^{ty} Governo^{rs} on this Continent & being now designed God willing as far as New York in order thereto I have therefore thought fit to publish & declare and by this Proclamation in her Maj^{ty} Name do publish & declare that y^e administration of the Governm^t & the Execution of the aforesaid Commission & the severall powers & authority's therein contained is dureing such my absence in her Maj^{ty} President & Councill of Virginia And that W^m Byrd Esq^r is at this present the first in Commission of her Maj^{ty} Hon^{ble} Councill & so by reason thereof President I do therefore in her Maj^{ty} Name hereby strictly charge require & Command all her Maj^{ty} Loyall Subjects of what Station or qualification soever within this Colony & Dominion to Yeild all due Honour & obedience to her Maj^{ty} aforesaid President & Councill pursuant to the powers & authority's aforesaid in the administration of the Governm^t untill my return hither as they shall answer the Contrary at their utmost perill. Given under my hand & the Seale of the Colony

this 26th day of April 1703 in the second year of her Maj^{ty} Reigne.
A Proclamation declaring
W^m Byrd Esq^r President

Fr: Nicholson.

God save the Queen

[C. O. 5, Vol. 1313, No. 30 (viii)(d)]

Virginia sc^t

By his Excellency
A Proclamation

Her most gracious Majesty having by the R^t Hon^{ble} Dan^{ll} Earle of Nottingham her Maj^{ty} principall Secretary of State been graciously pleased to signify her Commands to me that having considered the ill Practices of Merchants & Planters in the West Indies during the late warr with the French not only in trading with them but in carrying Intelligence to the great Prejudice & hazard of the English Plantations her Majesty hath Commanded me by all possible methods to hinder all manner of trade & correspondence with the French & Spaniards, whose strength in the West Indies gives very just apprehension of the mischeifes that may ensue if the utmost care be not taken to prevent them. Therefore I Francis Nicholson Esq^r her Maj^{ty} L^t & Governo^r gen^{ll} of Virg^a do by & with the Advice & Consent of her Maj^{ty} Council of State strictly charge & command all her Maj^{ty} Subjects within this her Maj^{ty} Colony & Dominion of Virginia not to correspond with the French or Spaniards or directly or indirectly to Export by Land or water any Goods, Ammunition or Stores of any kind to trade with any French, Spaniards or Indians in Amity or trading with them And the Collectors, Naval Officers & other her Maj^{ty} officers of y^e Customes within this her Colony & Dominion are hereby ord^d & commanded to use their utmost care & diligence that no Ammunition, Stores, Provisions or other goods whatsoever be Exported in any Shipp or Vessell intended & bound to any place that may give y^e least Suspicion that the same may be sold or disposed of to y^e French or Spaniards or Indians in Amity trading with them; and all Persons whatsoever are hereby in her Maj^{ty} Name required not to write or mention in Letter or Letters any matter or thing relateing to the State, strength or circumstance of this Country for fear the same may fall into the enemies hands and all her Maj^{ty} Justices & other her officers & Subjects within this Colony & Dominion in their respective Stations & places are hereby in her Maj^{ty} Name Commanded to be very observant of this Proclamation Expecting a due obedience & conformity thereunto hereby publishing & declaring that all pretenders to y^e Contrary will not only incurr her Maj^{ty} just displeasure but be proceeded against according to the utmost severity of Law. Hereby in her Maj^{ty} name promising a reward of ten Pounds Sterl to any Person that shall detect or discover any Person or Persons acting contrary to this Proclamation so as they be thereof Lawfully convicted and in case any of the Persons concerned in any of the above practices shall discover his or their accomplices such Person making the s^d

Discovery shall not only receive the above reward but shall also have & receive a Pardon for his s^d offence. And that none may pretend Ignorance therein I do hereby direct & command that the respective Sherriffs take care this Proclamation be published in the sever^{ll} Parish Churches & Chappells in their respective County's. Given under my hand & the Seale of this her Maj^{ty} Colony & Dominion at her Maj^{ty} Royall College of W^m & Mary this 14th of July 1703 in the 2^d year of her Maj^{ty} Reigne.

A Proclamation against corresponding

with y^e French & Spaniards

Fr: Nicholson.

E. Jennings

God save the Queen.

[C. O. 5, Vol. 1313, No. 33 (vⁱⁱⁱ) folio 235]

Virginia s^c

By his Excellency

A Proclamation

Whereas the Gener^{ll} Assembly called to meet at her Maj^{ty} Royall Colledge of W^m & Mary adjoining to y^e City of W^mburgh the 17th day of March last is prorogued to y^e fifteenth day of October Instant, and on advice in Councill find it most for her Maj^{ty} & this Colonies Service that the Assembly be prorogued untill further time Therefore I Francis Nicholson Esq^r her Maj^{ty} L^t & Gov^r gen^{ll} of Virg^a by virtue of the Power and authority to me given by her Maj^{ty} Letters Patents under the great Seale of England bearing date at Westminster the fourth day of August in the first year of her Maj^{ty} Reigne do by this Proclamation in her Maj^{ty} Name publish & declare that I have prorogued the s^d Assembly and it is hereby Prorogued to the 17th day of Novemb^r next at w^{ch} time I do hereby require every respective member that they faile not in giving their attendance accordingly. Given under my hand & the Seale of the Colony this first day of October 1703 in the second year of her Maj^{ty} Reigne.

A Proclamation Prorogueing

the Gener^{ll} Assembly

Fr: Nicholson.

God save the Queen

[C. O. 5, Vol. 1313, No. 33 (vⁱⁱⁱ)(*)]

Virg^a s^c

By his Excellency

Whereas Cap^{tn} Jn^o Symonds Command^r of her Maj^{ty} Shipp Guernsey & Commodore of the Fleet now bound for England hath by his Letter of y^e 11th Instant made Complaint to me that five Seamen belonging to her Maj^{ty} s^d Shipp viz^t Nich^o Randall, Rich^d Jobey, Jn^o Curtis, W^m Johnson & Morris have deserted & run away from her Maj^{ty} Service & are supposed concealed by some of the Inhabitants of this her Maj^{ty} Colony & Dominion. Therefore I Francis Nicholson, Esq^r her Maj^{ty} L^t & Govern^r gen^{ll} of Virg^a

do hereby in her Maj^{ty} Name strictly charge & command all Justices of the Peace, Sherriffs, Constables & other her Maj^{ty} officers, Civil & Military & all other her Maj^{ty} good Subjects within this her Colony and Dominion to use their utmost diligence to take, apprehend & secure the s^d Seamen abovenamed & all other Seamen or Persons suspected to be Seamen who cant give a good acco^t of themselves & their business within their respective Counties & Precincts and the said Seamen or any of them haveing found to cause to be safely Conveyed on board her Maj^{ty} s^d Shipp Guernsey in manner directed by the act of Assembly Ent. an act prohibiting Seamen to be harboured or entertained on Shore and for the Encourage[m^t] of such of her Maj^{ty} good Subjects who shall apprehend &

a and I do hereby promise to

[foot of page worn away]

pay to such Person over & above the reward by the afores^d act allowed the Sum of thirty Shillings Sterl for each Seaman so taken & delivered as afores^d. I do hereby strictly require and command all Justices of Peace & others whom it doth or may concern that they be very Vigilant in putting the afores^d act in Execution & in detecting & bringing to Condign Punishm^t all such Persons as shall any wayes harbour entertain conceale or assist any such run away Seamen and hereof they are not to faile as they will answer such their neglect on this so Important an occasion wherein her Maj^{ty} Service & the Generall good of the trade of this Country is so much concerned. Given under my hand & the Seale of this Colony at W^mburgh this 12th day of October 1703.

A Warrant for apprehending
Runaway Seamen

Fr: Nicholson.

[C. O. 5, Vol. 1313, No. 33 (viii(b))]

Virg^a sc^t

By his Excellency

Whereas Commodore Symonds hath represented to me that diverse of the Seamen belonging to her Maj^{ty} Shipp Guernsey under his Command are sick I do hereby in her Maj^{ty} Name require & command you to give the s^d Commodore Symonds all possible assistance & either by furnishing him with such fresh Provisions as are necessary for his s^d men on board or by providing suitable Lodging and accommodations for such of them whose Condition requires their being brought on Shore; And whereas I am informed that one Anne Burd of yo^r County hath long time made it her practice to harbour entertaine & trade wth the Seamen belonging to her Maj^{ty} s^d Shipp I do therefore require you to use your utmost diligence to prevent such pernicious practices for the future by taking care that y^e s^d Burd & all other who are guilty of such offences be prosecuted & punished according to Law as you will answer the Contrary. Given under my hand & Seale of the Colony at W^mburgh this 12th October 1703.

To her Maj^{ty} Justices
of Eliz^a City County

Fr: Nicholson.

[C. O. 5, 1412 Cont^d.]

At a Council held at Her Majesty's Capitol in the City of Williamsburgh
October y^e 23^d 1703.

Present

His Excellency

M^r Audit^r Byrd
Jn^o Lightfoot
Robert Carter

Phillip Ludwell
and
Henry Duke Esq^r

M^r Auditor Byrd produced his Acco^t of her Majestys revenue of two shillings per hogshead &c from the 25th of April to the 25th of this instant October, and the same was perused by the Council.

His Excellency laid before the Council, the present State of the French Refugees settled at Manican town, with divers other Papers, relating to them; And it is

Ordered that the same be referred to the consideration of y^e Gen^{ll} Assembly.

It is y^e Opinion of the Council, and accordingly Ordered that a Proclamation issue proroguing y^e Gen^{ll} Assembly to y^e 20th day of Aprill next.

Coll^o Benjamin Harrison by his letter of the 14th instant praying that he may be excused from attending at Council this Generall Court, being very weak by reason of a long Sickness. His excuse was accordingly admitted.

Robert Carter Esq^r absent.

Whereas by Order of Council dated the 26th day of August last past Richard Ligon Surveyor of Henrico County was suspended from his Office untill further order, for surveying a tract of Land lying in the said County on behalf of John Woodson contrary to the Order he received from M^r Auditor Byrd to survey the same in pursuance of the Act of Cohabitations. And it being Ordered by the Hon^{ble} Gen^{ll} Court that her Majestys Council at Law should bring Suite against the said Woodson for vacating the Patent obtained on the said Survey, It is the opinion of the Council and accordingly

Ordered that the said Ligon stand suspended from all exercise of his Office, untill the decision of the said matter: But lest any ditrament may happen in the mean time to her Majestys Subjects in the said County of Henrico for want of a Surveyor It is Ordered that notice be given of the said Suspension to Coll^o Miles Cary who executes the Office of Surveyor Generall in behalf of the Trustees and Gov^r of William and Mary College, and that this board recommend M^r Robert Bolling junior to supply the place of Surveyor of Henrico County untill the said Richard Lygons Suspension be taken off.

Upon the Motion of John Lightfoot Esq^r further time is granted him till the next meeting of Council to put in his Answer to the complaint of the Justices of New Kent County, & to the information given against him by John Scot of the said County.

Cap^t Markham commander of the Ship Cuthbert and Spranger having failed to deliver three barrells of Powder of the Stores sent in hither of her majesty, and by his Letter to his Excell^y praying that he may have leave to be accountable for the Price thereof.

Ordered that the said Cap^t Markham pay for the said barrels of Powder after the rate of 12½ percent on the prime Cost, and that he make Payment of the same to Coll^o Miles Cary Naval Officer of York District to be accounted for to M^r Auditor Byrd.

His Excellency in Council signed divers Patents for land and Probates and Administrations.

At a Council held at Williamsburgh
March y^e 2^d 1703 [1703/4]

Present

His Excellency

W^m Byrd
John Lightfoot
Benj^a Harrison

Philip Ludwell
and
Henry Duke Esq^rs

His Excellency read in Council a letter from the Right Hon^{ble} the Lords Comm^{rs} for trade and Plantations dated the 29th of July 1703 wherein was inclosed a Letter from their Lordships to his Excell^{cy} dated the 21st of May signifying her Majestys further Pleasure that his Excell^{cy} should continue to use his endeavours with the Assembly to induce them to a compliyance as to the assistance required for New Yorke.

Another Paragraph of the said Letter being in answer to what his Excell^{cy} wrote to their Lordships concerning Cap^t James Moodie Commander of her Majestyes Ship Southampton, his Excell^{cy} after reading the same, caused that part of his Letter to their Lordships to be read in Council.

His Excell^{cy} read in Council one Paragraph of the R^t Hon^{ble} y^e Commission^{rs} for trade and Plantations their letter of the 29th of July last, intimating that they had taken into Consideration his Excell^{cy}s desire of an Attorney Generall for Virginia, and that having received a very advantageous Character of M^r Stephens Thompson, their Lordships had represented the same to her Majesty in Order to his being constituted Attorney Generall of this Colony: And also her Majestys Order in Council dated the 30th day of July 1703 whereby her Majesty is graciously pleased to approve of Stephens Thompson Esq^r to be her Majestys Attorney Generall of Virginia and to require his Excellency to constitute and appoint him accordingly; together with a letter from the R^t Hon^{ble} the Lords Commission^{rs} for trade &c dated the 10th of August last past whereby their Lordships are pleased to recommend the said Stephens Thompson Esq^r to his Excellencys Protection and encouragem^t in the execution of his Office, upon reading of which, It is

Ordered that M^r Chi-Corbin Thacker Deputy Secretary prepare

a Commission for the said Stephens Thompson Esq^r to be her Majestys Attorney Generall of this Her Colony and Dominion.

Her Majestys warrant dated the 19th day of May 1703 authorizing and directing his Excell^{ty} to pay unto M^r James Blair out of her Majestys Revenue of the Quitt rents the Summe of one hundred pounds per Annum as well what hath incurred and grown due on the said allowance since the death of her [his] late Majesty as of what shall from time to time hereafter grow due thereupon, to be paid to the said James Blair untill her Majesty shall signify her Pleasure to the Contrary; was read; and

Ordered, that her Majestys said warrant be entered in the Council books and a Copy thereof given to M^r Auditor Byrd.

His Excellency signified to the Council that upon the death of Coll^o Mathew Page there remained only eight of her Majestys Hon^{ble} Council, and that therefore he thought it necessary for her Majestys Service to appoint Cap^t John Smith of Gloucester County to supply that Vacancy. And whereas the office of Escheator of the Countys of Glocester, Middlesex, King and Queen, Essex, & King William is now by the death of the said Coll^o Page become Vacant, His Excellency in Council was pleased to Nominate & appoint John Lewis of the County of Gloucester Esq^r to be Escheator of the said Countys, and Ordered that M^r Deputy Secretary do forthwith prepare a Commission for him accordingly.

Cap^t Richard Browne Commander of Her Majestys Ship the Fowey by his letter dated the 1st of this instant March representing that Her Majestys said Ship had received some dammage in her Passage hither, and praying that his Excellency would be pleased to advance him sixty pounds for answering those defects for which he would give a bill upon the Commissioners of the Navy His Excellency declared he was ready to advance the said Summe either in money or bills as the said Cap^t Browne shall desire it, or if Cap^t Browne shall draw bills or Notes on his Excellency for paying workmen or any other concerned he will answer the same.

M^{rs} Elizabeth Swan widow of Maj^r Thomas Swan late Surveyor of Surry and Isle of Wight Countys, praying his Excellency that she may have her husbands Papers and Surveys, which were com^{mand} out of her hands by his Excell^{ty}s warrant, that she may be enabled to procure Payment of the debts due to her deceased husband on account of the said Surveys, His Excellency caused the warrant for her delivering the said Papers to be read, together with a former Petition of the said M^{rs} Swans and the letter his Excell^{ty} caused to be sent in answer thereto, And thereupon

Ordered that Coll^o Miles Cary Surveyor Generall and Maj^r Arthur Allen being now in town, take the said Papers, and inspect the same, seperating the Surveys and Platts of all lands on the south side of Blackwater Swamp from the Papers (concerning which land his Excell^{ty} acquainted the Council that he had writt to the Lords Commissioners for trade by Coll^o Jenings and sent their Lordships diverse Papers relating thereto, and therefore declared he would not suffer any further to be done in relation thereto till he had their Lordships answer) And

ordered that the said Coll^o Cary and Major Allen report their observations thereon to his Ex^{cy}.

Benjamin Harrison Esq^r one of her Majestys Hon^{ble} Council not having been present at Council since the arrival of his Excellency New Commission did not take the Oaths appointed by Act of Parliament to be taken instead of the Oaths of Allegiance and Supremacy, the Oath mentioned in an Act made in the first year of her Majestys Reign Entituled an Act to declare the alterations in y^e Oath appointed to be taken by the Act Entituled an Act for the further Security of his Maj^{ty}^s Person & Government and the Succession of the Crowne in the Protestant line and for Extinguishing the hopes of the pretended Prince of Wales and all other Pretenders and their open and secret Abettors, and for declaring y^e association to be determined, subscribed the Test and took the Oath of a Councillor.

John Smith Esq^r being called in and acquainted by his Excellency that he had appointed him one of her Majestys hon^{ble} Council took the Oaths appointed by Act of Parliament to be taken instead of the Oaths of Allegiance & Supremacy the Oaths mentioned in an Act made in the first year of her Majestys Reign Entituled an Act declaring the alterations in y^e Oath appointed to be taken by an Act Entituled an Act for the further Security of his Majestys Person and the Succession of the Crowne in y^e Protestant line and for extinguishing the hopes of the pretended Prince of Wales and all other Pretenders and their open and secret Abettors and for declareing the association to be determined and then subscribed the Test and took the Oath of a Councillor.

Present John Smith Esq^r

A Commission being prepared under the Seal of the Colony constituting and appointing Stephens Thompson Esq^r to be Her Majestys Attorney Generall of this Her Colony and Dominion was read, and signed by his Excellency in Council and thereupon

The said Stephens Thompson Esq^r took the Oaths appointed by Act of Parliament to be taken instead of the Oaths of Allegiance & Supremacy, the Oath mentioned in an Act made in the first year of her Majestys Reign Entituled an Act to declare the alterations in y^e Oath appointed to be taken by y^e Act entituled an Act for the further Security of his Majestys Person and the Succession of the Crown in the Protestant line, and for Extinguishing the hopes of the pretended Prince of Wales and all other Pretenders and their open and secret abettors and for declaring the association to be determined, and then subscribed the Test and tooke the Oath of Attorney Generall.

A Commission under the Seal of the Colony appointing John Lewis Esq^r to be Escheator of the Countys of Gloucester Middlesex King & Queen Essex & King William was read in Council & signed by his Excellency And the said John Lewis Esq^r took the Oaths appointed by Act of Parliament to be taken instead of the Oaths of Allegiance & Supremacy, the Oath mentioned in an Act made in the first year of her Majtys Reign Entituled an Act for the further Security of her Majtys Person and the Succession of the Crowne in the Protestant

line, and for extinguishing the hopes of the pretended Prince of Wales, and all other Pretenders and their open and secret abettors & for declaring the association to be determined, and then subscribed the test & took the Oath of an Escheator.

Jn^o Lightfoot Esq^r tooke the Oath of a Councillor having last Generall Court taken the other oaths required to be taken by the Council.

Upon the Petition of John Baptista Urbain & John da Mills Seamen shiped on board the Ship Exchange whereof Lawrence Swarbrick was Master complaining that the now Ma^r of the said Ship had turned them on Shore on the 25th of Feb^ry last and refused to pay them their wages, whereof there is twelve months due to them at 50^s per moneth each and praying relief therein, It is the opinion of his Excellency & Council & accordingly

Ordered that it be referred to Coll^o Sam^l Bridger & the other Justices of the County of Isle of Wight where the said Ship now rides or any three of them, or to any three or more of the Justices of Nansemond County in case the said Ship shall be gone into that Precinct, to examine into the matter of the said Complaint, and that they endeavour an accomodation between the said Master & Seamen according as they shall find agreeable to Justice & equity, but if an accomodation cannot be effected that then they draw up a true State of the case and transmitt the same to his Excell^{cy} with all Speed.

March 3^d 1703 [1703/4] at William and Mary College

Present

His Excellency

W^m Byrd

Benj^a Harrison &

Phil: Ludwell Esq^{rs}

Maj^r Arthur Allen being nominated by the Trustees and Govern^{rs} of William and Mary College to be Surveyor of Isle of Wight & Surry Countys was now presented and approved by his Excellency in Council

March 3^d 1703 [1703/4]

Present

His Excellency

William Byrd

Benj^a Harrison

Philip Ludwell

Henry Duke

and

John Smith Esq^{rs}

Upon reading the Report of the Naval Officers of the severall districts in this Colony to an Order sent them [by] his Excellency requiring them to send an acc^t what Ships in their District can be ready to sail for England the last day of Aprill, being the time limited by the Commodore's orders for their sailing, and it appearing that all the M^{rs} of the Ships (2 or 3 only excepted) expect to be ready against that time, His Excell^{cy} & the Council having also perused a letter from one M^r

W^m Thorn late gone up the Bay to Maryland giving an Account of the bad condition the Commodore was in which obliged him to bear away for Barbados, and also having read a letter from M^r Secret^{ry} Jenings dated in London the 11th of Decemb^r last intimating that he and other merchants had obtained a favourable report from the Lords for 3 men of war to strengthen this Convoy, and having taken into consideration the incertainty of the Commodore's arrival of the other men of war mentioned in M^r Secretary Jenings's letter and that in case such disappointment should happen, it will be necessary to take some other measures for the Security of this Fleet, have thought it convenient at this time to propose to Cap^t Rich^d Brown Commander of her Majestys Ship the Fowey whether he will undertake to Convoy the Fleet in case the Commodore nor any other man of war arrives. And Ordered that Cap^t Brown be called in and acquainted therewith.

Cap^t Richard Brown being called in and the Proposal of his Excell^{ty} & Council signified to him returned the following answer viz^t

In Obedience to yo^r Excell^{ty}'s Commands I doe acquaint yo^r Excellency that if the Masters of the merchant Ships are willing to go under my Convoy for England in case no other man of war arrives I shall be ready to sail with them and give them all the Protection and assistance I can, being willing to sail the last of April as the Commodore's orders Enjoynes, or to stay till the middle of May if they cannot get ready sooner provided no contrary Orders come to my hands, And I do further declare that if fifty sail of the Fleet shall be ready against either of the times above set down & consent to go under my Convoy I shall proceed with them, but not with any less number, being rather inclinable in such case to stay and expect further Orders from England.

March 3^d 1703/4

Rich^d Browne

Whereupon it is Ordered that a Copy of Cap^t Browne's answer to the above Proposall of his Excellency and the Council together with a Copy M^r Thoms & M^r Secretary Jenings's letter be sent to the Collectors and Naval Officers of each district within this Colony and that they be required forthwith to intimate y^e same to every M^r of Ship & Vessell within y^r districts, demanding of every of them their answer under their hand whether they are willing to sail under convoy of Cap^t R Browne, Commander of her Majestys Ship the Fowey, in case no other man of war arrives and what time they can be ready to proceed with him And the said Coll^{rs} and Navall officers are hereby Ordered with all possible Speed to transmitt the s^d respective answers to his Excell^{ty}

Coll^o Robert Daniel Deputy Govern^r of the Province of North Carolina by his Letter to his Excellency dated November 2^d 1703 informing his Excellency of some pernicious Practices of two free Negro Men in this Government that trade with the Indians to the Southward and particularly their stirring up the Indians called the Windaws to cutt of and carry away diverse of the Indians called Waweas living under the Government of South Carolina, His Excell^{ty} desired the advice of the Council therein whereupon they are of Opinion that it

be recommended to the hon^{ble} Coll^o W^m Byrd and Coll^o Benj^s Harrison to make a strict enquiry into the behaviour & Practices of the said two Negro men, in their trading amongst the Indians and more especially concerning what is now laid to their Charge, and that they prepare a report thereof to be laid before the next Session of Assembly that care may be taken for restraining such evil Practices for the future.

The following order for training and exercising the Militia being prepared was read and approved in Council

By his Excell^{ty}

Virginia 553

Whereas in this time of war and danger it is necessary that the defence of this her Majestys Colony and Dominion be provided for in the best manner the Country is capable of; And forasmuch as the training and disciplining of the Militia will be y^e readiest way to enable them to oppose the Attempts of her Majestys Enemies in case of Invasion by Sea or Land:

I do therefore (by advice and consent of her Majestys hon^{ble} Council) in her Maj^{ty}^{es} Name hereby require and Command the Collonels and Commanders in Chief of the respective Countys within this Collony forthwith to appoint a Generall Muster of all the Militia under their respective Commands at such time and place as they shall judge most convenient, at which they are to require all Persons serving in the Militia to appear, where I intend (God willing) to be present, "if possible" to review them. And the said Collonels & Commanders in Chief are then to give Orders & directions to the Captaines of the sev^l Troops & Companys under their Command that they duly exercise their said Troops and Companys once every moneth at the most convenient places for their meeting, untill they receive my further Orders for their discharge.

And whereas her most sacred Majesty out of her gracious care for the Safety of this her Colony and Dominion hath been pleased to send in a considerable Supply of Armes and Ammunition for the Service of the militia which are to be sold at easier rates than any other of the like goodness can be purchased here, and timely notice having been given by Order of Council dated the 26th of August to all Persons who pleased to furnish themselves therewith, so that such as have not yet provided themselves with Armes and Ammunition are rendered inexcusable, I have thought fitt to signify my intentions to the said Collonels & Comanders in Chief, who are in like manner to intimate the same to the Militia under their Command that all such Persons as have hitherto neglected to furnish themselves with Armes and Ammunition are rendered inexcusable, I have thought fitt to signify my intentions to the said Collonels and Commanders in Chief, who are in like manner to intimate the same to the Militia under their Command that all such Persons as have hitherto neglected to furnish themselves with armes and Ammunition as by Law they are required, shall no longer escape the Penaltys by the said Law enjoyned, And to that end I do require the respective Collonels and Commanders

in Chief to cause exact Lists to be taken of those Persons that shall appear at the aforesaid General Musters unprovided of Armes and Ammunition, and to transmitt the same into the Secretarys Office that directions may be given for Levying the fines imposed on them by the said Act of Assembly. And hereof all Persons concerned are required to take notice and give all due obedience hereunto as they will answer the Contrary at their Perill. Given under my hand and the Seal of the Colony at Williamsburgh, this third day of March 1703 in the second year of the Reign of our Sovereign Lady Anne by the grace of God of England Scotland France and Ireland Queen Defender of y^e Faith &c.

Fr: Nicholson

Ordered that the Collonels and Commanders in Chief of the Countys of Elizabeth City Princess Anne, Northampton and Accomack do forthwith appoint y^e same Persons or the like number to look out to Seaward in their respective Countys (for the better discovering any danger) as were appointed for that Service last Summer by an Order of his Excellency in Council dated the 17th of June 1703, And that the said Persons attend in the same Stations as by y^e aforementioned orders directed untill his Excellency shall give Orders for their discharge.

Upon reading at this board Sir Edward Northey Knight her Matyes Attorney Generall his opinion upon the Acts of Assembly of this Colony relating to the Church and particularly concerning Induction of Ministers

His Excellency in Council is pleased to order that a Copy of the said Sir Edw^d Northey his Opinion be sent to the Churchwardens of each Parish within this Colony, Requiring them upon receipt thereof forthwith to call a vestry & there to cause the same be read and entered in the Vestry books to the intent the said Vestrys may offer to his Excellency what they think proper thereupon.

The hon^{ble} Coll^o W^m Byrd informing his Excell^{cy} that M^r Perry had sent him a Parcell of course goods for the French Refugees amounting (without Freight or Commission) to 200^l which he prayed his Excellency to impower some fitt Persons to distribute among them:

Ordered that Coll^o Byrd keep the said Goods in his hands till y^e meeting of the Assembly, before whom his Excellency declared his intention to lay the whole State of the said Refugees.

Upon reading a Letter from M^r Abraham Salle complaining of the ill-conduct and immoralitys of Mons^r Philippe at Manicantown;

Ordered that a Copy of the said Complaint be sent to the said Mons^r for his answer, and that Coll^o W^m Randolph communicate the said Complaint to the Inhabitants of Manicantown, and enquire into y^e ground of the same returning to his Excellency a Report thereof as soon as may be.

His Excellency laid before the Council a Report of M^r John Smith, M^r W^m Smelt and M^r John Croft of Elizabeth City County of the condition of her Majestys Sloop Elizabeth as she was left by Cap^t John Symonds Commander of her Majestys Ship Guernsey and acquainted the Council that he had put her into Cap^t Brown's hands, upon Condition to fitt her up [sufficiently to] leave her in a condition

for Service at his departure out of the Country, which he had promised to do and that he would take nothing from [her] but his anchor & Cable which he cannt spare as appears by his letter dated the 11th of Feb^{ry} last, which Proceedings of his Excellency in relation to the said Sloop, the Council conceive to be for her Majestys Service.

Coll^o Miles Cary and Major Arthur Allen (to whom it was yesterday referred to inspect the Papers of the deceas'd Maj^r Thomas Swan) gave in their report in these words.

"In pursuance to yo^r Excell^{ty}'s Commands we have inspected the "several Papers committed to us belonging to M^r Thomas Swan "deceased late Surveyor of Surry and Isle of wight Countys, and find "a book wherein are entrys for several Parcell's of land lying on the "southside of Blackwater Swamp, severall Surveys for land that seem "to be perfected, most of which to the knowledge of one of us are "already passed into Patents, the rest of the Papers chiefly consisting "of field notes and rough draughts, of Surveys and Platts of land not "perfected is humbly reported by

Williamsburgh 2^d March 1703/4

Miles Cary
Arthur Allen

Whereupon his Excellency in Council is pleased to Order that the Clerk of the Council compare the book of entrys concerned in the above Report, wth the Copy deliver'd by the said Major Swan deceased to his Excell^{ty} making his remarks in writing if any material difference appear therein, and that he send the other Papers (after having taken a copy of the Inventory of them) sealed and directed to Coll^o F. [probably T.] Godwin & Lieu^t Coll^o Tho: Milner to be by them delivered back to M^{rs} Eliz^a Swan according to her desire in her Petition taking her receipt for the same which they are to transmitt to the Councill Office.

Upon reading the Petition of Mons^r Traverier de la Serre a Prisoner of war taken in a French Prize by Cap^t Joshua Moore Commander of her Majestys Ship Oxford setting forth that with the consent of the said Cap^t More he came on board the Rainbow Cap^t John Fitch Com^{d^{er}} to serve as Surgeon upon the said Cap^t Fitch's Promise to pay him as much per moneth as he allowed his former Surgion with other assurances of his kind usage of him, and that notwithstanding thereof the said Cap^t Fitch has used the Petitioner most barbarously & inhumanely makeing him serve as his boy & Cook, and praying his Excell^{ty} to free him from Service of the said Cap^t Fitch.

Ordered that it be referred to Cap^t Richard Browne Commander of her Majestys Ship the Fowey to enquire into the matter above represented, and report his opinion to his Excell^{ty}, & if he find cause to take the said De la Serre on board her Majtys Ship Under his Command until his Excell^{ty} shall give further directions concerning him. At a Council held at her Maj^{ties} Royal College of William and Mary

April y^e 17th 1704*Present*

His Excellency

Jn^o Lightfoot
Benj^a Harrison
Rob^t Carter
Philip LudwellWilliam Bassett
Henry Duke
and
John Smith Esq^rs

Upon reading the Petition of Lawrence Swarbrick Mast^r of the Ship Exchange of Chester setting forth that John Baptista Urban & John Da Millo two Seamen belonging to the said Ship having complained to his Excell^{ty} that they had been turned on Shore, and their wages denyed them, and it appearing by the report of the Justices of Nansemond County (to whom y^e same was referred by an Order of Council dated the 2^d of March last) that the said complaint is altogether false, he therefore prayed an Exemplification of the said Complaint and Proceeds [proceedings] thereon may be granted him under the Seal of the Colony to enable him to defend himself if he shall be sued in England for the Seamens wages.

Ordered that an Exemplification of the said Complaint and Proceedings thereon be granted to the said Cap^t Lawrence Swarbrick according to the Prayer of the said Petition.

Mary Jenings the wife of Charles Jenings Sen^r Clerk of Eliz^a City County Court petitioning his Excell^{ty} that the Fees due to her husband by Silvester Matthews late a prisoner in the said County and afterwards arraigned and found guilty of forgery at the Gen^l Court, and who has since made his Escape may be secured to her in such manner as his Excell^{ty} shall think fitt.

Ordered that the said Petition be referred to M^r Attorney Gen^l for his opinion what ought in Law to be done thereupon.

Susanna Skelton of Isle of Wight County widow complaining That George Moore one of the Corners [coroners] of Isle of Wight County having summoned a Jury of Inquest upon the body of the Petitioners Son (who with her husband was unfortunately [drowned] in James River the 11th of Feb^ry last being oversett in a boat) came to the Petitioners house and without the view of her Sons body found by Inquisition the manner he came by his death, and afterwards demanding his Fee as Coroner, as also for summoning the Jury. The Petitioner offer'd him his fee of 13^s 4^d but refused to pay him for the Jury. That thereupon the said Moor seized the Petition^rs boat being 13 foot by the Keel, & by two of his Neighbours had her appraised at ten shillings & praying relief therein

Ordered that the Petition be referred to M^r Auditor Byrd & M^r Attorney Gen^l to consider if the said boat seized by the Coroner be a Deodand, in which case it is the opinion of the board that the same be given to the Petitioner in consideration of her Poverty.

Whereas by Order of Council dated the 1st day of Octob^r 1703 John Lightfoot Esq^r one of her Matys hon^{ble} Council was directed to make answer to an Information then given in against him for detaining

and protecting two Shoemakers belonging to the Estate of John Lyddal late of New Kent County deceased from the Process and Course of y^e Law, and also that he should give his answer to a Petition exhibited against him to his Excellency concerning the said matter. The said John Lightfoot in obedience to the aforesaid Order of Council this day desired that he might be heard to make his defence, and denying that he ever protected the said Shoemakers, but that the same is altogether false & malicious and a Scandal to his reputation. Therefore upon his desire It is Ordered that it be referred to M^r Attorney Gen^l to bring an Action of Slander against Philip Levermore y^e Presenter of y^e s^d Petition.

Upon the Petition of George Marable Order is granted him for a *Supersedeas* to stop the Execution of a Judgment obtained against him in James City County Court the 7th day of January 1703 upon a *Scire facias* brought against him y^e said Marable as Execut^r of William Ellett by Eliz^a Lawson Thomas Lawson & Lewis Conner surviving Administrators of Anthony Lawson deced Assignee of Frederick Jones Assignee of Anthony Lawson & Will^m Moseley Exec^{rs} of Thomas Walk against him the said Marable as Execut^r aforesaid; the said Marable the Petitioner giving Security according to Law.

His Excellency laid before the Council a lett^r sent him by Cap^t John Evans Commander of her Matys Ship Dreadnought and Commodore of the Virginia Fleet, wherein he acquaints his Excell^{cy} that his Orders direct him to saile the last day of April, upon receipt of which Letter his Excell^{cy} sent Copsys thereof to each district with orders to the Naval Officers to desire the Masters of Ships to signify under their hands, when they would be ready to sail: And accordingly most of the said Mast^{rs} have returned their answers which are now read in Council. Upon consideration of which and also of a letter written by M^r Perry dated in London y^e 28th Decem^r last intimating that two other men of war are Ordered hither to strengthen this Convoy, and that he was in expectation of an order from his Royal Highness to stop the Ships here till the said two men of war shall arrive: It is y^e opinion of this Board that it will be very prejudicial as well to her Matys Service as to the Trade of this Country if the Commodore do sail the last of April for that it plainly appears by the returns of the Naval officers of the sev^l Districts that not above four Ships can be ready against that time; And therefore think it proper that it be recommended to the Commodore to take the same into consideration.

Ordered that the Naval Officers of York & Lower District of James River be again sent to for a full answer from the m^{rs} of Ships in their respective Districts how soon they can be ready to sail for England that the whole State of the Trade here may be Communicated to the Comodore as soon as he returns from Maryland.

Coll^o George Mason Command^r in Chief of the Militia of Stafford County by a letter to his Excell^{cy} dated y^e 11th instant giving an acco^t of some apprehensions that County lay under of an Invasion by y^e Indians.

Ordered y^e y^e same be referr'd to y^e consideration of y^e Gen^l Assembly.

At a Council held at y^e Capitol in y^e City of Williamsburgh
April y^e 19th 1704

Present

His Excellency

W ^m Byrd	Philip Ludwell
Jn ^o Lightfoot	W ^m Bassett
Rob ^t Carter	Henry Duke
Benj ^a Harrison	John Smith Esq ^{rs}

William Chandler of Westmoreland County by his Petition setting forth that Cap^t Lewis Markham late Sheriff of y^e said County hath brought an Action against him for near five thousand pounds of Tobacco for Fees and Charges in sending the Petitioner to the Gen^l Court in Octob^r 1702, he being indicted there for suspicion of murder from which he was acquitted, and praying Order to the Court of Westmoreland County that Judgment may not pass against him, as by the said Petition is more fully exprest: Upon consideration of which Petition it is y^e opinion of the Council & accordingly

Ordered that the said Petition be referred to the Court of Westmoreland County to do therein as they shall find agreeable to Law.

Upon reading at this Board a Letter from M^r Micajah Perry & Company Merch^{ts} in Lond^o directed to his Excell^{cy} dated the 18th of Jan^{ry} last past together with a Copy of his Royal Highness Prince George of Denmark Lord high Admiral of England &c his Orders to Cap^t John Evans Commander of her Matys Ship Dreadnought dated the 11th of the said moneth of Jan^{ry} Directing him to remain here with the Ships under his Command untill the last day of May next in case the two Ships of war ordered hither shall not sooner joyne him; It is ordered that a Copy of the said Letter & Orders of his Royal Highness be forthwith dispatcht to y^e Naval Officers of the severall Districts within this Colony who are immediately to intimate the same to the respective Ma^{ns} of Ships in their said Districts, that they may take their measures accordingly.

And it is further Ordered that a copy of y^e said Letter and Order of his Royall Highness be sent to Commodore Evans as soon as he returns from Maryland, in case the Original Orders be not 'ere then come to his hands.

Ordered that a Letter of Coll^o Masons to his Excell^{cy} dated the 14th instant with the Copy of an Order of Lieut Coll Taylor of King & Queen County both relating to the strange Indians lately seen on our Frontiers be referred to y^e Gen^l Assembly.

April 20th 1704

Present

His Excellency

William Byrd	Philip Ludwell
Jn ^o Lightfoot	W ^m Bassett
Benj ^a Harrison	Henry Duke
Rob ^t Carter	&
John Custis	John Smith Esq ^{rs}

His Excell^{ty} in Council signed a Commission under the Seal of the Colony to William Randolph Jun^r to be Clerk of the House of Burgesses.

A Commission under the Seal of the Colony empowering the hon^{ble} Will^m Byrd John Lightfoot & Henry Duke Esq^{rs} to Administer the Oaths appointed by Act of Parliament to be taken instead of the Oaths of Allegiance and Supremacy, the abjuration Oath, & the Oath of Clerk of the House of Burgesses to Will^m Randolph, as also the Oaths of their respective Officers to the Clerks of the Committees, was signed by his Excell^{ty} in Council.

The Gen^l Assembly being by the writt appointed to meet at the College of William & Mary, and the Proclamation for its prorogation not directing any other place, it is y^e Opinion of the Council that the Assembly do meet at the said College, But forasmuch as the rooms in the Capitol are now fitt to accommodate the Council & Burgesses, & the severall offices thereunto belonging, his Excell^{ty} declared his intention of proroguing the Assembly till tomorrow and then to meet at the Capitol

April y^e 21st 1704.

Present

His Excellency

William Byrd	Philip Ludwell
Jn ^o Lightfoot	W ^m Bassett
Benj ^a Harrison	Henry Duke
Rob ^t Carter	Robert Quary
John Custis	Henry Duke [John Smith] Esq ^{rs}

His Excell^{ty} communicated to the Council a Speech which he intended to make to them and the Burgesses at opening this Gen^l Assembly, and that he intended to defer speaking to them about any matter of busiNESS till tomorrow.

April y^e 24th 1704.

Present

His Excellency

William Byrd	Philip Ludwell
Jn ^o Lightfoot	Henry Duke
Robert Carter	Robert Quary
Jn ^o Custis	John Smith Esq ^{rs}

Ordered that the Naval Officers of the severall Districts within this Colony make up their Acco^{ts} wth M^r Audit^r Byrd for all money arising in their respective Districts on Acco^t of the Dutys of 2^s per hh^d port dutys and head money to the 25th of this instant April.

April 25th 1704*Present*

His Excellency

Benj^a Harrison
John Custis
Henry DukeRobert Quary
and
John Smith Esq^r^d

Upon reading the complaint of Drammaco chief Munguy of the Chickahominy Indians setting forth that they had turned him out of his Town & that one Tom Perry had broke down his Cabbin beaten his woman & threatned his Life.

Ordered that the Interpreter of the said Chicahominy Indians bring some of their great men before this board on Wednesday the 3^d of May next to answer the said Complaint if they do not come to town sooner.

The Nansiatico Indians complaining that one Thomas Kendal hath broke down their Fences & turned them of their land, where they lately inhabited, the rest of it being claimed by D^r Lomax, and praying that a suitable quantity of land may be allotted them in Proportion to their number.

It is the opinion of the Council and accordingly Ordered that the said Complaint be recommended to the Consideration of the Gen^l Assembly.

April 26th 1704*Present*

His Excellency

William Byrd
Jn^o Lightfoot
Rob^t Carter
Philip LudwellWilliam Bassett
Henry Duke
Rob^t Quary
John Smith Esq^r^s

The Chicahominy Indians being come to town, were called before his Excellency in Council to answer the Complaint of Drammaco chief Munguy of the said Indians They by their Interpreter acquainted his Excell^{cy} that they had this morning accommodated all differences between them & the said Drammaco; whereupon his Excell^{cy} was pleased to signify to them that if he heard any more of their quarrells he would not fail to punish the Aggressors.

April 27th 1704.*Present*

His Excellency

William Byrd
John Lightfoot
Robert Carter
John CustisPhilip Ludwell
W^m Bassett
Henry Duke
Rob^t Quary
John Smith Esq^r^s

Upon representation made to this Board that the poorer sort of Inhabitants serving in the Militia by reason of the Low Price of Tob^o this year are not able to buy Arms & Ammunition according to y^e late order of his Excell^{cy} in Council; His Excell^{cy} & the Council (for the encouragement of all Persons to provide themselves) have thought fitt to give notice that all Persons who shall purchase any Arms or Ammunition out of her Maj^{ties} Stores at James City shall have time given them untill the twentieth day of April 1705 for paying for the same. And ordered that the Coll^{ls} & Comm^{ders} in Chief of the severall Countys intimate the same accordingly to the Militia under their respective Comm^{ds} Requiring hereby y^e s^d Coll^s & Com^{ders} in chief to cause exact Lists to be taken & returned to y^e Sec^{rys} office of all Persons, who after y^e Publication of this Order shall appear either at Gen^{ll} or particular musters not provided wth Arms & Ammunition according to Law they having been allowed so long time & such favourable terms to provide themselves

Upon reading a Resolve of the House of Burgesses presented yesterday to his Excellency

Ordered that a Commission be prepared under the Seal of the Colony to the Justices of the Peace of Henrico County or any four of them whereof one to be of y^e Quorum, to Administer the Oaths & test appointed by Law to the French Refugees inhabiting at Manican town and the parts adjacent in order to their naturalization, And it is also Ordered that the like Commission be prepared to the Justices of King William County to administer the said Oaths & Tests to y^e French Refugees inhabiting in their said County Returnable to the Secret^{rys} office.

April 28th 1704

Present

His Excellency

W ^m Byrd	Philip Ludwell
Jn ^o Lightfoot	Will ^m Bassett
Benj ^a Harrison	Henry Duke
Rob ^t Carter	Robert Quarry &
John Custis	John Smith Esq ^{rs}

Cap^t John Evans Command^r of her Matys Ship Dreadnought & Commodore of the Virginia Fleet this day laid before his Excell^{cy} his Orders from the Admiralty for Convoying the said Fleet viz

One Ord^r from the Council deputed by his Royal Highness Prince George of Denmark Lord High Admiral of England &c dated 30th July 1703 directing the said Cap^t Evans to stay for the trade here untill the first day of _____ or ten days longer if he should find occasion for it to make up the Fleets.

One other Ord^r from the Council deputed by his Royal Highness dated y^e 18th of August 1703 whereby the time of the said Commodore's stay here is lengthened to the last day of this instant April.

And also an order of his Royal Highness Prince George of Denmark Lord High Admiral of England &c dated the 11th of Jan^{ry} last directing

the said Commodore to remain here untill the last day of May next in case the two men of war therein mentioned to be intended for this Country shall not arrive sooner.

And the said Orders were read, and the further consideration thereof Referred till tomorrow morning.

April the 29th 1704.

Present

His Excellency

W^m Byrd
John Lightfoot
John Custis
Philip Ludwell

W^m Bassett
Rob^t Quary
Jn^o Smith Esq^{rs}

Upon reading this day the Order of his Royal Highness Prince George of Denmark Lord High Admirall of England &c. directed to Cap^t John Evans Command^r of her Maj^{ties} Ship the Dreadnought dated the 11th of Jan^{ry} last whereby the said Cap^t Evans is required to remain here with the Ships under his Command till the last day of May next in case the two Ships of war ordered hither to strengthen this Convoy shall not sooner joyne him, which seems to imply that he is to sail before the last day of May if the said Ships do arrive. And upon considering the Resolve of the house of Burgesses of the 24th instant in these words viz.

“Resolved that it is the opinion of this House that in respect of “her Matys & this Countrys Service, the better Security of the Merchant “Ships & y^e interest of trade in Gen^l it will not be proper for the “present Fleet to sail hence before the last day of May next.

His Excell^{ty} & the Council having materially considered the present circumstances of the Ships in this Colony, and being sensible by the acc^{ts} returned hither from the severall Districts that the greatest part of the said Ships have not near compleat^d their Lading occasioned by the unusuall long Passages & late arrival in the Country, and the unseasonable weather that hath happened since, are therefore humbly of opinion that it is for her Maj^{ties} Service, and y^e interest of all Concerned in trade as well in England, as this Country that the Fleet do not sail before the last day of May next, tho the additional Convoy do arrive before that time, because many of the Ships in this Country cannot be ready sooner, and if they should happen to be left in the Country till another Convoy do arrive, it would not only be almost the ruine of the Ships and Lading, but a very great loss to her Maty in her Revenue of Customs, upon w^{ch} considerations his Excell^{ty} & the Council do humbly hope that his Royal Highness will be pleased to supersede the strict execution of the aforesaid Order and dispence with the Commodore’s staying till the last day of May tho the additional Convoy do sooner joyne him.

Whereas upon Consideration of the present Circumstances of the Ships in this her Matys Colony & Dominion His Excell^{ty} & the Hon^{ble} Council have judged it necessary for her Matys & this Countrys interest

& Services that the present Fleet designed for England under the Convoy of Cap^t John Evans Command^r of her Matys Ship Dreadnought & Commodore of the Virginia and Maryland Fleets, shall not sail hence before the last day of May next. Now to the intent that all the Ma^{rs} of Ships may be timely informed of the day fixt for their sailing & may prepare themselves accordingly It is Ordered that the Coll^{rs} & Naval Officers of the severall Districts within this Colony do forthwith give Notice to the respective Ma^{rs} of Ships & Vessells within their Districts that they are to repair to Kiquotan and there joyne the Convoy before the said last day May Requiring them in order thereunto to make all possible dispatch in their Lading. And it is hereby Ordered that the twenty second day of the said moneth of May be the last day for clearing any Ships or Vessells bound out with this Convoy, and that from and after the said day, the Collect^{rs} & Naval officers do not clear any Ship or Vessell designed for England untill they shall receive further Order. And it is further ordered that from & after the 15th day of the said moneth of May a Generall Embargo be laid on all Ships and Vessells bound to England or any of her Maj^{ties} Plantations untill the departure of this present Fleet. And the Collec^{rs} & Naval Officers are accordingly to take Bond of the Ma^{rs} of all such Ships & Vessells bound to the Plantations that shall desire to be cleared after that time, not to depart this Colony untill the Convoy do sail. And it is hereby declared that after the departure of this Fleet, the said Collect^{rs} & Naval Officers have full Power & liberty to clear any Ship or Vessell bound to any of her Matys Plantations as heretofore they have used to do, untill they have directions to the contrary Requiring them nevertheless strictly to observe her Majestys Royal Instructions dated the 7th of Jan^{ry} 1702/3 as to all Ships bound for England after this Convoy is sailed.

Ordered that all the Naval officers bring or send their acco^{ts} of her Matys Revenue of 2^s per hh^d port dutys & head money with sufficient bills of Exch^g or money for the ball^{ce} to M^r Audit^r Byrd on or before the 25 day of May next in order to be transmitted for England by this Fleet.

Ordered that all the Collect^{rs} & Naval Officers transmitt to his Excell^{cy} three fair Copies of their Lists of Ships Enttring and of Ships clearing and of the Gen^l List, together with three copys of the Invoyce of every Ship Lading on or before the said 25th day of May next.

Upon representation made to this board by Cap^t John Evans Command^r of her Maj^{ties} Ship the Dreadnought that he is in want of thirty Seamen to make up his Complem^t and desiring a warr^t to impress so many, he declaring that he would take none from any of the Ships bound out under his Convoy but from such Ships and Vessells as stay in the Country or trade to the Plantations, It is Ordered that a warrant be prepared for his Excell^{cy}s Signing Impowering the said Cap^t Evans to impress one or more Seamen out of any Ship or Vessell trading hither from the Plantations or any other that he shall judge may conveniently spare them taking care that he do not thereby disable any of the said Ships or Vessells from prosecuting their Voyages. And forasmuch as the Bristow was (by an unhappy accident, lately burnt

in York River, & the Seamen belonging to her may be Serviceable on this occasion it is Ordered that a warr^t be prepared directed to Cap^t Richard Brown Commander of her Matys Ship the Fowey to impress & secure y^e said Seamen for her Matys Service on board y^e Dreadnought.

His Excellency communicated to the Council a Speech which he intended this day to make to the House of Burgesses with the Papers therein mentioned, which was read in Council.

May 2^d 1704.

Present

His Excellency

John Lightfoot
Jn^o Custis
Philip Ludwell

Henry Duke
Robert Quary
John Smith Esq^{rs}

M^r Thomson of Westmoreland County Gent petitioning his Excell^{cy} to be excused from appearing at musters being incapable of doing any Service thereat by reason of his extraord^{ry} deafness.

Ordered that the said Petition be referred to Coll^o Richard Lee Command^r in chief of the said County of Westmoreland to do therein as he shall see cause.

Eliz^a Dunton of Northampton County complaining that the Surveyor employed by Jos: Benthall hath taken away a great part of her land; Upon the Report of Coll^o John Custis that the said land is Escheatable and that the said Benthall hath a warrant for Escheating the same.

It is Ordered that the said Eliz^a Duntons Petition be delivered into the Secret^{ry}s Office, and that if she appear she be heard thereupon before any Patent pass to the said Benthall for the lands therein mentioned.

Thomas Lukar of Northampton County petitioning his Excellency for a grant of a boat taken up by him, And it appearing by the report of the Hon^{ble} Coll^o Jn^o Custis that the said Thomas Lucar did not take up the boat, but that the same was taken up by the Petitioners Son; It is therefore Ordered that the Petition be rejected and that Coll^o John Custis take the said boat into his Custody and dispose thereof as M^r Aud^r Byrd shall direct, paying the taker up according to Law.

Upon the Petition of Thomas Cowles Gent one of her Maj^{ties} Justices of Peace for James City County complaining that James Bray of the said County Gent did at a Court for the said County on the 6th day of march last past did openly declare and publish diverse scandalous words tending to the blasting the Petition^{rs} reputation, and discrediting him in his Office

It is ordered that the said Petition be referred to M^r Attorney Gen^l to consider what is proper to be done in reference to the said scandalous words in so far as they concern the said Thomas Cowles as a Magistrate.

The Petition of Peter Shelton of Middx County praying remission of the remainder of a fine due to her Maty from the Petition^r for tending seconds is referr'd to the Hon^{ble} M^r Aud^r Byrd to consider & report his opinion thereon.

May 3^d 1704.

Present

His Excellency

Jn^o Lightfoot

Henry Duke

Jn^o Custis

Rob^t Quary

Phil: Ludwell

John Smith Esq^r^s

Tom Perry a Chickhaminy Indian came before his Excell^{cy} and Council and complained that Coscotrunk & James Mush two Indians of the s^d Nation had on last Munday was sevensnight come to the Chicahominy Town & burnt the Compl^{ts} Cabbin, with all his Corn & goods, & spake diverse words ag^t his Excell^{cy} & the Governm^t &c.

Whereupon the following Warrant was (according to order) prepared Read and signed by his Excellency in Council.

By his Excellency.

Whereas Complaint is made to me by Tom Perry a Chickahominy Indian that two Indians of the said Nation, the one named James Mush & the other Coscohunk, did on Munday the 24th of Aprill last in an hostile manner besett the Cabbin of the said Perry (he being then from home) and there forcibly cutt down y^e Apple & Peach trees, splitt his Canoe, burnt his said Cabbin and all his goods & corne, and uttered diverse words in derogation of this Her Majestys Government.

These are therefore in her Majestys Name to authorize require & command you Major John Waller to take with you what Force you judge convenient either of English or Indians, and with the greatest Secrecy and expedition you can either within or without yo^r County to pursue seize and apprehend either within or without yo^r County the said two Indians named James Mush & Coscahunk which reside at M^r Byrds quarter at a place called the English Fort, and them or either of them having found safely to secure and send under a sufficient guard to Williamsburgh in order to be proceeded against as their Crime deserves. And in case of resistance made by the said Indians You are hereby impowered to use force, as you shall see fitt for the better execution of this order. And for your so doing this shall be yo^r warrant. And I do hereby in her Matys name require and Command all her Matys officers Civil & Military and all other her Majestys Loving Subjects in this her Colony & Dominion to be aiding and assisting to you herein as they will answer the contrary at their Perill. Given und^r my hand & the Seal of the Colony this 3^d day of May in the third year of the Reign of our Sovereign Lady Anne by the Grace of God of England &c Queen *Annoq Domini* 1704.
To Major John Waller of King W^m County.

May the 5th 1704.

Present

His Excellency

John Lightfoot.	Henry Duke
Robert Carter	Robert Quary
John Custis	John Smith Esq ^{rs}

His Excellency in Council signed diverse Probates & Administrations, as also Patents for land according to a List presented him by the Clerk of the Secretarys office.

His Excell^{cy} in Council signed the following warrants on M^r Aud^r Byrd to be paid out of her Majestys Revenue of 2^s per hh^d & port dutys viz

To his Excell^{cy} half a years Salary ending the 25th of April One thousand pounds

To his Excell^{cy} half a years house rent ending the same time Seventy five pounds

To the Gent of her Majestys Council half a years Salary ending y^e same time One hundred seventy five pounds.

To W^m Blathwayt Esq^r Surveyor Gen^{ll} of the Plantations half a years Salary ending the same time fifty pounds.

To John Thraile Esq^r Sollicitor of Virg^a affaires half a years Salary ending the same time Fifty pounds.

To Stephens Thompson Esq^r her Majestys Attorney Gen^{ll} half a years Salary ending the same time twenty pounds

To M^r W^m Robertson Clerk of the Council half a years Salary ending the same time twenty five pounds.

To M^r Edward Ross Gunner at James City half a years Salary ending the same time seven pounds ten shillings.

To the said Edward Ross for half a years scowring mending & cleaning the arms &c sixteen pounds thirteen shillings 4^d

To M^r Micajah Perry for books & Paper for the Council office twenty nine pounds 17^s 11^d

To M^r W^m Robertson for so much paid Ministers for their attendance one Gen^{ll} Court and Assembly ten pounds.

To M^r W^m Robertson for expresses & extraordinary Charges about the men of war & shipping & for transportation of Arms &c. Eighty seven pounds 15^s 6^d

To M^r W^m Robertson for Messages & Expresses to Maryland Pensilvania &c. Sixty Eight pounds 10^s 7½^d

To M^r Robertson for Expresses to remote parts of the Government & charges about Indians fifty five pounds 17^s & 10^d

To M^r Commissary Blair (if it shall be allow'd by the Lord high Treas^r of England) out of the Quitt rents 3 q^{ters} Salary ending 25th Aprill last seventy five pounds.

Ordered that M^r Aud^r Byrd send for these following goods for y^e use of y^e Council Chamber six brass Candlesticks & two pair of Snuffers & Snuff dishes, two Chamber Potts, 4 Standishes, 6 brass Sconces each to hold two Candles, 6 large Penknives, some Recording Ink,

6 Peices of red tape, 6 Peices of broad tape, some blue, red & green ribbon for stitching the Council Journals; And that M^r Attorney Gen^l be consulted what Law books, are proper to be sent for, & that M^r Aud^r do accordingly write to England for them for y^e use of y^e Gen^l Court to be paid out of her Maj^{ty}'s Revenue of 2^s per hogsh^d

Ordered that M^r Aud^r buy a Callico Curtaine to hang before the Queens Picture & that he provide some large Mirtle wax Candles for y^e use of y^e Council & Gen^l Court.

May the 6th 1704.

Present

His Excellency

John Lightfoot
Robert Carter
Jn^o Custis
Phil: Ludwell

Henry Duke
Robert Quarry
and
John Smith Esq^{rs}

Whereas by reason of the Scarcity of money in the Country it is very difficult for the Inhabitants to procure so much as will purchase Arms & Ammunition out of the Stores of war sent in by her Majesty; His Excell^{cy} & the Council takeing the same into consideration, and being willing to make the Purchase of the said Arms as easie as possible, have thought fitt to order it is hereby Ordered that where any Person cannot advance money for the Arms & Ammunition w^{ch} he shall be desirous to purchase, the Coll^o or Comand^r in chief of any County to whom application shall be made for the same, shall have Power & liberty, to sell & dispose of the said Arms & Ammunition for Tob^o or any other Commodity offered, and make what bargain he thinks best, he being obliged to Acco^t to M^r Aud^r Byrd before the 20th day of April 1705 for such quantity of Arms & Ammunition as he shall send for, and dispose of, at the rate formerly ascertained by his Excell^{cy} & y^e Council & no more.

May the 8th 1704

Present

His Excellency

John Lightfoot
Robert Carter
Jn^o Custis
Philip Ludwell

Henry Duke
Robert Quarry
and
John Smith Esq^{rs}

Upon reading this day the Petition of Dammaico one of the cheif Munguys of the Chicahominy Indians in behalf of himself & the said Indians setting forth that in a late quarrell that hath happened in that Town, diverse Cabbins have been burnt with Provisions Corn & other goods, that the said Munguy & most of the said Nation have been obliged to flee to the Pamunkey Indians for Succor, and that whereas Tom Perry one of that Nation had informed his Excell^{cy} of certain

Indians of the said Nation for having burnt his Cabbin. They thereupon Certify his Excell^{cy} that the said Perry has been the occasion of this quarrell. Which said Petition comes also attested & signed by the Queen & great men of the Pamunkey Indians. It is the opinion of the Council & accordingly

Ordered that it be referred to the Court of King William County to call them the said Chicahominy Indians with the said Munguy, and Tom Perry, and make strict enquiry into the grounds of the present difference & quarrell amongst them. And to report to his Excell^{cy} the true State of the case according to the best informations & Proofs they can procure, to the end such further care may be taken therein as his Excell^{cy} shall judge expedient.

May y^e 9th 1704

Present

His Excellency

John Lightfoot
Robert Carter
John Custis
Philip Ludwell

Henry Duke
Robert Quary
and
John Smith Esq^{rs}

Pursuant to his Excellen^{cy}s warrant in Council dated the 3^d instant, Major John Waller brought before his Excell^{cy} and the Council under a Guard, the two Chicahominy Indians named James Mush and Coscohunk in the said warrant mentioned, who being examined confest that they burnt the Cabbin, splitt the Canoe, and cutt down the Apple & Peach trees belonging to Tom Perry an Indian of the said Nation, but denyed that they ever spoke any words tending to the derogation of this her Majestys Government and that they said they would go to the Senaquas as is alleged against them.

Whereupon it is Ordered that the further examination of the said Indians be deferred till tomorrow, and that in the mean time they be committed to y^e Custody of John Redwood Keeper of the publick Goal, and that the Guard that brought them down be now discharged.

May y^e 10th 1704.

Present

the same as yesterday

Upon reading at this board a Resolve of the House of Burgesses of y^e 9th instant upon the Complaint of Cap^t Perry a Chicahominy Indian (referred to them by the Council against James Mush & Coscohunk of the same Town for burning the said Perrys Cabbin and threatening to go to the Senequas joyn with them and bring them down to destroy the English; Wherein the house are of opinion that as to burning y^e said Cabbin & the quarrell amongst the said Indians themselves they have Provisions amongst them for punishing any that shall offend against their Laws or Rules. And as to

the words threatening the Government that his Excellency will be pleased to consider the same, and give such directions therein as to him shall seem most fitt.

His Excell^{cy} and the Council taking y^e same into consideration, and for that the said James Mush and Coscohunk deny that they spoke any words against the Government, and that there is no Proof made thereof, have therefore thought fitt to Order as it is hereby Ordered that the Justices of the Peace of King William County call before them the said Chicahominy Indians, with the said Mush, Coscohunk and Tom Perry, and after due examination of the Complants of the sev^l Partys, that they endeavour an accommodation in such manner as they shall see best for putting an end to all quarrells amongst them, And that they return an Account of their Proceedings to his Excellency.

And it is further Ordered that the two Chicahominy Indians James Mush and Coscohunk committed yesterday to the custody of the keeper of the publick Goal be instantly discharged and acquainted that they are to attend the Court of King W^m County for a determination of the severall matters whereof they are accused.

Major John Waller of King William County by his Petition setting forth that he has been at some trouble & charge in apprehending & bringing to town two Chicahominy Indians named James Mush & Coscohunk, and also in diverse other Services performed by him, and being in hopes that he shall doe many more good Services for her Majesty and this Country, he humbly prays that in consideration thereof his Claime before the Gen^l Court for Acres of land pretended to belong to one William Bates may be considered and be preferred to a Grant of the same before any other Petitioner.

Upon which his Excellency was pleased to Grant the said Petition, and ordered that the same be entred in y^e office of the Clerk of the Gen^l Court.

Robert Napier by his Petition setting forth that being constrained for his Preservation to make his escape out of the Goal of King William County, upon which the Sheriff seized all the Petitioners personal Estate, and the Petitioner being ever since debarr'd of getting relief for his family by pleading at the Courts as he used formerly, and being bound over to the next Gen^l Court, and finding that some Practitioners of the law will hinder his Pleading, He therefore prays liberty to plead at the Courts as he usually did before. Whereupon it is

Ordered that the said Petition be referred to M^r Attorney Gen^l to consider & Report to his Excellency whether y^e Desire of the Pet^r may be granted.

May 11th 1704.

Present

His Excellency

John Lightfoot
Robert Carter
John Custis
Phil. Ludwell

Henry Duke
Rob^t Quay
and
John Smith Esq^{rs}

Upon reading the Resolve of the House of Burgesses of the 8th instant upon the Petition of the Nansiatico Indians complaining that Thomas Kendail of Essex County hath broke down their Fences and turned them off their land and that the other part of their land is claimed by D^r Lomax.

Ordered that it be referred to M^r Attorney Gen^l to consider & commence such Process as he shall judge proper for the relief of the said Indians in the matter by them complained of.

Upon reading the Resolve of the House of Burgesses upon the Petition of the Nattoway Indians praying a Pass to go Northward to treat about ransoming their King.

Ordered that the Interpreter go to the said Indians & acquaint them that if they can give any certain acco^t where their King is, His Excell^{cy} & the Council will use their endeav^{rs} to procure him to be restored to them.

Pursuant to a Resolve of the House of Burgesses of the s^d instant that ten thousand Acres of land be laid out and appropriated for the use of the French Refugees settled at the Manikin towne

Ordered that the Hon^{ble} Coll^o W^m Byrd be empowered to order the laying out the said ten thousand Acres of land according to the directions of the House of Burgesses.

Whereas the House of Burgesses now assembled have made application to his Excellency for restoring Richard Ligon to his Office of Henrico County from which he was formerly suspended.

Ordered that the said Ligon be and is hereby restored to the execution of his said Office & Place of Surveyor of Henrico County accordingly, and that the Surveyo^r Gen^l recall the Deputation by him granted to M^r Robert Bolling for executing that Office pursuant to the said Order of Council of the 23^d of October last past.

Upon the Petition of Nehemiah Jones setting forth that in the year 1702 he bought 25 hh^{ds} of Tob^o in Accomack District, and paid the Duty of 2^s per hh^d for the same which being shipped in Rappahannock District, the Peticon^r was obliged to pay the said Duty again there, and praying to be reimbursed for the same.

It is the Opinion of the Council that if Coll^o Gawin Corbin Naval Officer of Rappahannock District hath received the duty of the said 25 hh^{ds} of Tob^o for which a Certificate is produced of the Payment of the said Duty in Accomack the said Nehemiah Jones ought to be allow'd to ship off the like number of 25 hh^{ds} of Tob^o in the District of Rapp^a River free of the duty of 2^s per hh^d And

Ordered that Coll^o Corbin permitt the same accordingly & that he be allow'd to discount the same wth M^r Aud^r Byrd.

Coll^o Rob^t Carter made Oath before his Excell^{cy} in Council to his Acco^t of the Impositions on Liquors Serv^{ts} & Slaves expired last Christmas.

Upon the Petition of John Walker praying allowance for sixty two dayes Service of Jenkin Williams & Charles Nightingale two Servants of his tryed last October Gen^l Court for coining false money & also for his charges in fees for them

It is the Opinion of the Council that the said Claim being referred by them in Gen^l Court to the House of Burgesses, & being by the said House rejected, it did not ly properly before them now as a Council, but that M^r Walker may have his Remedy at law ag^t y^e Serv^{ts} at least for the Fees.

May 12th 1704

Present

His Excellency

John Lightfoot
Rob^t Carter
John Custis
Philip Ludwell

Henry Duke
Rob^t Quary
and
John Smith Esq^{rs}

His Excell^{cy} acquainted the Council that the Assembly had now finished all the Business that lay before them, and that he intended this day to prorogue them, and asked the advice of the Council what time they thought would be most proper for their meeting again, whereupon the Council are of Opinion that y^e fall is the most convenient time in many respects for the holding Assemblys, And therefore that this Assembly be prorogued untill the 18th day of October next.

Ordered that Major John Waller be paid the Summe of One pound three shillings & six pence out of her Maj^{ties} Revenue of 2^s per hhd for so much paid by him in accommodating the guard that brought down the two Chicahominy Indians by his Excell^{cy's} Order, and that there be allowed to each of the six men that went out in Search of the said Indians ten shillings per man, And that M^r Aud^r pay the same & place it to the Acco^t of the contingent charges.

His Excell^{cy} caused to be read in Council the two following letters and commanded the Clerk of the Council in her Maj^{stys} name to enter them on this Journal, w^{ch} lett^{rs} are as follows.

“Madam

“Not long since I had the good fortune to receive yo^{rs} of the 3^d of September last, and not knowing how to acknowledge my Obligations to you for it wthout writing an answer, I take this occasion to do it, tho it is the most ungratefull task in the world to me to be necessitated to have communication with those that I am not able to speak to in their own Stile; This makes me very much ashamed when I have letters from you written in such a manner as is beneath you to write & above me to receive. I beseech you, Madam consider seriously with yo^rself whether after a years acquaintance, you Can be so great a stranger to me, as to believe I can read yo^r letters without blushing, therefore let me intreat you for the future to forbear such complements as I neither deserve or know how to return.

“I hope you believe I have so great an honour for you that I shall use my best endeavors to make yo^r Son copy after the virtuous Stock from whence he came, I must confess I have found that a hard task hitherto, and herein I must beg yo^r Pardon if I tell you, you have been to blame, you have been a woman, a mother, & a fond one too, and that hath been prejudicial to him, he hath been accustomed to

“too much liberty and ease (or idleness) and as the strongest wine
 “makes the sowerest Vinegar, so the best natural Parts neglected or
 “corrupted do often make the worst man; This hath made it necessary
 “for me to be more than Ordinary strict upon him, when he hath been
 “in health to bear with it, and at first it went very hard with him,
 “but now he seems to be more sensible of his true intrest, w^{ch} you may
 “please to believe is very much my study, and therefore I shall continue
 “a sharp eye over him till I find him quite broke to business. I keep
 “him as much as possible to it, that he may be able to provide for
 “himself hereafter.

“I have recommended him to our Governours favour who in
 “respect to the family whence he is discended hath been pleased to
 “look very kindly upon him, and when he hath observed any unbe-
 “coming actions in him, hath told me of them, that I might observe
 “him more narrowly thereafter, w^{ch} I take as great Marks of favour
 “towards him. I give you the trouble of letting you know this that
 “you may not think yo^r Son neglected in this remote Corner of the
 “world, tho at present it is not proper for you to take any further notice
 “of it.

“There is a certain office in this Country (that perhaps in a short
 “time may fall into my hands) in the gift of which are about twenty
 “Offices of severall values between £40 & £250 sterling a year, and if
 “I can make your Son capable I design one of the best of them for him,
 “perhaps you may think this looks like too much flattery & fondness
 “to be true, but if it be considered that I have but one daughter of
 “my own, and tis probable never likely to have a Son the thing will
 “not seem so strange, I would willingly Educate one man that may
 “be able to serve the publick, I perceive his Naturall parts are sufficient,
 “if I can but make his acquired ones & his inclinations answerable
 “I shall have my wish.

“I have written thus much of this to you, not that I expect great
 “thanks and Complements from you for it, but (as much as words can
 “do it) to let you know what I think to do with one in whom you have
 “so great an interest, and if it may not be displeasing to you, I could
 “wish that the intercourse of letters between us might not be held
 “wth so much Ceremony and complaisance as hitherto it hath been
 “on yo^r part, but that you would please to Esteem me as one in a
 “more near relation to you, who am extreamly sensible both of yo^r
 “virtues & misfortunes, and to whom you may freely and without
 “danger of reflection or unkindness impart all your cares, fears, hopes,
 “desires, & necessitys, and who will alwayes be ready to serve & assist
 “you on whatever occasions I shall be able.

“I beg Pardon if I have offered anything improper or indecent,
 “& pray you to instruct me that I offend no more hereafter in the
 “like nature.

I am

Madam

“from the City of Williamsburgh
 in Virginia Jan^r 18. 1699.

The most faithfull & sincere of all
 yo^r humble Servants
 B Harrison Jun^r

"my wife presents you with her humble Service, and pray favour me
 "with presenting mine to M^{rs} Moss. I am just now planting the
 "berrys of Ceder & holly to make greens for our Grove &c.

"M^{rs} Blair hath lately received a lett^r from you whether she will
 "answer it, I know not. I wonder they should not afford a line who
 "have hardly any thing else to doe, but &c. B.H.

"Directed on the back

"To M^{rs} Dorothea Torway living in S^t

"Martins Street near Leicester fields in

"London

Virginia February 23^d 1702.

"Madam

"My last to you was by the Fleet, in which I gave you an Acco^t
 "of yo^r Sons being gone from me, since w^{ch} I have received one from
 "you of Aprill 25th & another of June 9th 1702 w^{ch} last came open,
 "I was in some doubt whether I should give myself the trouble of
 "answering it or not, I thought it would be time very indifferently
 "spent to manage a Scolding war betwixt us, but since I perceive that
 "poor, silly, despicable, drunken knave Wright has been yo^r Author
 "(at least as to the greatest part) I believe it may be misinformation,
 "that hath raised yo^r Passion to the degree I find it come to, and
 "therefore I will give a line or two to satisfy you in this matter, but
 "first I must let you know that it is not for fear of yo^r great friends that
 "you will try to have Satisfaction of me, I respect all great & good men,
 "but I want none of their favours nor value any of their frownes,
 "the only Satisfaction you can ever expect of me is for yo^r Son to
 "behave himself soberly, virtuously and honestly, and then (not-
 "withstanding all that is past) he shall never want any thing that I
 "can help him to; yo^r friend Quarry does but laugh At it, whatever he
 "may have promised you to do otherwise, and the other charitable
 "good Saint that you seem to rely so much upon, will behave himself
 "much after the same rate, you are much mistaken in the Persons,
 "you may know (in part) the falseness of the Court where you are,
 "but the baseness of ours here, exceeds even imagination.

"As to your Son his faults were as many as (I think) he could
 "well be guilty off, for lying, horrible swearing & Cursing, and drunken-
 "ness, no one in his circumstances could be worse, he would steal
 "strong drink from me, and go out amongst other Peoples Servants in
 "the night, and be drunk almost whole nights together, this is notorious,
 "so that I could not put any trust in him, for severall months before he
 "went from me, indeed my wife concealed his faults till she was quite
 "out of Patience, else I had been sooner sensible of them; If at any
 "time I put him to write any thing he did it so ill that it was fitt
 "for nothing to me, and yet all this would not have provoked me to
 "put him away, but when he knew I was besett and pursued by mali-
 "cious and implacable Enemys, and betrayed by treacherous friends
 "to that degree that I could hardly pass safely along the high ways
 "for fear of assassination yet then was he a Spy upon me for the worst
 "enemy I had in the world & was continually at his house. pray
 "Madam do you now consider seriously with yo^rself how you would

“have endured this. What reason could I have to treat yo^r Son worse than Hooper to whose friends I was under no Promise of kindness, and yet I think no one in his circumstances lives better than he does, nor is more likely to be a hopefull man.

“I think I am a little hardly used by you, that upon the report of one of y^e most scandalous lying Rascalls that ever went out of the Country I should be so ill treated, without ever hearing what could be said in my behalf, but he acted within his proper Sphere, he was sent for nothing else but to spread Scandal; if he had thought fitt he could have given a better Acco^t of those that intercepted the lett^r than I can.

“The lett^r you mention sent in the box by Cap^t Harrison (if there was one there) was lost with the Box, for it never came to my hands as Cap^t Harrison can inform you. The Desk was delivered to yo^r Son before it was opened, & that he knew well enough, so that if any letter was there he had it, for any other lett^rs I know nothing of them & you know you did not send them inclosed to me, and therefore I wonder you should charge me with them, but I find any thing gives a handle when people have a mind to be angry. Some time after yo^r Son went from me I gave him a Suite of New Cloaths, w^{ch} is y^e only Suite he has had since, so that if I had turned him away naked (as you say I did) he had been so still, and as to the time & Cloaths he has spent in my Service I will be ready at any time to Account about that matter, if any one will make Satisfaction of what he has taken from me.

“Thus I think I have answered yo^r letter & shall only tell you that y^e favour yo^r Son finds at present where he is, is not out of Charity or kindness to him as you suppose, but enmity to me.

“To convince you that I am not grown quite so bad as you suppose, you may if you think it worth yo^r while, enquire of a very worthy Divine ny near Neighbour that went to England in the last [fleet?] his name is M^r Founce a Person to whom I think all men give a good Character, but those that scandalize all honest men: perhaps that Gentleman will give a very different account of me from what you may have had from M^r Wright I am

Madam

Yo^r very humble Servant

B Harrison Jun^r

His Excell^{ty} in Council signed warrants on Coll^o Rob^t Carter late Treas^r of the Impositions on liquors Serv^{ts} & Slaves for Payment of diverse Summs to the severall Persons to whom the same was Ordered by this Gen^l Assembly.

And then the Council adjourned.

Vera Copia Test Wil Robertson *Clk* Co^m

[C. O. 5, Vol. 1314, N^o 42(ii) a]Virg^a S^{ct}

By his Excellency

Whereas Comp^t hath been made to me by divers Cap^t^{ns} & Comand^{rs} of Ships lately gone for England in this last fleet as well as heretofore of the unreasonable largeness of Tob^{co} hh^{ds} whereby they lost Considerably in their freight some Carrying ten twenty others seventy or eighty hh^{ds} per Ship less then in former voyages & her Maj^{ty} Revenue of two shill^s per hh^d hath been thereby lessened & forasmuch as by the act past the last Session of Assembly for taring & ascertaining the size of Tob^{co} hh^{ds} Certain Penaltys are imposed on such Persons as shall set up or cause to be set up any Tob^{co} hh^{ds} of a greater size then therein is Exprest that therefore the s^d act may have its due effect I have thought fit hereby to give notice to all Persons whatsoever that I intend to give derrections that all hh^{ds} be measured before or after they are put on board any Ship or Vessell & to cause all delinq^{ts} be duely prosecuted according to the derrections of the s^d act certefying such as shall be found guilty of the breach of y^e s^d act or any part thereof that I will cause the Penaltys, thereby imposed to be strictly levyed upon them I haveing assented to that act wthout lessening y^e Size proposed by the assembly & I do hereby require the Sherriff of each County wthin this Colony to Cause Publication hereof to be made at the Court house of his s^d County the two next succeeding Courts after the receipt of the same & alsoe sev^l Sundays at every Church & Chapell wthin the County

And whereas diverse Persons have obtained orders of the gen^{ll} Court for Escheat Lands & have not yet made Composition for y^e same according to the Condition in the s^d order mentioned & consequently no Patents have passed for the s^d Lands w^{ch} being prejudicial to her Maj^{ty} Interest this is therefore to give notice to all such Persons that if they do not by the fifth day of the next gen^{ll} Court Comply wth the Condition of their s^d orders in making Composition &c for such their Lands they may expect to loose y^e benefit of their s^d ord^{rs} as may all other Persons hereafter that do not doe the like by y^e 5th day of the next Gen^{ll} Court after they obtain orders for such Lands & I comand & direct that this be published by the sev^l Sherr^s & by them set up in the respective Court houses in this Dominion

And whereas by the act for the better Support & maintenance of the Clergy the Church ward^{ns} and vestry of each Parish have Power to purchase Land for a Glebe & to build a Convenient house for y^e accomodation of the minister I do hereby require the vestrys of y^e respective Parishes wthin this Colony to transmitt to the Sec^{ry} office an acco^{ts} what quantity of Land is laid out in the s^d respective Parishes for glebes in Compliance wth the s^d act & if any house or houses thereon & y^e vestrys of such Parishes as have not yet purchased any such glebe & house are hereby required wth all Convenient Speed to purchase the same

And I do likewise require the Church ward^{ns} of every Parish to send me an acco^{ts} whether their s^d Parishes have received any of y^e

great bibles sent in by the hon^{ble} S^r Jeffery Jefferys to be disposed of for y^e use of the minister for the time being in each Parish

I do further require and Comand the vestrys of all & every Parish & Parishes that have not already returned their answer to the opinion of S^r Edw^d Northey Concerning Inductions & the order of Council thereon that they forthwth transmitt the same to me & the respective Sherr^s are hereby directed to intemate the above ord^{rs} to the severall vestrys within their Countys

And lastly I have thought fit to direct that the Sherr of each County give notice to their Coll^s & Comand^{rs} in Cheife of y^e same County that after the last day of September next the private musters appointed to be had once every three weekes are to cease and determine & all Persons Concerned are hereby required to give all due obedience hereunto as they will answer the Contrary at y^r Perill Given under my hand & the Seale of the Colony this 28th day of June 1704 in the third year of the reign of our Sovereign Lady Anne by the grace of God of England Scotland France & Ireland Queen Defender of the faith &c

Fr Nicholson

[C. O. 5, 1412 cont^d]

At a Council held at Williamsburgh the 8th day of August 1704

Present

His Excellency Francis Nicholson Esq^r &c

William Byrd

Philip Ludwell

John Lightfoot

William Bassett

Benj^s Harrison

Henry Duke Esq^{rs}

Her Majestys Letter to his Excellency dated the 25th of October 1703 giving leave to Edmund Jenings Esq^r Secretary of this her Maj^{ties} Colony and Dominion to come for England, and during his absence to execute his said Office by his sufficient Deputy or Deputys and directing his Excellency to permitt y^e same accordingly, & to give the said Deputy or Deputys all necessary encouragement &c was read and ordered to be entered on the Council Records.

John Smith Esq^r Present

Upon reading an order of her Majesty in Council bearing date at St James's the 20th of January 1703 proceeding upon an Appeal from the General Court of this Colony, whereby her Majesty is pleased with advice of her privy Council to Reverse and declare null and void, an order of the said General Court made the 24th day of April 1703 in the cause between Francis Ballard Lessee of Samuel Selden and Rebecca his wife, and Robert Beverley &c, and to order that Judgement be given in the said cause for Ballard the Appellant with five pounds for costs of the said appeal to be paid by the Defendant to the Plaintiff: His Excellency and the Council have thought fitt to direct that Stephens Thomson Esq^r her Maj^{ties} Attorney General do forthwith peruse the said order of her Majesty in Council, and Report his opinion whether

any Proceedings can regularly be made thereon by his Excellency and Council out of the General Court.

In obedience whereunto M^r Attorney General presented his Report in these words

August y^e 8th 1704

“Upon Perusal of an order of the Queen in Council dated at S^t James’s the 20th day of January 1703 relating to Francis Ballard Lessee of Samuel Selden and Rebecca his wife &c and Robert Beverley &c referred to me by his Excellency and the hon^{ble} Council, I am of opinion that the said order is most properly referable to the General Court.

S. Thomson A.G.

His Excellency and the Council approving of the said Report are hereby pleased to direct that a copy of her Matys said order in Council together with a copy of the present Proceedings thereon be delivered to y^e Attorneys of each Party respectively, to the end they may be the better prepared when y^e same shal come to be considered in the General Court.

Her Majesty by her Royal Letter bearing date at the Court at D^t James’s the 29th day of February 1703/4 now read in council having been pleased to direct that his Excellency and the Council be obedient to such orders & Instructions as they shal from time to time receive from the Lord high Admiral and to require all Persons in this Plantation whom it may concern to be aiding and assisting in the recovery of her Majestys dues and the dues of the Lord high Admiral in cases of Prizes according to her Majestys declaration for the encouragement of Ships of war and Privateers, and in maintaining the Rights of the Admiralty for the better putting in execution her Majestys said commands, his Excellency and the Council have thought fitt to order as it is hereby Ordered that a copy of her Majestys aforesaid Declaration be sent (together with this order) to the Collectors of her Matys Customs and Naval officers of the several Districts Requiring them in case any Prizes shal happen to be brought into their respective Districts they use their best endeavours to discover if any Embezilments be made of the furniture, apparel or Cargo of such Prizes, or any frauds committed in the disposition of the Proceed [s] thereof, and to be aiding and assisting to the proper Officer or Officers in the recovery of her Majestys dues and the dues of the Lord high Admiral according to her Majestys Pleasure signified in the said Declaration and Letter.

Whereas his Royal Highness Prince George of Denmark Lord high Admiral of England &c by his order bearing date the 4th day of March last, and now read in Council, hath been pleased to direct that his Excellency take especial care to comply with what is contained in an Article of a Treaty concluded with Algiers by Rear Admiral Byngs relating to the giving Certificates in writing to such Merchant Ships as shal be built or fitted out from this Government, and have not been in England that the same may serve them instead of a Pass: His Excellency with advice of the hon^{ble} Council doth hereby order and direct that a copy of his Royal Highness’s said Order, and of the aforesaid Article of the Treaty concluded with Algiers be sent to the Collectors

and Naval officers of the several districts within this Colony, to be by them published to the end that any Master or Owner of any Ship or Vessel built or intended to be fitted out from hence having no Mediterranean Pass according to the said Treaty may take the benefite of his Excellencys Certificate for their Security from the Algerines in case they happen to fall in their way.

Upon reading this day in Council a letter from the Earl of Nottingham her Majestys principal Secretary of State in these words viz

Whitehal february y^e 23^d 1703/4

“Sir

“The States General of the United Provinces having represented “to the Queen the advantages and conveniencys of the trade with “Spain in the West Indies, Her Majesty upon consideration of the “reasons alledged by them has thought fitt to continue the Trade “and Commerce with the Spaniards in those parts during this war “in all Commoditys excepting Stores of War and Ammunition and “such Commoditys as are prohibited by law to be carryed from her “Majestys Plantations directly to any foreign country, and her Majesty “has commanded me to signify her Pleasure to you that you permitt “& suffer her Subjects freely and openly to carry to any Place or “Territory under the Dominion of Spain or America all such Mer- “chandizes and Commoditys as might have been carryed thither before “the war, provided there be not among them any Stores or Ammunition “of war w^{ch} you must be very carefull to hinder, and you are likewise “to permitt her Majestys Subjects to bring from the Spanish Dominions “in America any Merchandize or goods of those Parts: and the Dutch “having promised to enjoin their Privateers in those parts not to “disturb her Maty’s Subjects in this Trade, you must in like manner “require all the Privateers under yo^r Jurisdiction not to molest any “of the Dutch in their Trade to and from the Spanish Dominions “except only in case of their carrying Stores and ammunition of war. “But as the reasons inducing Her Majesty and the States General “to this resolution, are peculiar to the Spanish trade, and respect “only the Spanish Nation, Her Majesty would have you take as much “care as is possible that the French may receive no benefite by this “indulgence.

To the end her Majestys Pleasure signified in the said Letter may be fully made known, His Excell^{cy} and the Council are pleased to direct that a copy thereof be sent to the Sheriff of every County, and that he cause the same to be published at the Court house of such County the next Court day after receipt hereof And his Excell^{cy} and the hon^{ble} Council do hereby give notice to all Persons that intend to trade to the Spanish West Indies that they shal receive all suitable encouragement, they demeaning themselves according to the directions in the aforerecited Letter contained, and more especially taking care that they carry thither no Stores or ammunition of war, nor under Pretence of trading to the Spanish West Indies hold any manner of correspondence or Commerce with the French which they are hereby strictly required and commanded to observe as they will answer the contrary at their Peril.

His Excellency laid before the Council a letter from the R^t hon^{ble} the Lords Comm^{rs} for Trade and Plantations dated the 16th of february 1703/4 being in answer to several Letters sent by his Excellency to their Lordships. One Paragraph of the said Letter relating to the irregularitys committed in the granting Commissions in the Plantations to private Ships of war: His Excellency and the hon^{ble} Council do humbly certify their Lordships that no Commission hath been granted here to any such Private Ship of war, nor is it like that any such will be fitted out from hence but if there should His Excellency and the Council will take especial care to govern themselves according to the Commissions and Instructions granted in Engl^d in the like cases, of w^{ch} their Lordships are pleased to promise that copys shal be sent for their direction

In like manner his Excellency communicated to the Council a letter from the Lords Comm^{rs}, for trade dated the 17th of March last past wherein was inclosed her Maj^{ties} Royal Letter of the 29th of february past relating to Prizes, and the Earl of Nottingham's letter relating to the Spanish trade.

His Excellency acquainted the Council that the Lord Cornbury Governor of her Majestys Province of New York had sent by an Express over land diverse Pacquets for her Majesty's Service, and other Pacquets and letters that came from England in the Falkland and thereupon recommended to M^r Auditor Byrd to take care that the messenger who brought the said Letters be paid for his trouble.

A Petition being presented by the Committee for inspecting the work of the Capitoll &c Ordered that the consideration thereof be referred till tomorrow.

August the 9th 1704

Present

His Excellency

William Byrd
John Lightfoot
Benj^a Harrison
Philip Ludwell

W^m Bassett
Henry Duke &
Jn^o Smith Esq^r

M^r Auditor Byrd laid before the Council a Commission from the principal Comm^{rs} for Prizes constituting and appointing him her Majestys Agent for Prizes at Virginia, and read one of his Instructions from the said Comm^{rs} directing that he take care that some Person of good credit and condition resident at any Port or Place where any Ship shal be brought as Prize within this Dominion (having Commission and interrogatorys from the Court of Admiralty) do forthwith examine the Master and officers of the Ships company seized, or any two or three of them that shal be found most knowing to each Point in the said Commission & Interrogatorys specified, and (if occasion) the Captains, Commanders, Officers & Seamen bringing in the said Prize to the Points they shal be able to answer, and cause full affidavits to be made by such as have had or intermedled with any bills of Lading,

docquets Charter Partys &c or other writings or Papers whatsoever, that the same are all that came into their or any of their hands, which Papers are to be disposed of in manner mentioned in the said Instructions: His Excellency and the Council taking into consideration that there are no such Commissions & Interrogatorys come hither from the Admiralty as are mentioned in the aforesaid Instruction, and being desirous to take the utmost care for her Majestys interest till such Commissions arrive, Do hereby order that the Collectors and Naval Officers of the several Districts be very dilligent to give notice to his Excellency and to M^r Auditor Byrd as soon as any Prize shal happen to be brought into any of their Districts, And that in the mean time they endeavour to get what Information they can in relation to such Prize, her Lading and Papers.

Upon reading that part of the Lords Comm^{rs} for Trade & their Letter of the 16th of february last relating to an exact Rentroll of all the lands in this Colony, M^r Auditor Byrd being asked his opinion touching the same acquainted this Board that at present there cannot be anything done in it, but that when the warrants for collecting the Quit rents are signed it will be proper to give directions to the respective Sheriffs to take the said Rent roll It is thereupon Ordered that M^r Auditor prepare a Scheme for the more exact and regular making up the said Rent roll to be delivered to the respective Sheriffs at the afores^d time for their better guidance and direction therein.

His Excellency was pleased to propose to the consideration of the Council whether there be any necessity for the meeting of the General Assembly the 18th of October next according to the last Prorogation; Whereupon the Council declare that they are not at present apprised of anything that requires the Assemblys meeting so soon; And therefore are of opinion, and it is accordingly Ordered that in case no extraordinary occasion happen, nor no new orders arrive from England before the latter end of September, that then a Proclamation issue proroguing the General Assembly to the 16th of November next.

His Excellency acquainted the Colonel [Council] that he intended speedily to take a Journey to Maryland, and (if he found Governour Seymour inclinable) to go forward to Burlington in West Jersey where he expected to meet his Excellency the Lord Cornbury in order to her Majestys Service: And it is thereupon Ordered that a Proclamation issue declaring the administration of the Government to be Lodged in the President and Council, and that M^r Auditor Byrd is Presid^t during his Excell^{ty}s absence.

Upon reading a Letter from Coll^o John Catlet of Essex County dated the 7th instant giving account that diverse strange Indians had taken and carried away two Negroe's from M^r William Smiths Plantation in the said County, and that thereupon he has given orders to a troop of horse to go in search of them, His Excellency and the Council do approve of the said Coll^o Catlet's dilligence and desire him to continue to give the necessary directions to the Troops under his command to range on the Frontiers for the better apprehending the said Indians and preventing further mischief untill he shal judge convenient to discharge them upon the ceasing of the danger.

Upon reading at this Board the Return of King William County Court on two orders of Council the one bearing date the 8th and the other the 10th day of May last past, relating to the differences amongst the Chicahominy Indians; The Council are of opinion that it is for her Majestys Service, and accordingly order that the Justices of the said Court continue to use all suitable endeavors for settling & maintaining Peace and good agreement among the said Indians, and forasmuch as by the said Return it appears that Coscohunk and James Mush two of the said Indians have been guilty of speaking diverse words ag^t the Governm^t His Excellency and the Council are never the less pleased to direct that the said Court of King William County acquaint the said Indians that in consideration of the Submission they made when they attended the Council in May last, the Punishment due to them for the said offence is remitted and forgiven, provided they behave themselves quietly and peaceably for the future.

Whereas by the Proceedings of King William County Court dated the 31st of May last upon the Petition of Anthony one of the great men & Rulers of the Chuchominy [Chickahominy] Indians & others transmitted hither by order of the said Court, it plainly appears to this board that if the matter of complaint represented in the s^d Petition touching an intention of some of the s^d Chicahominy Indians to sell their land, be true it must be encouraged & fomented by some ill disposed Persons inhabiting near the said Indians for their own private ends; His Excellency and the Council have thought fitt to order as it is hereby Ordered that the Court of King William County make strict enquiry whether the matter contained in the s^d Petition be true, and if so, what Person or Persons have advised any of the said Indians to sell or dispose of any of their said Lands, or have been any way concerned in fomenting the present differences amongst the said Indians, and that they return to his Excellency and the Council by the fourth day of the next Gen^l Court a true state of that matter to the end that upon due information thereof necessary care may be taken for preventing such sinister and pernicious Practices for the future.

Application being made to his Excellency by the Nattoway, Maherine, Nansemond, Pamunkie, Chicahominy and Nansiatico Indians that two men of each of the said Nations may have leave to go to the Northward to conclude a Peace with the Senequas, and that likewise two men of the Tuscoruro Indians may be included in the Pass to be granted for that Purpose, and also that they may endeavour the ransoming of the Nattoway King taken Prisoner last Summer as they suppose by the said Senequa Indians or some others living to the northward; It is the opinion of his Excellency and the Council that it is not convenient to suffer the said Indians to go further Northward than the Northern limits of this Governm^t but if they can accomplish their intentions without proceeding further than this Government extends that then they be permitted to go so far, they taking with them as Interpreters Cap^t Joshua Wynne, Captain Thomas Wynne or M^r James Adams or any one or two of them, which Interpreter or Interpreters they are to permit, & he & they are hereby also directed

to be present at all the consultations that shall be had by the said Indians with any strange Indians, and without whose consent and approbation they are to conclude nothing. And the said Indians and Interpreter or Interpreters are strictly required to take care that at the said meeting with any strange Indians nothing be treated or concluded that may tend to the Prejudice of this her Majestys Colony or Inhabitants thereof as they will answer the contrary. And in case the said Interpreters shall perceive that the said Indians intend to conclude anything contrary to the true intent and meaning hereof, they are required to use their utmost endeavors to prevent the same, and to acquaint his Excellency of all their Proceedings. Upon wth Restrictions & Limitations it is Ordered that a Pass be prepared under the Seal of the Colony for two of each Nation of the said Indians to go to the Northern bounds of this Government together with their Interpreter without any molestation. And ordered that a copy of this order be sent to the Interpreter who shall be chosen to go with the said Indians for his and their better direction in the Premises.

Collonel John West Commander in chief of the Militia of King William County having made application to his Excelency that a barrell of Powder and one hundred weight of Shott may be sent thither for the Service of the County, it being a Frontier, and little or no Ammunition to be had in it, It is ordered that Edward Ross Keeper of the Magazine at James City deliver to the said Coll^o John West the quantity of Powder & Shott desired out of the old Stores in his custody, if there be so much remaining.

Upon reading a Letter from Coll^o Miles Cary Naval Officer of Yorke River representing that Cap^t John Hort Commander of the Ship Tyger of Bristol (having by the officers of the Customs of the s^d District of York River been denied to clear the said Ship in obedience to her Majestys royal Commands, and to the order of his Excellency in Council, no Convoy being in the Country) did on the 24th of July last past depart the said District with his said Ship without the Licence or Leave of the said Officers, or paying the Port charges & Virginia dutys, but only sent a letter after his departure with bills of Exchange on one of his Owners for what he takes to be the Port charges and Virginia dutys of the said Ship:

His Excellency and the Council taking into consideration the ill consequences of such Practices, if some method be not taken that may effectually prevent the like Contempt of authority for the future; and it being very probable that the said Hort doth not intend to return into this country where his Bonds may be sued, Do therefore order that Stephens Thomson Esq^r her Maj^{ties} Attorney General consider whether the said Hort may be prosecuted in England upon his Entry Bond, and the bond given in pursuance of the Act of Assembly for preventing Ships and Vessells running away after Embargos are laid, and what method may be most proper for effecting the same, and that he make Report thereof to the next meeting of Council.

Whereas the Deputy Governor of North Carolina hath made complaint that two Indian Traders belonging to this Government (being free Negroes) have stirred up the Indians called the Windows

to make war upon a Nation of Indians called the Wawees under the Government of South Carolina, and it appearing to this Board that two free Negroes living in this Government, the one named Fontain and the other Hubert trade with the said Windaws, and may be justly suspected to be guilty of such ill practices; His Excellency by advice of her Matys hon^{ble} Council doth hereby strictly charge and require the s^d Fontain & Hubert that they forbear such Practices for the future, and that they be carefull to give no ground of Complaint to any Indians either by their own actions, or their abetting others; Certifying them and all other Persons trading with the Indians that if any Complaints that be made against them or any of them hereafter they may expect to be severely punished as such offences deserve.

Philip Ludwell Esq^r Absent

Upon reading a Petition presented by the Committee appointed to inspect and oversee the building of the Capitol & M^r Henry Cary overseer of the said work Complaining that two of the Carpenters employed in the said work, have lately gone away to the great hindrance of the same; His Excellency and the Council having called M^r Cary before them enquired of him whether the work of the Capitol can be finished this Fall, and he having given his opinion that if he can but procure three Carpenters more besides the seven he has at present, he doubts not to have all the work finished before the Latter end of November except the brick wall about the Court yard which he cannot promise to have perfected, the late rains having interrupted the making of the bricks, Whereupon it is considered by this board that the finishing the work of the Capitol before winter will save a considerable charge to the Country, And therefore Ordered that M^r Cary use his utmost endeavors to procure as many Carpenters as will be sufficient to finish the same by the time proposed. And in case Carpenters cannot be got voluntarily to engage in the said work; It is the opinion of the Council that his Excellency grant a warrant to M^r Cary to impress so many as he shal find necessary, it being for the publick Service and interest that the said building be finished before winter And it is further Ordered that if by badness of weather or other disappointment it shal happen that the brick wall round the Court yard cannot all be finished this Fall, then M^r Cary do so order the work that no more of it be begun than can be conveniently carryed up and caped before the approach of the Frosts.

Ordered that M^r Cary informe his Excellency and the Council at the begining of next General Court what further Progress he hath made in the building, that if it shal appear that the whole cannot be finished before winter, the workmen may be discharged till next Spring

James Merchand a French Refugee complaining that Lewis Latané Clerk told the Petitioner as he was coming to Virginia that he must become a Servant till such time as he had paid for his Passage, That the Petitioner hath served the said Latané three years, and that the said Latané still refuses to let him go free altho he knows that his Passage was paid by his late Majesty amongst the other Refugees;

Ordered, that M^r Latané have a copy of the above Petition, and that he make answer thereto next General Court to his Excell^{ty} in Council

The Petition of M^r Isaac Hill complaining of an Assault made on him on the Queens highway by Edward Matthias of King & Queen County, is referred to M^r Attorney General to prosecute the said Matthias according to Law

Upon reading at this board the Petition of Mary Strachan the wife of David Strachan of Stafford County complaining that while she was at the Springs in Maryland for the recovery of her health, her said husband procured a Licence, and married another woman, and that upon the Petitioners returning lately from Maryland and suing for a maintenance, the said Strachan hath conveyed himself and most of his Estate to New Castle and disposed of the rest to several Persons to the defrauding the Petitioner of a maintenance &c: It is ordered that the said Petition be sent to the Court of Stafford County to whom it is hereby referred to examine into the truth of the several matters therein contained, and to return a true State of the Case according to the best Information they can get, unto his Excellency and the Council next October General Court, together with the said Petition, to the end such further Proceedings may be had thereon as shal be judged agreeable to Law & Justice.

His Excellency communicated to the Council several directions by him given in relation to the observance of the Act for ascertaining the Size of Tobacco hogsh^{ds} concerning Escheat Patents, Glebes and Vestrys, and discharging the musters appointed every three weeks after the last of September next, all contained in an Order issued by him under the Seal of the Colony the 28th of June last, and the said Order was read in Council

And then the Council adjourned

At Westopher the 11th day of September 1704

The Council being summoned to meet this day upon occasion of a barbarous murder committed by the Indians in Richmond County, and no more of the Gentlemen of the Council being come but three besides the President; Their Hon^{rs} thought fitt to delay the consideration of the business for w^{ch} they were called till tomorrow in expectation of a greater number

At a Council held at Westopher the 12th day of Septem^r 1704

Present

The hon^{ble} William Byrd Esq^r President

John Lightfoot

Benj^a Harrison &

Philip Ludwell Esq^{rs}

The President and Gentlemen of the Council now present finding that no more may be expected at this Council, proceeded to read the following Papers and Letters viz

A letter from Coll^o W^m Tayloe Collonel of the Militia of Richmond County directed to M^r President and dated the 3^d of this moneth

giving an acco^t that on the Wednesday before about ten in the forenoon, ten Indians came to the house of John Rowley of that County, and after staying sometime in a freindly manner and speaking English to the said Rowley, w^{ch} made him less apprehensive of their ill designs, they fell upon him, and killed himself, his wife and son & his wives mother; and that only one Girl escaped, that the people believe the Nansiatico Indians are the murderers, they having often threatened that family.

A letter from Coll^o Robert Carter of the same date w^{ch} inclosed the aforesaid Letter from Coll^o Tayloe

A lett^r from Coll^o Corbin of the same date relating to the aforesaid murder

A letter from the said Coll^o Tayloe (without date) giving an acco^t that the Nansiatico Indians had confessed the murder of John Rowley &c and that he had secured the Murderers and praying directions what to do with them.

A letter from Coll^o Robert Carter dated the 4th of September containing a further account of the murder committed by the Nansiatico Indians & several circumstances of its discovery

A letter from Cap^t W^m Robinson to Coll^o Tayloe that he had apprehended & secured diverse of the Nansiaticio Indians who have confessed the murder of Jn^o Rowley & his family

A Letter from Cap^t Alex^r Donaphan dated the 3^d of September, that he had taken some of the Indians who committed the murder.

And also the said Indians their confession of some circumstances of the s^d murder

After which the Council took into consideration whether they being so few in number can act at this time as a Council, and considering the urgency of this extraordinary occasion and the danger the Country may be exposed to, from the Indians at this Juncture. They are of opinion that they are well warranted to act on this emergency, Her Majestys Service and the Security of the Country being so immediately concerned; and it being absolutely necessary to give speedy directions as well for securing the Nansiatico Indians that are already taken, cs for preventing further mischiefs from the Indians that may be in confederacy with them

Whereas a horrid and barbarous murder has been lately committed in Richmond County on the body of John Rowley, his wife, Son & wife's mother, w^{ch} by the Informations & accounts transmitted from thence now lying before this board appears to have been perpetrated by the Nansiatico Indians Tributarys to this Governm^t and the said Indians, being now in the custody of the Militia of Richmond County where this Board are informed they cannot be safely secured till they be brought to a legal trial; The President & Council thought fitt to order as it is hereby Ordered that Coll^o W^m Tayloe Com^{d^{or}} in chief of the Militia of Richmond County cause all such of the said Nansiatico Indians as are now or shal hereafter be taken into custody on Suspition of the said murder to be safely conveyed under a good Guard to the Common Goal at Williamsburgh, and there delivered to the keeper of the said Goal who is hereby required to receive and keep

them untill further order be taken to bring them to condign Punishment for their s^d Crime

And it is further Ordered that the said Coll^o Tayloe cause the Indians who have already confessed the fact and given Information ag^t the other Indians to be kept separate from the rest, and so delivered to the keeper of the said Goal, who is likewise required to keep them separate to prevent their being prevailed upon by the other Indians to retract their evidence

Ordered, that John Redwood keeper of the Common Goal at Williamsburgh do immediatly upon his receiving the Nansiatico Indians Prisoners, impress a good Guard, not less than six in number for the better securing the said Indians.

Ordered that it be referred to M^r Attorney General to consider the Papers and Informations that have been sent concerning the murder committed by the Nansiatico Indians, that he may prepare what may be necessary in order to their Prosecution.

Ordered, that the Interpreter to the Pamunkie and Chicahominy Indians forthwith go to the s^d two Nations of Indians and acquaint them that the Council having received information of a barbarous murder committed by the Nansiatico Indians in Rappahannock River on one John Rowley and his family, and being apprehensive that the Piscataway or some other Foreign Indians may be in Confederacy with them and at present likely to be out on the Frontiers, have thought it necessary to informe them thereof Requiring them to keep at their respective Towns till the apprehensions of this danger ceases, and that they suffer none of their young men to go abroad without first acquainting some of the Officers of the Militia next inhabiting to them, and in case any of the Nansiatico Indians or any Forreign Indians come to either of their Towns, or if they know where they are, that they immediatly give notice to the next Officer of the Militia, and be assisting in taking and securing the said Nansiatico or other Forreign Indians, Certifying them that if they go abroad during this time of danger or harbour or conceal any of the said Indians, they will be looked upon as Accomplices with the said Indians, and may be called to account for what mischief shal arise thereby

Ordered

That the Interpreter to the Nattoway and Maherine Indians acquaint the said Indians that the Council having received Information of a barbarous murder committed by the Nansiatico Indians on Rappahannock River, and being apprehensive that some Forreign Indians may be in Confederacy with them who may probably attempt to do further mischief on our Frontiers, have thought fitt to informe them thereof, Requiring them to be as dilligent as may be to discover any strange Indians that may happen to come on the Frontiers of this Colony, and forthwith to informe the hon^{ble} M^r President Byrd or Coll^o Benj^a Harrison thereof and to be aiding and assisting to the Officers of the Militia in apprehending any of the said Indians.

Whereas a barbarous murder has been lately committed by the Nansiatico Indians on Rappahannock River, and it being very probable that other Forreign Indians are in Confederacy with them, and may

be suspected to be stirred up by such of the Nansiatocos as are escaped to committ murders and depredations on the Frontiers of this Colony; it is therefore Ordered that the Collonels or Commanders in chief, of the Militia of the severall Frontier Countys give notice to the Militia under their respective commands of the present apprehensions of danger from the Indians; Requiring them to be in a readiness at an hours warning well armed and provided according to Law, and that upon Information of any strange Indians being on the Frontiers, the said Collonels or Commanders in chief take all proper measures for the Security of the Inhabitants & for preventing any mischief, and upon such occasion to give immediate advice to his Excell^{ty} or to M^r President during his Excellency's absence.

M^r President laid before the Council a copy of his Letter to Coll^o Tayloe dated the 7th instant being in answer to the two Letters sent by him to his Hon^r in relation to the Indians, and the s^d Letter being read, The Council are of opinion that M^r President has done all that could be done by him on this occasion.

The Council having also perused Coll^o Carters Letters sent to M^r President on occasion of the murder committed by the Indians, desire M^r President to write to the s^d Coll^o Carter to continue his care & directions to the Officers of the Militia in those Parts for her Matys Service on this or any such occasion.

M^r President asking the advice of the Council what further may be necessary to be done at this time in relation to the Indians & the present occurrence, They are of opinion that the orders already given are all that can be done at this time.

And then the Council adjourned.

Post Meridiem
Present, as before

An Express arriving just now from Coll^o Tayloe bringing several examinations taken before the Justices of Richmond County touching the murder committed by the Indians, M^r President asked the advice of the Council thereupon, who unanimously declared their opinion that the Examinations & Lett^r therewith sent containing no new matter but only a more full & particular account that [than] had been sent before It is not necessary to alter their former Resolves & Orders; but that the s^d Examinations be given to M^r Attorney Gen^l with the other Papers for his consideration.

At a Council held at Williamsburgh the 28th day of September 1704

Present

His Excellency

Robert Carter
Philip Ludwell

W^m Bassett
Henry Duke Esq^{rs}

Upon reading a letter from Rich^d Chichester Esq^r Coll^r of her Matys Customs in Rappahannock River signifying that Cap^t Matthew Gale Com^{d^{er}} of the Ship of Whitehaven, having been

denied Clearing, pretended he would only sail to the Eastern Shore, but instead thereof he sailed directly out of the Capes for England His Excellency and the Council taking into consideration that the like case of Cap^t Hort Com^{d^{er}} of the Tyger of Bristol was brought before them at a Council held the 9th day of August last and stands referred to M^r Attorney Gen^l Do therefore Order that M^r Attorney consider both these cases and report his opinion thereof as soon as possible

His Excellency acquainted the Council that her Majestys Ship the Jersey was ordered home from New York, and communicated to them his Lett^r to Cap^t Geo: Rogers Com^{d^{er}} of the s^d Ship with the said Cap^t Rogers his answer dated the 14th instant signifying that he will be ready to sail the 8th of October next, and that he will take care of all such Ships as shal come to joine him from this Government. And further his Ex^{cy} acquainted the Council that her Majestys Ship Gosport attending the Governm^t of New England being also ordered home, His Excell^{cy} the Lord Cornbury and himself had writt to Coll^o Dudley Gov^r of New England and to the Captain of the said Ship that he may joine Cap^t Rogers in the Jersey at New York and take under their Convoy such Ships as shal be ready to sail with them for England from these her Majestys Governm^{ts} on the Continent. His Excell^{cy} likewise laid before the Council a copy of an order of Council in Maryland whereby the Ships in that Province have leave to sail with that Convoy. Whereupon it is

Ordered that the Collectors & Naval Officers of the respective Districts within this Colony do forthwith notify to the Captains & Com^{d^{ers}} of all Ships & Vessells in their said Districts that her Majestys Ship the Jersey is to sail from New York for England the tenth day of October next, and that such of them as are desirous to take the benefit of that Convoy, and will give bond to proceed directly to New York and there joine the said Convoy before the afores^d tenth day of October next (wind and weather permitting) that have liberty to depart this Colony, and the said Collectors and Naval officers are hereby directed to clear all such Ships whose Commanders shal apply themselves to them for clearing before the fifth day of October next taking bond of them to joine the Convoy as aforesaid

Whereas Cap^t George Rogers Commander of her Matys Ship the Jersey now at New York by his Letter to his Excell^{cy} dated the 14th instant hath prayed that the two Cables sent in for her Maj^{ty}s Ship Southampton may be sent to him for the use of her Matys Ship under his command. It is ordered that Major W^m Buckner in whose custody the said two Cables are put the same on board any Ship or Vessel bound for New York intending to go from thence for Engl^d under the Convoy of her Matys said Ship taking receipt of the M^r or Captain for the delivery thereof to the said Cap^t George Rogers & to take his receipt for the same w^{ch} he is to leave with his Excell^{cy} the Lord Visco^t Cornbury Governor of her Matys Province of New York or the Collector of her Ma^{ty}s customs there in order to be sent hither.

John Smith Esq^r Present

His Excellency and the Council taking into consideration that there are a great many evidences to be examined ag^t the Nansiatico Indians who lately committed that barbarous murder on the body of John Rowley, his wife, Son, & wife's mother in Richmond County, and that it will be a great trouble to those evidences and a considerable charge to the Country to bring the said Indians to be tryed at Williamsburgh, Have therefore thought fitt to order that a Commission of Oyer and Terminer issue for trial of the said Indians at Richmond County Court house on the fifth day of October next And for the more solemn Proceeding on the said Trial, It is ordered that four of her Matys hon^{ble} Council viz Jn^o Lightfoot, Robert Carter, Philip Ludwell, and John Smith Esq^{rs} (as being most likely to go thither) Major Peter Beverley Speaker of the house of Burgesses, William Tayloe first in Commission of the Peace of the County of Richmond, the first in the Commission of the Peace of the Countys of Westmoreland Stafford and Essex, together with all the Justices of the Peace of Richmond County, be & are hereby appointed Justices for executing the said Commission of Oyer and Terminer

Ordered that M^r Ja: Sherlock M^r Ja: Westcomb, M^r Rich^d Buckner & M^r Nath^l Pope be appointed Clks for the s^d trial and that a Commission be granted them accordingly

Whereas a barbarous murder hath been lately committed in Richmond County by the Nansiatico Indians Tributarys to this Government, which said Indians are to be tryed at the Court house of the said County of Richmond by Comm^{rs} of Oyer and Terminer thereunto specially appointed on the fifth day of October next. And forasmuch as upon the trial some of the said Indians may be acquitted of the said Crime, His Excell^{cy} and the Council have thought fitt to order that the Gentlemen hereafter named viz for Westmoreland County the hon^{ble} Richard Lee Esq^r L^t Coll^o Willoughby Allerton, L^t Coll^o Charles Ashton Officers of the Militia, Lewis Markham Henry Ashton & Caleb Butler Gent Justices of the Peace for the s^d County. For Stafford County Coll^o Rice Hoe, L^t Coll^o William Fitzhugh, and Major Rich^d Fossaker Officers of the Militia; Matthew Thomson, Joseph Sumner & Francis Thornton Gent Justices of the Peace. For the County of Essex L^t Collonel John Battail, Major James Boughan & Cap^t W^m Tomlin Officers of the Militia Thomas Edmondson, Francis Talliaferro, and Rob^t Brookes Gent Justices of the Peace. And for Richmond County (besides the Gentlemen named in the Commission of Oyer and Terminer) Cap^t W^m Barber, Cap^t Henry Brereton, and Cap^t John Craske, be by the Sheriffs of the said respective Countys summoned to meet at the Court house of the said County of Richmond on the aforesaid fifth day of October next, there to advise and consult with the Commissioners of Oyer and Terminer in what manner such of the said Nansiatico Indians as shal upon trial be acquitted together with the women & children may be disposed of so as may be best for her Majestys Service, and the future Peace, quiet & Security of the Inhabitants of this her Majestys Colony and Dominion. And it is ordered that whatsoever shal be agreed on by the said Commissioners of Oyer & Terminer and the other Gentlemen abovenamed in relation

to the said matter, they cause the same [to] be fairly drawn up and signed, and so transmitted to his Excellency and the Council to the end directions may be given therein accordingly

And it is further Ordered that the Sheriff of the County of Richmond observe and follow such Orders and directions as he shal receive from the Com^{rs} of Oyer and Terminer, and the other Gentlemen abovenominated for securing or otherwise disposing of the said Indians untill he receive further orders from his Excellency & the Council.

Ordered that the Sheriff of Westmoreland County acquaint Major Francis Wright that he is appointed one of the Comm^{rs} of Oyer & Terminer for trial of the Indians at Richmond Court house on the fifth day of October next, & also acquaint M^r James Westcomb that he is appointed one of the Clerks for the said tryal, and require them to give their attendance accordingly.

Ordered that the Sheriff of Stafford County acquaint Coll^o Geo: Mason that he is appointed one of the Comm^{rs} of Oyer & Terminer for trial of the Indians at Richm^d Court house on the 5th day of October next, and likewise acquaint M^r Nath^l Pope that he is appointed one of the Clerks for the said trial, and require them to give their attendance accordingly.

Ordered that the Sheriff of Essex County acquaint Coll^o John Catlet that he is appointed one of the Comm^{rs} of Oyer & Terminer for trial of the Indians at Richm^d County Court house on the 5th day of October next and also acquaint M^r Rich^d Buckner that he is appointed one of the Clerks for the said Trial, and require them to give their attendance accordingly.

His Excellency and the Council being informed that Stephens Thomson Esq^r her Matys Attorney General is at this time sick, and not able to attend the Trial of the Indians in Richmond County on the fifth of Oct^r next; Have thought fitt to appoint M^r John Holloway and M^r Rich^d Wharton & they are accordingly hereby appointed to be of Council for her Maj^{ty} for managing the said Trial. And because by their attending her Matys Service at that trial, they cannot be present at James City County Court w^{ch} is to be held the 6th day of the same moneth, It is ordered that the Justices of the said Court be desired to put off the trial of all causes wherein the said M^r Holloway or M^r Wharton are concerned untill the next Court day.

Ordered that the Sheriff of Richmond County provide victuals & accomodations for the Comm^{rs}, Attorneys, Clerks, Jurys and evidences attending the Trial of the Indians in Richmond County, and send an acco^t of the Charge thereof to his Excellency and the Council as soon as may be that care may be taken for Paym^t thereof.

Ordered that the Interpreter to the Maherine, Nattoway & Nansmond Indians and the Interpreter to the Pamunky & Chicahominy Indians attend the Comm^{rs} of Oyer and Terminer for trial of the Nansiatco Indians at Richmond County Court house on the fifth day of October next, and be assisting at the s^d Trial as they shal be directed by the said Comm^{rs}. And it is further Ordered that the said Interpreters take with them two or three of the great men of each of the respective Nations to which they are Interpreters, that they may be

present at the Trial of the s^d Nansiatico Indians, and be witnesses of the equity of the Proceedings ag^t them for the crimes for w^{ch} they stand accused, & that they may be able to informe the rest of their Nations at their return. But forasmuch as it may be dangerous to admitt any communication to be had between the said Indians & the Nansiatics the said Interpreters are hereby requested to be very carefull to prevent y^e same, by keeping them asunder. And the s^d Interpreters are further directed to cause the s^d Indians [to] take with them necessary Provisions for their Journey, and the time they shall be attending the said Trial. And for their more expeditious Proceeding on their Journey, in case any of the said Indians shall become lame & not able to travell, the s^d Interpreters respectively are hereby authorized to impress horse or horses for carrying of them.

Whereas by order of Council bearing date the 12th instant the Pamunkey and Chicahominy Indians were restrained from going abroad upon the then apprehensions of danger from strange Idnians. His Excellency and the Council being now satisfied that there is no such strange Indians on the Frontiers do hereby order that the said Prohibition be taken off, and that the Pamunkey and Chicahominy Indians have leave to go abroad on hunting or otherwise as usual and their Interpreter is directed to acquaint them with this order.

Whereas the Militia of Richmond County have had great trouble in apprehending, and guarding the Nansiatico Indians now in custody for the murder of Jn^o Rowley and others, It is ordered that Coll^o William Tayloe Com^{der} in chief of the Militia of that County cause an exact acco^t to be made & sent to his Ex^{cy} of the particular officers & men employed from time to time in that Service and how long they have continued therein, that care may be taken for their Satisfaction.

Upon reading a letter from the hon^{ble} Coll^o Robert Daniel Deputy Governor of North Carolina dated y^e 18th of this instant September intimating that upon treating with the Tuscoruro Indians he had enquired into the behaviour of one Fontain & Davis belonging to this Government relating to their encouraging the said Indians to cutt off the Inhabitants of Pamtico & News, and that some of them owned that Fontain had talked to them to that purpose;

It is therefore Ordered that the s^d Fontain & Davis, together with Hubert (who was formerly complained ag^t for ill Practices amongst the Windaws appear before his Excellency and the Council at the Capitol on the twenty third day of October next to answer the complaints made ag^t them, And it is recommended to the hon^{ble} Coll^o W^m Byrd to send this order to the Sheriff of the County where the said Fontain, Davis & Hubert live, who is hereby required to summon them accordingly, and Coll^o Byrd is further desired to make enquiry amongst the Indian traders concerning the s^d Fontain, Davis & Hubert their behaviour amongst the Indians, & more particularly of what they are now accused, and Give his Excell^{cy} and the Council an acco^t thereof ag^t the day of their appearance. And his Excell^{cy} and the Council do desire the hon^{ble} Coll^o Daniel to furnish them with such Proofs as he hath touching the matters of complaint ag^t the said Fontain, Davis & Hubert, assuring him that

they will take such measures thereupon as shal not only effectually prevent the Persons complained of, but deter all others from such like Practices for the future.

Upon reading the Petition of Harry Beverley, Christopher Robinson & John Robinson Feofees in trust for the Town land in Middlesex County complaining of diverse irregular Proceedings of the Court of the s^d County of Middlesex,

It is ordered that a copy of the said Petition be sent to the Justices of the s^d County Court who are hereby required to transmitt to his Excellency & the Council on or before the 4th day of the next General Court their answer to the matters of complaint therein mentioned, together with their Reasons that induced them to alter their first order of Court for building their Court house on Cap^t Jn^o Smiths old feild, and by another order to direct that the s^d Court house should be built in the old feild where the Court is now held. And what were their reasons for rejecting M^r Christopher Robinson's Proposition for fitting up a Courthouse on the Town land for a far less Sum than any other could be built together with their reasons for rejecting the Petition of the s^d Feofees for roads &c to the Town

His Excellency communicated to the Council two Letters from M^r Secretary Jennings dated the 30th of March & 1st of April last past giving an acco^t that a Petition had been presented to her Majesty by Coll^o Ludwell ag^t his Excellency & signed by five of the Council. After reading of w^{ch} his Excell^{cy} was pleased to say that whoever they were that had signed that Petition he hop'd they would be obliged to stand by it in England, & that such of them as were there would be obliged to stay & those here, to go thither where it was his desire to come to a fair hearing

His Excellency caused to be read in Council a letter signed by Robert Beverley and directed to Major David Gwyn of Richmond County, with a Paper inclosed called by him a Narrative, Which letter & Paper are as followeth

London february y^e 12th 1703/4

"Sir

"Being fully satisfied of your sincere intentions to serve our Country to the utmost of yo^r ability without respect to the deceitful Smiles of a Court favour, I have ventured to send you the inclosed Narrative w^{ch} is not the tenth Part of what appears here of the designs of ruin & Slavery to our poor Country, and in no way to be helped, but by the removal of our Duke from among us, which one true Representation from our Assembly would do, nothing supporting him so much as the flattering Addresses he obtains by the many inventions he uses with the Assembly, Clergy and others, bestowing Promises & Offices only the better to obtain his other ends, & not out of any notion of Justice, equity or friendship.

"My inclosed is a tedious Story wherefore I shal not trouble you further now, but heartily hope, you'l continue to be what you always seemed to me, a true Patriot of our Country, and faithfull Discharger of the trust reposed in you, & so I think yo^r Colleague to be, to whom I pray you give my Service, and communicate the inclosed Narrative,

“which will be clearly made out to you, whenever you meet with the
 “Memorials & characters themselves, which I have sent into the
 “Country, and am

Dear Sir

Yo^r most humble & obliged Servant
 R Beverley

London 12 February 1703/4

“Sir

“It would be a calamitous Story to tell that a kind good natur’d
 “man nursed vipers in his bed to keep them from perishing and make
 “the Poyson the stronger ag^t himself or to fan & feed a fire just taking
 “hold of his own house, w^{ch} otherwise would go out of itself: but
 “thus our poor unfortunate Country has done for sometime, feeding
 “the fire with Addresses, and nourishing the Vipers with flattery.

“I must confess I was altogether in the Dark, and knew nothing
 “till I came here I could not so much as have supposed the miserable
 “fate our poor Country lyes under, and the near affinity it has to
 “Slavery and utter ruine.

“I esteemed our Duke’s behaviour to be no more than the effect
 “of his Pride to hector & Domineer, contenting myself to esteem
 “him the proudest man I ever saw, or that he could not have used the
 “best Gentlemen in the Country at that vile rate; and would never
 “have imagined the dilligence and means he uses in seeking a Despotic
 “Power by authority from hence, and a back of Military force and
 “martial Law to support it, neither the inventions he has to attain
 “these ends.

“I thought some Merchants here might have been satisfied in
 “making a Trade of us in the Sale of our Tobaccos, and return of our
 “goods, and did not think they had busied themselves in matters of
 “State to keep us underlings and poor, prying into our Laws and im-
 “provements and opposing privately any thing that might tend to
 “the advantage of our Manufactures, Ports, or Towns, w^{ch} they know
 “would soon make us a brave Country, and teach us to make the best
 “of our Commoditys.

“I thought when old Randolph was dead, his Place could not
 “have been filled with such another Pest to mankind, but here’s his
 “Successor ten times worse, nay the Devil himself were he in his room,
 “could not do us more mischief, nor frame grosser Lyes ag^t us, he has
 “got some credit here, and his characters & Storys have a mighty
 “weight and what effect they’l have, I am afraid our Countrey will but
 “too sensibly feel, and too late resent.

“But I confess, I was ignorant of all these things till I came here,
 “where conversation and enquiry have inform’d me thus far.

“Here’s our Duke and the said Successor of Randolph by their
 “Letters, Memorials & characters of the Gentlemen in the Country
 “ecchoing one another in all Points, the better to gain credit to their
 “representations & abusive character

“It is not unknown to my father Byrd how he & his Son have been
 “misrepresented and abused by Letters to their no small Prejudice

"Several of the particular characters w^{ch} have come to my hand
"I have communicated & those w^{ch} I have yet met with are of Coll^o
"Carter, Coll^o Ludwell, M^r B Harrison, M^r N Harrison, M^r Drum-
"mond, Cap^t Marable, Esq^r Luke, M^r Fr: Jones, M^r John Page, M^r
"Fouace, M^r Wallace, M^r Blair & myself, and the method is to abuse
"all that come for England, or whose names are but known in England,
"if they will not be brib'd to speak in his behalf, & receive his money
"as some now in England have done, who basely betray their Country
"and Posterity for the sake of twenty Guineas bestowed on them at
"coming thence.

"I have also obtained copys of some of the Memorials (one of w^{ch}
"I had of M^r Fouace) and have sent them into the Country, I suppose
"they may come to yo^r view in the circuit if they scape Surprize.

"By these Memorials &c the Council in general are represented
"as vain, cowardly disloyal to her Majesty & perjured, not regarding
"their Oaths. The Assembly a Pack of rude, unthinking, wilfull,
"obstinate People, without any regard to her Majesty or her interest,
"and its laid as a Crime to them that they think, themselves entitled
"to the libertys of Englishmen; But the worst of all these Memorials
"I cannot obtain a copy of the Clerks have denyed gold for it, and the
"Committee have denyed it to my brother Byrd whom I got to ask
"for a copy of it as Agent, but I have another Trial to make.

"By them you may also see how early our Duke (notwithstanding
"his fair Pretences of Loving the Country and the Natives thereof,
"and particularly one of them) made it his business and Study to prey
"upon our poor Countrey, and render it needy and ruinous discouraging
"all Manufactorys, keeping us only to Tobacco, disheartning all Pre-
"tences of Priviledge as English Subjects, giving odious characters
"and misrepresentations of every Gentleman that says not as he says,
"seeking and continually moving for acts of Parlaime^t ag^t us, and
"urging and inciting the Crown & Court of England into an ill opinion
"of us by odious & false descriptions & Characters, with which all
"their Letters are Cram'd (which and such like have already brought
"two Acts of Parliament upon us, one to burden our Trade and Com-
"merce from one Plantation to another, lest we should thrive too
"fast & grow too great viz the penny per pound act, and the other
"totally to suppress our commerce in wool cotten &c) and now seeking
"and urging by all the ways they can invent for another act of Parlia-
"ment to levy the Quota's of men & money for New York upon us,
"crying up the necessity of our supporting New York, and that it is
"our only Barrier ridiculing the Votes of our Assembly, representing
"us a rich, populous, & obstinate People of Commonwealth Principles,
"and must be corrected & Lowered in time, thereby to get a Military
"force, giving many reasons for a Grant of our Quittrents & publick
"money (w^{ch} is represented ten thousand pounds beforhand) to be
"applied to New York and putting that Country upon moving in
"the same manner.

"But what I take to be the most dangerous & comes nearest to
"the loss of our lives & Libertys, as well as Estates is the many inven-
"tions & unsuspected arguments, that are constantly used in all Lett^{rs}

“and Memorials to obtain a standing Force, & a Title of Captain General over all the Plantations on the Continent, The colour of which at this time is a Proposition of conquering Canada, and seems indeed a very good Cloak, for what is mainly intended by it (altho I am well assured, and some now in Virginia can inform you that he had this design in his head in time of Peace, and talked frequently of it with great Satisfaction & delight, when there was Peace, & no War thought on) and if he once obtains such a Commission, Martial Law is the consequence, and it will be then too late to remember his threats so often used of taking and arming all our Serv^{ts} of bringing the Burgesses with ropes about their necks, and daring that Assembly that should deny him anything.

“I wish my Country would but lay their head & heart to consider, & would but believe what is really true of the designs ag^t them & the lamentable condition they are in, & be bold & hearty in its defence, there would not then I am sure, be so many addresses so falsely stufft with fulsome flattery & applause, w^{ch} are at this time the only means of keeping them in this condition, or one of the greatest occasions had been removed before now.

“People here think it a Prodigy that anything but Piety Justice & mercy can be sheltered in the breast of a man that can by any means obtain so many Addresses and from such men as a House of Burgesses, body of a Clergy &c and such Letters as some private Gentlemen write, which makes difficulty in belieff.

“By all which you may see that our Enemy dont sleep, and that it is time now to be roused out of the Security we are at present lull’d in, or else may perhaps sleep for ever.

“I shall leave you to consider the Memorials themselves & the Characters &c whenever you come across them, & remain

Yo^r most humble Servant

After reading of which Letter & Narrative His Excellency acquainted the Council that since M^r Beverley intimates that he has sent other copys of that Memorial Narrative &c into the Country, he thought it necessary to have their advice whether the same, if they should be dispersed may affect the Peace of the Country; Whereupon the Council Declare that it is their opinion that it will not affect the Peace of the Country

Then his Excellency caused his opinion thereof to be entered in these words

“As to M^r Beverleys letter and Narrative they are part false, part scandalous, & part Malitious, but I could not expect otherwise from a man of his universal ill character but I suppose his Pride, ambition, vanity, unsettledness in all his conditions & his Poverty might make him hope to make a Sedition in the Country. The advice I give him is to get himself close shaved, and make friends with the Governors of her Matys hospital of Bethlem to get a place there: and there he may meet with real chains instead of imaginary ones that I was preparing for her Matys Loyal & dutiful Subjects of Virginia. And as for my own actions I appeal to the several Records of the Country and for what I have written by Letters, I have the

“copys of them all, and I shall endeavor (God willing) to maintain
“& Justify them, whenever I shall be legally called to an acco^t for them.

At a Council held at her Maj^{ties} Royal Capitol
the 17th day of October 1704

Present

His Excellency

William Byrd
John Lightfoot
Benj^a Harrison
Robert Carter
John Custis

Philip Ludwell
W^m Bassett
Henry Duke
Jn^o Smith Esq^{rs}

Upon reading the Report of the Commissioners of Oyer & Ter-
miner & the other Gentlemen appointed to consider how such of the
Nansiatico Indians as have not been found guilty of the murder of
John Rowley and his family, may be disposed of, for her Matys Service
& the future Peace & Security of this Country; His Excellency recom-
mended to y^e Council to consider of the said Report, & let him know
their opinion thereof against the 4th day of this General Court, because
he intended to lay it before the Grand jury

His Excellency caused to be read in Council a letter from M^r Rob^t
Beverley to M^r W^m Blackburn merch^t in Gloucester County, w^{ch}
is in these words

London 12 february 1703/4

“Kind Sir

“Having received so much kindness from you, I cannot but think
“a letter will be made welcome too; My cause is over & gone against
“me, having had as unfair a Trial here as ever I had there.

“We have no certainty of a change of Governors as yet, Wherefore
“am not willing to trust myself to his ill usage again: I resolve to sit
“down here & sell my own Tobacco, when it comes home, and if you
“or any of my friends will trust me with theirs, I dont doubt Per-
“formance to Satisfaction, but I would have none this year.

“I have writt to Coll^o Page a long lett^r of the affairs of our Country,
“& am prest in time or should have given it you at length, but knowing
“you as good friends & near neighbours, I believe you’l excuse the
“trouble of asking his Hon^r for a Sight of it.

“I am going down to Yorkshire where I shall stay a fortnight &
“return, ’tis expected we shal send a Guard Ship to you, but we don’t
“know when yet, The Govern^{rs} Agent is solliciting for one to be under
“his command, by her you may expect a further advice from

S^r Yo^r much obliged & very humble Servant
R Beverley

Upon which his Excellency told the Council that he expected their
opinion of the said letter under their hands. And further commanded
them in her Majestys name, if they have received any such letter
from M^r Rob^t Beverley as that w^{ch} he sent to Major Gwyn & which

was read last Council, that they deliver up the same to the Clerk of the Council.

Upon reading the Petition of Otho Russell praying that Cap^t John Moseley late high Sheriff of Princess Ann County may be ordered to deliver to him as attorney of John Reach Master of the Sloop Betty (w^{ch} was drove ashore in Linhaven bay last November) the Sails & Rigging of the said Sloop seized by the s^d Moseley by vertue of an order from the Naval officer; His Excellency declaring that the said Captain Moseley had no warrant from him for seizing the said Rigging, and that the order given to the Naval officer was only in order to secure the goods from being embezled; It is the opinion of the Council that the said Otho Russell ought to have the said Sails and Rigging delivered to him as attorney aforesaid unless the said Moseley have any ground in Law for detaining them as Wreck or otherwise, in w^{ch} case the Pet^r has his remedy at Law against him.

October the 19th 1704

Present

His Excellency

William Byrd
John Lightfoot
Benj^a Harrison
Robert Carter
Jn^o Custis

Philip Ludwell
W^m Bassett
Henry Duke &
Jn^o Smith Esq^r^s

The Council having mett to consider of the Report of the Comm^r of Oyer and Terminer touching the Nansiatico Indians, w^{ch} was recommended to them by his Excell^{cy} last Council agreed upon the following answer to be given to his Excell^{cy} as their opinion on that matter, "May it please yo^r Excell^{cy}

"We have taken into consideration the Case of the Nansiatico "Indians now in custody & are of opinion that the two Indians con- "demned by the Court of Oyer & Terminer & not yet executed are "objects of mercy, and hope yo^r Excell^{cy} will change their Sentence "into transportation.

"That as to the other Indians in custody, there appearing no "evidence of their being privy or consenting to the murder; We think "it is a matter of very great weight, & proper for the consideration of "a Gen^l Assembly, and that in the meantime they be continued in "custody

October the 21st 1704

Present

His Excellency

William Byrd
Robert Carter
John Custis
Philip Ludwell

William Bassett
Henry Duke
Rob^t Quary
Jn^o Smith Esq^r^s

His Excellency acquainted the Council that he had recommended to the Grand Jury for the body of this Country to consider what was proper to be done with the Nansiatico Indians that are now in custody, and that in answer thereto, they had presented him an Address (w^oh he now laid before the Council) wherein they leave it wholly to his Excellency & the Council to do therein as they shall think best for the Service of the Country: Whereupon the Council are of opinion that the said Nansiatico Indians be as soon as possible brought to the publick Goal at Williamsburgh & there secured untill the meeting of the General Assembly.

Ordered

That the said Nansiatico Indians be convoyed under a good Guard from Sheriff to Sheriff, unto the publick Goal at Williamsburgh in manner hereafter directed viz That Coll^o W^m Tayloe Commander in chief of the Militia of Richmond County & the Sherif of the same County, cause the said Indians & every of them to be transported over Rappahannock River at Hobb's hole, and for that end they are hereby impowered to impress such & so many boat or Boats as they shal find necessary for that Service, and then to cause the said Indians [to] be safely delivered unto the Sheriff of the County of Essex; Which s^d Sherif is hereby directed to receive the afores^d Indian Prisoners & them safely to convey with all expedition & cause to be delivered unto the Sherif of King & Queen, who is in like manner Required to receive the said Indians & them & every of them to convoy with all Speed & deliver unto the Sheriff of the County of New Kent, His Ex^{ty} hereby impowering the s^d Sheriff of King & Queen to impress such & so many Boat or boats as he shal judge necessary for transporting the s^d Indians over York River. And the s^d Sheriff of New Kent is hereby also Ordered & Required forthwith upon receipt of the said Indians to convoy them directly to Williamsburgh, and there deliver them & every of them unto the Keeper of the publick Goal to be by him secured untill the meeting of the General Assembly. And his Excell^{ty} by advice of her Matys hon^{ble} Council doth hereby authorize and empower the above named Coll^o Taylor & the Sheriffs of the several Countys aforementioned to impress such a number of men well armed as they shal judge necessary for guarding the said Prisoners, and to use such means either by keeping the said Indians in handcuffs or otherwise as they shal judge expedient for their more safe Conveyance & preventing their escape, and in case any of the said Indians are now or shal be incapable of travelling on foot, the s^d Sheriffs respectively are impowered to impress so many horses as shal be necessary for carrying them. And the s^d respective Sherifs are hereby Ordered & Required to furnish the s^d Indians & their Guard with suitable Provisions while they are under their care & direction. And to the end all Persons impressed or otherwise employed in guarding or Conveying the said Indians, may be duly satisfied for their trouble, the afores^d Sheriffs are directed to transmitt to his Excell^{ty} a particular acco^t of the Charges that shall accrue in their respective Countys in conducting the s^d Indians through y^e same

Ordered, that John Redwood Keeper of the Goal at Williamsburgh

receive the Nansiatico Indians into Prison, & there secure them untill the meeting of the Assembly and that he acquaint his Excell^{ty} & the Council what Provisions he will allow them & at what rate.

Whereas his Excell^{ty} and the Council are informed that several Persons have in their Possession & Custody diverse goods belonging to the Nansiatico Indians, some of w^{ch} was lately seized & taken away from the s^d Indian Town, His Excell^{ty} in Council hath thought fitt to order as it is hereby Ordered that all Persons whatsoever that have in their custody or Possession, any Skins, Wampum, or other goods or Chattels of what nature or quality soever belonging to the said Nansiatico Indians do forthwith deliver y^e same unto Coll^o W^m Tayloe Com^{d^{er}} in chief of the Militia of Richmond County, on Pain of being proceeded ag^t wth y^e utmost Severity the Law will allow. And it is Ordered that the Sheriffs of the Countys of Richmond, Westmorland, Stafford, & Essex, cause this order to be published at the several Churches Chappels & Court house of their respective Countys that none may pretend ignorance.

Ordered, that Coll^o W^m Tayloe take care to secure all the Wampum, Poake, Skins & all other the goods & Chattels of the Nansiatico Indians, and transmitt to his Excell^{ty} an exact Inventory thereof as well what was found at their Town as in other hands And that he Certify to his Excellency what goods have been taken away from y^e s^d Town, and have not come to his hands, with an acco^t by whom y^e same were taken & are detained.

His Excell^{ty} laid before the Council diverse Papers relating to M^r Jn^o Monro Minister of S^t Johns Parish in King William County & the Vestry of the s^d Parish, and recommended to M^r Attorney General (being then present) to consider of the Proceedings of the s^d Vestry in particular, and touching the Case of Inductions in general, and to report his opinion thereon on tuesday next: and also that he consider the Depositions that have been taken ag^t the said Monro, w^{ch} his Excell^{ty} now delivered to M^r Attorney Gen^l

Coll^o Philip Lightfoot by his Petitions praying that a fine of five pounds sterling adjudged by the General Court to be paid by M^r Jn^o Geddes for an Assault & battery made on the body of Alice Lightfoot the Pet^rs wife, may be p^d to him for reimbursing the charges of the Prosecution, It is the opinion of the Council that it lyes solely in his Excell^{ty} to dispose of the s^d Fine.

Whereupon his Excell^{ty} declared that he did give the said five pounds to the said Coll^o Philip Lightfoot, he satisfying the Attorney General, Clk of the Gen^l Court & other officers their Fees in the s^d Suite.

Upon the Petition of Major Henry Spratt setting forth that by order of the Justices of Princess Anne County he did in the begining of September 1702 secure the Seamen & diverse furniture & apparell belonging to a small Ship belonging to Cap^t Sly of Maryland, cast away to the southward of Cape Henry, and that he having been at some charge in conveying the Seamen belonging to y^e s^d Ship on board her Matys Ship Southampton, & in securing the goods & no Owner yet appearing He therefore prays that the s^d goods may be ordered to

be sold & Payment made to him for his trouble: It is the opinion of this Board that the Justices of the s^d County of Princess Anne having given the first orders & being best acquainted with y^e whole matter, it is proper to be referred to that Court, and accordingly Ordered that the Pet^r have recourse to the s^d Court for his Satisfaction in the Premises.

Whereas by an Ordinance made at a General Assembly begun at the Royal College of William & Mary the fifth day of December 1700, and thence continued by several Prorogations to the 13th of May 1702 Entitled an ordinance of Assembly for settling the dividing Lines, between the Countys of Isle of Wight, Surry, Charles City, and Nansemond on the southside the Blackwater Swamp; It is instituted & Ordained that the Bounds or Lines between the said Countys be run out by the Surveyors of the s^d Countys according to the directions in the s^d Ordinance contained at such times as the said County Courts should appoint: And it being represented to this Board that the said Ordinance hath never yet been complied with, whereby diverse disputes do daily happen touching the bounds of the s^d Countys; His Excell^{cy} and the Hon^{ble} Council do hereby order that the Courts of the respective Countys of Isle of Wight, Surry, Prince George (formerly Charles City) and Nansemond, do forthwith direct the running the said Lines or bounds pursuant to the s^d Ordinance of Assembly, and appoint such a time for the same, as that it may be conveniently finished this winter Season

October the 26th 1704

Present

His Excellency

John Lightfoot
Robert Carter
John Custis
Philip Ludwell

Henry Duke
Robert Quary &
John Smith Esq^r

Collonel Thomas Ballard one of the Gentlemen appointed to inspect the building of the Capitol, & M^r Henry Cary Overseer of the said work, this day attended his Excell^{cy} & the Council and informed them of the Progress made in the said Building: And it appearing that the work cannot be fully compleated this Fall, and that the continuing the workmen in Pay & finding them Provisions during the winter Season, will be a great charge, & not likely to be compensated by their Labour in the short days & cold weather; His Excell^{cy} & the Council do therefore think it of more Service to the Country, that the said workmen be discharged, and accordingly the Overseer of the Capitol is directed to discharge all the workmen about the middle of November or a week either sooner or later as he shal find the Season of the year require it. And his Excell^{cy} and the Council do further order that the Gentlemen appointed to inspect the building of the Capitol, & the Overseer of the work enter into Contract with such workmen as they think most proper to finish all the work that shal

then remain to be done, and to agree with them at the easiest Prices they can, the s^d workmen to furnish themselves Provisions, and to be obliged to finish the whole building before next April Gen^l Court. And for their greater conveniency in working, It is ordered that the Countrys houses be allowed them to lodge in while they are on that Service

W^m Byrd Esq^r Present

Upon Information given to this Board that two strange Indians have been taken up on Assoteague Island on the Eastern Shore, who pretend to be Spanish Indians: and it being uncertain whether the s^d Indians be what they pretend, or rather Slaves belonging to some of the Inhabitants of this or the Neighbouring Governments who have made their escape from their Masters: It is Ordered that it be referred to the hon^{ble} Coll^o John Custis to examine & get the best account he can, to what Place they belong and how they came hither and that he acquaint his Excellency thereof by the first convenient opportunity, and in the meantime take what care he shal find necessary for securing them.

In consideration of the Proposal of John Redwood for dyeting [feeding] the Nansiatico Indians that are to be committed to his custody; It is the opinion of the Council that he be allowed five pounds of Tobacco per diem for every one of the said Indians; he engaging to furnish them sufficiently with such sort of Provisions as they are accustomed to, and to give them flesh once a week.

Ordered that the Clk of the Council take a List of the Indians at their Entry into the Prison and that if any of them happen to dy there, the Keeper take a memorandum of the day of such death in order to the making up a just acco^t of what shal be due for their dyet.

Ordered that the Clerk of the Council provide Match coats for such of the s^d Indians as shal be in want of Cloathing.

M^r Auditor Byrd Reported his Proceedings in laying out the lands appropriated by the Gen^l Assembly for the use of the French Refugees settled at the Manicantown, and produced two Platts of the Tracts of land now laid out, w^{ch}, with what was laid out formerly for them amounts in all to ten thousand & thirty three Acres three Rood & 19 pole all lying contiguous upon James River, only one Tract of Seventy seven acres granted formerly by patent to Jean Jonany one of the s^d Refugees, & one other tract taken up by the s^d M^r Auditor Byrd containing three hundred fourty four acres, w^{ch} ly within the s^d Tract appropriated for the French, but neither of them computed in the above ten thousand thirty three acres thee Rood & 19 pole laid out for the French as afores^d

Whereupon his Excellency was pleased to sign M^r Auditor Byrds Patent for the above 344 acres of land mentioned in the above report, and having called for the Patents w^{ch} were granted to several Persons last April General Court for lands in Henrico County, and the signing of them then delayed till the land for the Refugees was laid out, His Excell^{cy} did now sign the same, it appearing that none of them interfere with the lands appropriated for the said Refugees, w^{ch} Patents are as follow viz

To Jeremiah Benskin for 324 acres	John Gill for.....235 acres
Walter Scott for.....250 acres	Cha ^a Cozens for.....362 acres
Rob ^t Easeley for.....315 acres	Rob ^t Woodson for.....171 acres
Thomas Andrews for.....394 acres	Peter Rowlett for.....200 acres
Philip Jones for.....013 acres	Cha: Evans for.....383 acres
John Perkinson for.....212 acres	W ^m Byrd Esq ^r for.....3664 acres
Tho: Jefferson for.....628 acres	William Byrd Esq ^r for 507 acres
John Pleasants for.....286 acres	
John Granger for.....072 acres	

M^r Auditor Byrd moving that some Persons may be appointed to distribute the goods w^{ch} he has in his Possession for the use of the French Refugees settled at Manicantown It is thereupon Ordered that the Gentlemen that are commissioned to administer the Oaths to the said French Refugees distribute the said goods among such of them as are settled there & most likely to continue their residence in and about the Manican town, and that they allow no share thereof to any that are settled in other Places or that may be suspected to have an intention of removing fr^m thence.

On the Petition of John Depp in behalf of himself and the rest of the French Refugees living in King William County being five familys, Order is granted them for an equal Share of the land laid out at Manican Town for the French Refugees according to the Proportion allowed by the General Assembly, they removing themselves immediately & settling upon the said land.

It having been formerly referred to M^r Auditor Byrd to consider of the best method for procuring a perfect Rent roll of all lands held of her Majesty in this Colony, he this day presented his Report in these words

"May it please Yo^r Excellency

"Having received yo^r commands to consider w^{ch} may be the "properest method to procure as perfect a Rent roll of all the lands "held of her Majesty in this Country as our present circumstances "will permitt. Many holding several Parcels of lands, some patents "and others by Purchase, several by Courtesy &c in anothers Right, "when her Matys Sheriff demands their Rights they will show some "Part & conceal the rest: So that I humbly conceive the surest way to "obtain such a Rent roll (till further care may be taken by a Law) "is that the Sheriffs may be impowered & required in their Commission "for the collection of her Ma^{ties} Quitt rents to administer an Oath to "every Freeholder in his Baillywick to acquaint him with a full and "true acco^t of what lands he holds of her Majesty in the said County, "either by Patents, Purchase, descent, or otherwise, which the Sheriffs "must be obliged to enter, and to return two fair copsy thereof in an "Alphabetical order, on his Oath to the Auditor for the time being "in April Court. What will happen about Persons living out of the "County, in England or elsewhere The Sheriff to enquire as dilligently "as he can examine those on the land, and where there is no Person "nor effects on the land nor in his County to return the s^d land accord- "ingly with the names of the pretended Proprietors at the bottom of "his Rentroll above all the Sheriffs must be commanded dilligently

“to do their duty herein & faithfully make Return of their Rent roll
 “in April Court on their Oaths, or else forthwith to be prosecuted by
 “M^r Attorney Gen^l The Sheriffs for their encouragement & trouble
 “to have one half of the Q^t rents of all such lands they shal discover
 “(that have been possessed above seven years & never p^d Q^t rents)
 “for this present year. All w^{ch} is humbly submitted by

Yo^r Excell^{cy}s most obedient humble Servant
 William Byrd

His Excellency and the Council approving of the said Report, do hereby order that a Warrant be prepared for his Ex^{cy}s signing in the terms therein proposed: And that for the greater encouragement of the Sheriffs to do their duty and be diligent in discovering concealed Lands, they be allowed the whole Quit rents for this year of all lands that have been possessed above seven years, and have never yet been paid for.

John Fontain, John Davis, and Hubert a Negro severally appearing this day before his Excell^{cy} & the Council to answer the Complaint made against them by Coll^o Robert Daniel Deputy Governor of North Carolina, and being interrogated touching their stirring up the Indians called the Windaws to make war against the Wawees, and also touching their stirring up the Tuscoruros to cutt off the Inhabitants of Pamptico & Newse in the Government of North Carolina; did all deny that ever they had any communication with any of the said Indians relating to the matters laid to their charge, but on the contrary had endeavoured to promote Peace amongst all the Indians where they have traded: and offered to be ready whenever they shall be called upon to answer what shal be objected ag^t them in relation to the matters afores^d And being severally withdrawn, His Excellency and the Council taking into consideration that there appears no Prooff against them at present, and that they are willing to answer when they shal be called, Are therefore of opinion that they be dismiss at this time: And that the hon^{ble} Coll^o Robert Daniel be desired to send hither what Proofs he has ag^t them touching the offences they are charged with that this Board may proceed ag^t them as they shal deserve. And the said Fontain, Davis, & Hubert being again called in were by his Excellency charged to behave themselves peaceably amongst the Indians for the future & then dismiss

John Fontain by his Petition praying for Leave to go out amongst the Tuscoruros Indians to sell several trading goods left by him in their Country, Leave is accordingly granted him.

On Consideration of the Claim of M^r Richard Wharton & M^r John Holloway for their attending as Council for her Majesty on the Prosecution & trial of the Nansiatico Indians in Richmond County, being eleven days on that Service from the time of their going from home to their Return & at an extraordinary time when the Gen^l Court was very near; It is referred to M^r Auditor Byrd to pay them what he thinks reasonable for that Service with their expences on their Journey, as also for assisting M^r Attorney General this Court on the trial of the Criminals, and their fees in the other causes wherein they have been employed for her Matys Service. And it is Ordered that

her Majestys half of Cap^t Edm^d Godwins fine for w^{ch} Judgment hath past this Gen^l Court be applyed towards the Payment of the Fees due to the s^d M^r Wharton & M^r Holloway.

The acco^t of the Charges of the Court of Oyer & Terminer for trial of the Indians in Richmond County being transmitted hither by the Sheriff of the s^d County, It is Ordered that y^e same be referred to y^e consideration of the Gen^l Assembly.

His Excellency in Council signed a Proclamation for proroguing the Gen^l Assembly to the 18th day of April next, and ordered that the Seal be affixt thereto & that it be sent to the several Countys.

Christopher Robinson, John Robinson & Harry Beverley Feofees in trust for the Town land in Middlesex County by their Petition praying that the building of the Court house of the said County may be stop^d till the Petitioners be heard before his Excell^{cy} & the Council or before the Gen^l Assembly and producing a Paper signed by the Major part of the Freeholders of the said County whereby they represent that the building of the s^d Court house in the Place appointed by the Court is a Grievance: His Excellency in Council is thereupon pleased to order as it is hereby Ordered that the Justices of the said County of Middlesex stop all further Proceedings in the building of their said Court house untill a full hearing of the whole matter be had before the General Assembly, unto which his Excell^{cy} and the Council think fitt to refer y^e same.

William Bassett Esq^r Present

Whereas there is a certain tract of land lying in Elizabeth City County called Point Comfort Island appropriated to y^e use of the publick, and Proposals have been heretofore made for Leasing the same; for the better procuring a true knowledge of the quantity & value of the s^d Land It is ordered that the Surveyor of Elizabeth City County, do forthwith survey that whole tract of land called Point Comfort Island & transmitt unto y^e Council office an exact Platt & Survey of the same with all Speed And M^r Auditor Byrd is ordered & Impowered to treat with any Person that will take a Lease of the same for such a yearly rent to be p^d to her Majesty as he shal think reasonable

Ordered, that it be proposed to the Vestry of Bruton Parish to allow the southside of the Chancel in the Church at Williamsburgh (including the Pew where his Ex^{cy} now sits) to be fitted up as a Pew for the Governor & Council for the time being. And if the s^d Proposal be agreed to, M^r Aud^r Byrd is directed to employ a Carpenter for building the s^d Pew, and to send for Green bays or some other suitable Cloth or Stuff for lining the same & making twenty Cushions.

His Excellency in Council signed the following warrants to M^r Auditor Byrd to be paid out of her Majestys Revenue of two shillings per hogshead &c Viz

To his Excellency half a years Salary ending the 25th of this instant October One thousand pounds

To his Excell^{cy} half a years house rent ending y^e same time seventy five pounds

To the Gentlemen of the Council half a years Sallary One hundred seventy five p^{ds}

To W^m Blathwayt Esq^r &c half a years Sallary fifty pounds

To the Sollicitor of Virginia affairs half a years Sallary fifty pounds

To M^r W^m Robertson Clk of the Council half a years Sallary twenty five p^{ds}

To Stephens Thomson Esq^r her Ma^{ty}'s Attorney Gen^l half a years Sallary twenty pounds.

To Edward Ross Gunner at James City half a years Sallary seven pounds ten shillings

To the s^d Ross for cleaning, mending and scouring the arms sixteen pounds thirteen shillings & four pence.

To M^r W^m Robertson for so much paid the Ministers for one Gen^l Courts attendance five pounds

To the same for several Expresses & other Contingencys One hundred seventy six pounds seven shillings.

M^r W^m Segers having formerly petitioned for allowance for his Service as gunner at Tindals Point, and taking care of the Powder that was lodged in the Magazine there; It is referred to M^r Auditor Byrd to enquire into his Services & pay him what he has justly merited

Then his Excell^{ty} asked the Council if they knew of any thing further necessary to be done for her Matys or the Countrys Service, and they declaring that they knew of nothing at present

The Council adjourned

At a Council held at the house of M^{rs} Jane King in New Kent County the 4th day of December 1704

Present

His Excellencie

John Lightfoot

Henry Duke

Philip Ludwell

and

W^m Bassett

John Smith Esq^r's

Upon reading at this Board several Letters from Coll^o George Mason of Stafford County giving an acco^t of a murder committed in that County by Indians on the 27th of October last, and of a man & woman carried away Captives from Maryland, with his Excell^{ty}'s Letters in answer thereto of the 4th and thirtieth of the last moneth, together with a Resolve of the Militia Officers of the s^d County of Stafford that they intended to send out thirty horse & thirty foot of the Militia in search of the Indians living backwards on their Frontiers And Coll^o Mason in his Letter of the 23^d of the last moneth intimating that they intend to make war on the Indians whom they suspect to be the actors of this murder, & to attack their Fort; His Excell^{ty} desired the advice of the Council what may be proper on this occasion. It is the opinion of the Council that y^e making of war on the Indians is a matter of great consequence, and ought not to be entered into without mature deliberation, and therefore think it not proper to permitt any Person to go out on such an expedition. But because

the danger of the Inhabitants of those Parts cannot be certainly known at this distance, and his Ex^{ty} declaring his intention to go up thither, It is the opinion of this Board that his Excell^{ty} give such directions for Rangers on the Frontiers of that County as he shal find absolutely necessary for the Security and Satisfaction of the Inhabitants

M^r Auditor Byrd in his Letter of the 2^d instant desiring that his Excell^{ty} may order Thomas Wynne to do his duty in the Nattoway Indians complaints but not mentioning what their Complaint is, It is ordered that y^e s^d Cap^t Wynne observe such directions as he shal receive from M^r Aud^r Byrd touching y^e s^d Indians

His Excellency laid before the Council the Petition of Reynier Tongrelon Com^{der} of the Sloop Seaflower a Privateer fitted out at Rhode Island and cast away on the 25th of November last about twenty miles to y^e southward of Cape Henry having on board diverse goods Merchandizes & Silver of a considerable value taken from her Majestys enemys, part of w^{ch} hath been seized and embezled by the inhabitants of Princess Anne & Norfolk Countys for the redelivery of w^{ch} he prayed his Ex^{ty}s warrant. And his Ex^{ty} acquainted the Council that he had issued a Precept to the Inhabitants thereabouts to deliver such of the goods as they have or shal take up unto her Matys Attorney Gen^l Coll^o W^m Wilson Naval officer of the Lower District of James River, and Sampson Trevethan Surveyor of the Customs in Elizabeth River, and had also given them a Warrant to receive y^e same, and to call all Persons to acco^t who have any of the said goods, with a warrant to all Officers Civil and Military to be aiding and assisting to them in the securing the said goods &c All wh^o are dated this day & were now read in Council

His Excellency communicated to the Council his Letters to Coll^o Daniel Dep^{ty} Governor of North Carolina dated y^e 29th of October 1704 concerning the Indian Traders formerly complained against: In answer to the first of w^{ch} Coll^o Daniel sent an answer dated the 11th of November, with an Affidavit of W^m Duckenfeild Esq^r relating to some Practices of Jn^o Fountain to stir up the Tuscoruro Indians to cutt off the Inhabitants of North Carolina, whereunto his Excell^{ty} hath returned an answer dated the 25th of the last moneth intimating his intention to lay the said Affidavit &c before the next Gen^l Assembly, which said sev^l Letters were read in Council.

At a Council held at the hon^{ble} Coll^o Henry Duke's house
the 5th day of December 1704

Present

His Excellency

William Bassett
Henry Duke &

Jn^o Smith Esq^rs

His Excell^{ty} laid before the Council a letter from Lieu^t Coll^o W^m Randolph dated yesterday at 8 in y^e morning & another from y^sd Lieu^t Coll^o Randolph & M^r Rich^d Bland dated yesterday about noon, giving an acco^t that M^r Auditor Byrd dyed that morning; the

s^d letters having overtaken his Excell^{cy} as he was crossing York River in his way to Stafford, he thought it necessary for her Matys Service to return, in order to take care of the publick Papers & money (w^{ch} is very considerable) in M^r Auditors hands and thereupon a letter was prepared & read in Council to acquaint Coll^o Mason with the reason why his Excellency cannot go to Stafford as he intended, and desiring an express may be forthwith sent if any further disturbance happen from y^e Indians.

Ordered that a Council be held at Westopher on friday the 8th instant & that the Clerk of the Council give notice thereof accordingly to the respective Gent of her Matys Council.

At a Council held at Westopher the 8th day of December 1704

Present

	His Excellency
John Lightfoot	Henry Duke
Benj ^a Harrison	and
Philip Ludwell	John Smith Esq ^{rs}

His Excellency laid before this Council the acco^t of her Ma^{ty}s Quitt rents for the year 1703 made up in April last, the ballance of which remaining then in M^r Auditor Byrds hands was £5752 7^s 4^d and the account of the two shillings per hoghead, port dutys and head money made up in October last, the ballance of which due to her Majesty is £1946:2:6 both sums making seven thousand six hundred & ninety eight pounds nine shillings and ten pence. And upon inspection of the s^d Acco^{ts} it was thought necessary to acquaint the Trustees of the Estate of the dec^d M^r Aud^r Byrd that there is such a considerable ballance due to her Majesty, and to desire them to informe this Board if M^r Auditor hath money enough in England to discharge the said debt, that in case there be not, that the estate here may be made answerable for the same.

Lieuten^t Coll^o W^m Randolph and M^r Rich^d Bland came before his Excell^{cy} & the Council, and produced the Will of the dec^d M^r Auditor Byrd, wherein he nominates his Son William Byrd his sole Executor, and appoints the s^d L^t Coll^o W^m Randolph Bartholomew Fowler Esq^r (now deceased) and M^r Rich^d Bland to be Trustees in his Sons absence, Which will was read in Council: And his Ex^{cy} having acquainted the s^d Lieutenant Coll^o Randolph & M^r Bland that there was a ballance of £7698:9:10 due by the dec^d M^r Aud^r to her Majesty, and desiring to know whether he had money enough in England to satisfy the said debt, was answered that they had not yet had time to inspect M^r Auditors accounts; but Coll^o Randolph informed his Excell^{cy} that M^r Auditor Byrd told him sometime last Summer that he had sufficient in the hands of M^r Micajah Perry Merchant in London to answer all that was due to her Ma^{ty}. And the s^d Trustees being again withdrawn,

His Excell^{cy} and the Council think fitt to recommend to Lieu^t Coll^o W^m Randolph and M^r Rich^d Bland surviving Trustees for the

estate of the dec^d M^r Aud^r Byrd to prove the will as soon as possible: And whereas in the s^d will it is the desire of the Decedent that all his debts be first paid, and this debt due to her Ma^{ty} being the most considerable,

Ordered that the said Trustees do as soon as possible search for the acco^{ts} current between the said deceased M^r Aud^r Byrd & M^r Micajah Perry Merchant in Londⁿ and report to his Excell^{cy} if there be any distinct acco^t kept between them of what concerns her Matys Revenue, and what the Ballance of the s^d acco^t is or what money is in the s^d Perrys hands on acco^t of the estate of the s^d Coll^o Byrd that it may appear whether y^e same be sufficient to answer the debt due to her Majesty.

Ordered, that the s^d Trustees together with y^e Clerk of the Council settle the acco^{ts} of the Contingent charges, that it may appear, how much remains in the s^d M^r Auditor Byrds hands for defraying Contingencys.

Ordered that the s^d Trustees give Credit to the Gentlemen of the Council for their respective Proportions of their last half years Salary according to the acco^t thereof drawn up by the Clerk of the Council last Gen^l Court.

Ordered, that the said Trustees separate all Papers relating to her Ma^{ty}s Revenue from the other Papers belonging to the s^d Mr. Auditor Byrd and that they have the s^d publick Papers in a readiness when they shal be called for, to be placed in the office appointed for that Purpose in the Capitol.

Ordered, that the s^d Trustees inspect M^r Auditor Byrds bookes & Papers and report to his Excell^{cy} how much of her Matys Quittrents for this year are sold to whom, and at what Price.

His Excellency acquainted the Council that the R^t hon^{ble} W^m Blathwayt Esq^r had a Grant of the office of Auditor of this Colony, and that till he heard from Engl^d he would not appoint any in that Station of Auditor, but would take that trouble on himself with the advice & assistance of the Council;

Ordered that the Clerk of the Council be impowered (during the vacancy of the office of Auditor or untill further order) to sign Certificates of Rights for land & of Composition for Escheat land, and to receive her Majestys dues for y^e same; keeping an exact acco^t thereof, And

Ordered that a Proclamation issue notifying to all Persons that desire Rights for Land or have occasion to make Composition for Escheat land, that they may have such Rights & Certificates for Composition, from the Clerk of the Council upon Payment of the usual dues for y^e same. And that all Persons that have any Claim or demand On acco^t of messages, Expresses, or other publick Services w^{ch} should have been paid by the dec^d M^r Aud^r Byrd give in their Claimes to the Trustees of his Estate before the 16th day of April next: And in case any difficulty occur to the said Trustees in y^e allowing y^e same, they are to transmitt the said Accounts to the Council office to be examined and allowed by his Excell^{cy} and the Council

Ordered that the Clerk of the Council treat with any Gentlemen that are desirous to purchase the Quittrents of such Countys as are yet unsold and that he informe his Excellency of the highest offer that shall be made and receive his Excell^{ty}'s directions whether to accept of the same, or to sell it by inch of Candle.

Coll^o Philip Ludwell informing his Excell^{ty} that he had bargained with M^r Auditor Byrd for the Quitt rents of James City County at the rate of 8^s 4^d per hundred for sweet scented Tobacco, and six shillings for Aronoco, but had received no order to the Sheriff. It is ordered that Coll^o Ludwell have the Quitt rents of James City County at the aforesaid rate (he allowing Coll^o Duke One thousand pounds of Tobacco at y^e same Price) And y^e Sheriff of the s^d County is directed to pay the same accordingly.

Upon the representation of Coll^o Jn^o Lightfoot that he always had as much Tobacco out of the Quittrents of New Kent County as satisfied his Levys and publick dues at the rate the s^d Quittrents were sold for, and Desiring y^e same Priviledge now, it is accordingly granted, and the Sheriff is ordered to pay the same accordingly, and to certify into the Council office what quantity he hath paid the s^d Coll^o Lightfoot.

Ordered that Ethelred Taylor Gent have y^e Quittrent Tobacco of Surry County at the rate of six shillings per hundred, and in case he refuse it at that rate, that y^e same be sold by inch of Candle

Upon request of Lieu^t Coll^o W^m Randolph and M^r Rich^d Bland Trustees for the Estate of M^r Auditor Byrd, Ordered that they have the Quittrent Tobacco of Henrico Charles City, and Prince George's Countys at y^e rate of seven shillings per hundred as was paid for it last year.

His Excell^{ty} in Council desired the Trustees to informe him if himself & the Council may be Serviceable in anything relating to y^e dec^d Coll^o Byrds affairs, being very willing thereby to testify their respect to his memory. They thereupon acquainted his Excell^{ty} that they knew of nothing at present, except that his Excell^{ty} would please to let them know when any opportunity offered for sending to England that they may acquaint M^r Byrd of his father's death: and if anything else should occur to them in the management of the affairs committed to them w^{ch} may require his Excell^{ty}'s or their Hon^{rs}' advice & assistance, they will make application accordingly.

The Clerk of the Council by order of his Excell^{ty} deliver to thee aforementioned Trustees a letter from Coll^o Richard Lee directed to Coll^o Byrd w^{ch} came since his death, it being in relation to some protested bills of Exchange due by the s^d Coll^o Lee to the dec^d Coll^o Byrd

Whereas it is found necessary for her Matys Service that a speedy acco^t be sent to England of M^r Auditor Byrds death, and of the State of her Matys Revenue remaining in his hands: and altho by her Ma^{ty}'s instructions no Ship or Vessell is to sail hence without Convoy during this time of war, yet nevertheless on this emergency where her Matys interest & Service is immediatly concerned His Excell^{ty} and the Council think fitt to permitt one or two Ships or Vessells to load Tobacco and sail for England in order to carry to the Right hon^{ble} her Matys prin-

cial Secretary of State, and the Lords Comm^{rs} for Trade and Plantations such publick Papers & Letters relating to M^r Auditor Byrds death & her Matys Revenue here as may be necessary for their Information, And therefore

Ordered that the Collectors & Navall officers of the several Districts in this Colony make enquiry and informe his Excell^{ty} if there be any Ship or Vessell in their said Districts already loaded or that may in some short time be loaded whose master will undertake to sail for England without Convoy in order to the carrying such publick Papers as are necessary to be sent at this time for her Majestys Service, and in what time the s^d Ship or Vessell may be ready to proceed, his Excell^{ty} and the Council having resolved to permitt two Ships or Vessells to clear & sail directly for England on acc^t of carrying the publick dispatches at this time

Whereas Coll^o Gawin Corbin hath notified to his Excellency that the M^r of the Eagle Galley now in Rappahannock hath been with him to clear (without any Tobacco) for New England, and intends to sail the 14th of this moneth, and it being probable that y^e said Master had rather take in tobacco and sail for England if he had Permission so to do. It is

Ordered that the Collector & Naval officer of the said District of Rappahannock acquaint the said Master that his Excell^{ty} and the Council have resolved to permitt two Ships or Vessells to sail directly for England in order to the carrying thither several publick Papers and Letters necessary to be sent at this time for her Matys Service, and that if he will engage to carry with him the s^d publick Papers and letters he may take in tobacco and in such Case be permitted to clear & sail directly for England without Convoy. But if the s^d Master doth not intend to take in Tobacco, It is the opinion of the Council and accordingly ordered that the said Ship be Embargoed untill the first day of January next And the Collector and Naval officer of Rappahannock District are directed to take an Embargo Bond of the said Master to stay till that time, being the publick Papers that are necessary to be sent by that Ship cannot be ready sooner.

Lieuten^t Collonel William Randolph acquainted his Excell^{ty} and the Council that pursuant to their order, he with y^e other Gentlemen thereunto appointed had distributed the goods sent in for the French Refugees, except a small quantity remaining in his hands, and that some linnen charged in the Invoice was not sent in. And further informed his Excell^{ty} that M^r Flournoy & M^r Phaisant having been represented as intending to quitt their Settlement at Manican Town had no share of the said goods but since that time the s^d Flournoy & Phaisant have brought Certificate (which was now read in Council) of their present residing and intending to continue at Manican town, and pray that they may have their share of the said goods, Whereupon it is

Ordered, that Lieu^t Collonel William Randolph distribute the goods remaining in his hands to the said Flournoy and Phaisant according to the method observed in the distribution made to the other Refugees, the said Flournoy and Phaisant giving Security to reside

at the Manicon town. And if the said goods will not make their Shares proportionable to the rest of the Refugees, that y^e same be made up by the Linnen &c omitted to be sent in by M^r Micajah Perry & Company Merch^{ts} in London, w^{ch} Lieu^t Coll^o Randolph is directed to desire M^r Perry to send by the first conveniency.

Whereas for the better Prevention of frauds in the shipping of Tobacco in larger hogsheads than is directed by the late act of Assembly for taring and ascertaining the Size of Tobacco hogsheads, it is necessary that Masters of Ships & Vessells be enjoined to use their utmost diligence to discover such frauds: And for as much as the allowance of ten per cent out of the two shillings per hogshead & other dutys was given to the Masters of Ships chiefly as an encouragement to them to give up true & just acco^{ts} of their Lading;

It is therefore Ordered that the Collectors & Naval officers of the several Districts in this Colony give notice to the respective Masters of Ships that are or shal arrive in their Districts in order to lade Tobacco that if they expect the benefits of the s^d allowance of ten per cent they must measure or cause to be measured every hogshead of Tobacco that shall be brought on board their said Ships or Vessells And the Naval officers are hereby directed to give unto such Masters respectively an exact Gauge of the length and breadth of Tobacco hogsheads as set down in the said Act, and if any hogshead happen to be of a larger Size then by the s^d act is directed, then the s^d Master shal informe the Collector & Naval officer of the District where his Ship lyes that y^e Owner of the said Tobacco may be proceeded ag^t according to Law. And the said Master or his Mate, Boatswain, or other Officer who shal be entrusted by him to measure the said Tobacco hogsheads shal make Oath, at the time of Clearing, before the Naval officer that he hath duly measured every hogshead on board and that they do not exceed the Size by law allowed. And in case any Master of Ship or Vessell shall refuse to measure the said hogsheads or cause the same to be measured & oath to be made as aforesaid, the Naval officers are hereby directed to notify such refusal to his Excell^{ty} to the intent his Excell^{ty} may appoint some other Person for that Purpose, who is to be paid for his trouble out of the afores^d allowance of ten per cent.

The deceased M^r Auditor Byrd in his Letter to his Excell^{ty} dated the 2^d instant hinting as if there were some dissatisfactions & uneasiness amongst the Nattoway Indians,

Ordered that Cap^t Thomas Wynne their Interpreter enquire into the ground of the said dissatisfactions if any be, and report y^e same to his Excellcy

At a Council held at her Majestys Royal College of William and Mary
the 15th day of December 1704

Present

His Excellency

Henry Duke

and

Jn^o Smith Esq^r••

John Lightfoot
Philip Ludwell
William Bassett

Upon reading at this Board her Majestys Royal letter of the 6th of July last past requiring his Excell^{cy} to be obedient to such orders and Instructions as he shal from time to time receive from the Lord High Admiral, and that all Persons in this Colony be required to be aiding and assisting in the recovery of her Matys dues and the dues of the Lord High Admiral in cases of Prizes according to her Matys Declaration for y^e encouragem^t of Ships of war & Privateers and in maintaining the Rights of the Admiralty, that due care be taken that the Commanders of her Matys Ships of war do deliver up the Prizes by them taken and brought to any Port within this Colony, into the Possession of the proper Officers for Prizes, and requiring all Persons to be aiding & assisting to the said Prize officers in preventing Embezlements of Prize goods:

Ordered that a copy of the said Letter be sent to the Collectors & Naval officers of the several Districts who are hereby required to give all due obedience to the same, and to the directions heretofore given to them in relation to Prizes in Pursuance of former orders sent from England. And because by the death of M^r Auditor Byrd who was Commissionated to be Agent for Prizes in this Colony, there is at present no proper officer to take charge of such Prizes: The said Collectors & Naval officers are hereby impowered and required to take care that her Matys directions signified in the afore recited lett^r be duly observed & obeyed in case any Prize shal be brought in to their respective Districts.

His Excellency laid before the Council a lett^r from the Right hon^{ble} the Lords Comm^{rs} for trade & Plantations dated the 24th August 1704 wherein her Matys Letter aforementioned, with her Majestys instructions allowing Ships to be Navigated with only the Master and one Moyety of the Mariners English during the present war, w^{ch} lett^r was read in Council

Her Majesty by her Royal Instruction bearing date at Windsor y^e 17th day of July 1704 having been graciously pleased to signify that for as much as by one Clause in an Act made in the 3^d year of her Majestys Reign Entituled an Act for raising Recruits for y^e Land forces and Marines and for dispensing with Part of the act for the encouragem^t and increase of Shipping and Navigation during the present war, it is enacted that during the present war & no longer the number & Proportion of Mariners to sail in such Ships or Vessells w^{ch} by Laws now in force are limited to the Masters & three fourths of the Mariners to be English shal be enlarged to the Master & one moiety of the Mariners at least to be English; Her Maty is therefore pleased to order that care be taken & that it be given in charge to the proper Officers that y^e said act be observed in this his Majestys Colony and Dominion of Virginia

Ordered that a Proclamation issue to notify her Majestys Royal Pleasure in the afores^d Instruction, and that the Collectors and Naval Officers be required to give all due obedience thereto.

Upon reading at this Board the following Letter to his Excell^{cy} from the R^t hon^{ble} the Lords Comm^{rs} for Trade and Plantations viz

Whitehall July 13th 1704

Sir

“Her Majesty having had under consideration the Production of
 “Pitch and Tarr in the Plantations, and having been informed that
 “there is usually made every year about three thousand barrells of
 “Pitch and Tarr in Princess Anne County, and Part of Norfolk County
 “and other Places in Virginia not fitt for the Planting of Tobacco.
 “It is her Matys Pleasure that you give us a particular acco^t thereof,
 “as also that you offer to us what you think necessary to be done for
 “the promoting and encouraging the Production of that Commodity
 “in Virginia, and that in y^e mean time you do all that lyes in yo^r
 “Power for y^e encouragem^t of Merchants who may send such Naval
 “Stores to England.

His Excellency by advice of her Matys hon^{ble} Council doth hereby
 order that y^e copy of the said Letter be sent to the Justices of Peace
 of the Countys of Norfolk, Princess Anne, Northampton & Accomack
 where the afores^d Commodity of Pitch and Tarr are made, And the
 said Justices are hereby required to transmitt to his Excellency an
 acco^t how much of the said respective Commodities they Judge may
 have been made in their s^d Countys annually and how vended, and
 that they send his Excellency a Specimen or Sample of the said Com-
 moditys, with an account what quantity of each, any private Person
 or Body of men in the said respective Countys will undertake to make
 annually, and at what rates they can afford y^e same, that his Excell-
 ency may send an acco^t thereof to the R^t hon^{ble} the Lords Comm^{rs}
 for Trade and Plantations by the next Fleet. And it is further ordered
 that the aforesaid Letter be published in the aforementioned Countys
 to the intent such Persons as are inclinable to go upon the making of
 Pitch & Tarr may know her Matys Pleasure therein.

Upon reading a Letter from the R^t hon^{ble} the Lords Comm^{rs}
 for Trade & Plantations directed to his Excell^{cy}, w^{ch} is in the following
 words viz

Whitehall June y^e 29th 1704

Sir

“Her Majesty having been informed that intelligence hath been
 “had in France of the State of the Plantations by letters from private
 “Persons to their Correspondents in England taken on board Ships
 “coming from the Plantations, & carryed into France w^{ch} may be of
 “dangerous consequence if not prevented for the future. It is therefore
 “her Majestys Pleasure that you signify to all Merchants Planters &
 “others that they be very cautious in giving any account by letters
 “of the publick State & condition of our Colony & Dominion of Virginia
 “under yo^r Government. And you are further to give directions to
 “all Masters of Ships or other Persons to whom you may entrust yo^r
 “Letters that they put such Letters into a Bagg with a sufficient
 “weight to sink y^e same immediatly in case of imminent danger from
 “y^e enemy And you are also to let the Merch^{ts} & Planters know
 “how greatly it is for their interest that their Letters should not fall
 “into the hands of the enemy. And therefore that they should give
 “the like orders to y^e masters of Ships in relation to their Letters and

“you are further to advise all Masters of Ships that they do sink all Letters in case of danger in the manner beforementioned.

His Excellency by advice of her Majestys hon^{ble} Council doth hereby order that the said Letter be published in all Churches Chappels & Court houses within this Colony and all her Matys Subjects are hereby strictly required to observe her Matys Pleasure signified in the said Letter, touching their writing any account of the State of this Government, and that they give directions to the Masters of the Ships on board of w^{ch} they put their Letters to take all possible care that y^e same may not fall into y^e hands of the enemy and for that end to sink the said Letters in case of imminent danger. And the Collectors & Naval officers are in like manner directed to give in charge to the Masters of Ships and Vessells in their said Districts to sink all letters in case of danger from the enemy as aforesaid.

Whereas her most sacred Majesty having taken into her Royal consideration the inconveniencys that happen by the different rates at which y^e same Species of foreign Coines do pass in her Majestys Plantations and thereupon hath issued her Royal Proclamation for ascertaining the rates at which the several Species of Coin therein mentioned shal pass after the first day of January next, And the Right hon^{ble} the Lords Comm^{rs} for trade and Plantations by their Letter of the 29th of June 1704 having directed his Excellency to cause her Matys said Proclamation to be published throughout this her Majesty's Colony and Dominion, and having in like manner transmitted to his Excell^{cy} a Table of the rates of the s^d forreign Coines to be fixed in publick Places.

Ordered, that copys of her Matys Royal Proclamation, the Lords Comm^{rs} for Trade their Letter aforesaid and the said Table be sent to every County within this Colony. And that a Proclamation issue directing the Sheriffs to cause y^e same be published in all Churches Chappels and other publick Places, & afterwards fixed up in y^e Court house of each County. And requiring all Persons to observe the directions in y^e s^d Proclamation & Letter & to conforme themselves accordingly.

His Excellency having communicated to y^e Council a letter from the Right hon^{ble} the Lords Comm^{rs} for trade and Plantations dated August 25th 1704 signifying the Joyfull news of a glorious victory obtained by her Matys forces over Her enemys near the Danube under the conduct of his Grace the Duke of Marlborough, for which her Majesty having thought fitt to appoint a day of thanksgiving in England, their Lord^{sh} have sent her Majestys Proclamation for that Purpose, with directions to appoint a day of thanksgiving here;

Ordered, that (forasmuch as the Season of the year doth not admitt of a speedy Conveyance of publick Letters to y^e remote parts of this Country the s^d day of thanksgiving cannot be speedily solemnized) The sixth day of february next be observed a day of thanksgiving by all y^e inhabitants of this Colony for the late glorious victory obtained over her Majestys Enemys at Blenheim near Hockstet on the Danube. And that a Proclamation be prepared & issue accordingly

His Excellency laid before the Council a copy of his Royal High-

nesses orders to Captain Matthew Teate Commander of her Majestys Ship the Strombulo who is ordered to attend this Government dated the 25th of August 1704 which said orders were read in Council.

Upon reading a letter from Coll^o Gawin Corbin Naval Officer of Rappahannock River intimating that the Master of the Eagle Galley, is taking on Tobacco, and intends to be ready to sail the first of January according to the order of Council of the 8th instant, and it appearing to this Board, that the publick dispatches cannot be ready so soon, nor sufficient notice had over the Countrey that People may send their Letters to their Correspondents in answer to what they received by her Matys Ship the Strombulo. Therefore

Ordered that the time of the said Ships sailing be enlarged to the 25th of Jan^{ry} next, and if any other Ship can be ready ag^t that time, they may also have leave to sail.

His Excellency produced in Council the copys of a Petition presented to her most sacred Majesty dated the 20th of May 1703 & signed by John Lightfoot, Matthew Page, Benjamin Harrison, Robert Carter, James Blair and Philip Ludwell Esq^{rs} six of her Majestys Council, complaining of his Excell^{cy}s mal-Administration together with her Matys order in Council thereon referring it to the Lords Com^{rs} for trade and Plantations, with a Memorial signed by the s^d six Gentlemen, and diverse Affidavits relating thereto viz of M^r James Blair, M^r Robert Beverley M^r James Wallace, Cap^t James Moody, M^r Stephen Fouace & George Luke Esq^{rs} as also her Majestys order in Council dated the 15th of June, and the Lords Comm^{rs} for Trade their Letter dated the 22^d of the said moneth directing his Excell^{cy} to send his answer to the said Complaint. And the s^d Petition, Memorial, with her Matys order in Council thereon, and likewise Parts of the Affidavits were read And his Excellency was pleased to say, that he would wait a little in expectation of the coming of Coll^o Harrison & Coll^o Carter, & then say something on y^e s^d Petition & Memorial &c

His Excellency being informed that M^r James Wallace attended & was desirous to deliver some letters to his Excellency, he was accordingly called in, and offered some Letters to his Excellency w^{ch} he said he brought from England; Whereupon his Excellency acquainted the Council that M^r Wallace came to him yesterday accompanied by Coll^o Ludwell and D^r Blair, and then offered him these Letters, but his Excell^{cy} told him that he would not receive them except in Council and ordered him to put what he had to say in writing; which his Excell^{cy} having now again required M^r Wallace to do, he wrote at the Council table and presented to his Excellency a Paper in the words following viz

“May it please yo^r Excellency

“Being entrusted with two letters from the Right hon^{ble} the Lords
“Comm^{rs} of Trade and Plantations and two small Letters from the
“Right Reverend father in God Henry Lord Bishop of London, all
“which letters are directed to yo^r Excellency, I take this opportunity
“to deliver them to yo^r Excellency in Council, whereby I shal discharge
“the promise made by me for their safe delivery to yo^r Excellency,
“three of which were delivered to me to be again delivered by me to

“yo^r Excellency viz one of the Letters from the Lords Comm^{rs} of
 “trade marked N^o 1. and two from my Lord Bishop of London, the
 “fourth I received from M^r Micajah Perry Merch^t in London upon
 “a Promise to deliver it to yo^r Excellency. Witness my hand Decem^r
 “15th 1704 Ja: Wallace

And then y^e said Wallace withdrew

And his Excell^{ty} ordered these questions to be mark^d down to
 which he demands M^r Wallacè his answer Viz When it was that he
 came on shore? Whether he did not send an Express with other
 letters up hither as soon as he came ashore? And why he did not bring
 or send these letters before this time? To all w^{ch} his Excellency expects
 M^r Wallace his answer, because he Judges it for her Majestys Service,
 & when M^r Wallace hath given this answer, his Excellency will give
 him an answer to what the Lords Comm^{rs} for Trade have written
 concerning him.

Then y^e Council adjourned for a smal time

And being again mett as before

M^r Wallace was called in, and presented his answer to what his
 Excell^{ty} was pleased to demand of him, in these words viz

“I came Ashore on Wednesday in the afternoon being the 6th
 “day of Decem^r 1704. I sent no Express with any letters from England.
 “I understood his Excell^{ty} was at Coll^o Byrds funeral, and therefore
 “delayed coming till Munday following, and then came to Williams-
 “burgh in order to deliver the Letters & waited till his Excellency
 “came up from Kiquotan.

Decem^r 15th 1704

Ja: Wallace

Upon reading the Right hon^{ble} the Lords Comm^{rs} for Trade &
 Plantations their Letter to his Excellency dated the 17th of August
 last in behalf of M^r James Wallace, recommending to his Excellency
 to forbear giving him any molestation or unnecessary disturbance
 either in the exercise of his Ministry or otherwise but on the contrary
 to give him all reasonable encouragement, and permitt him to live
 quietly and peaceably as other her Majestys Loving Subjects in this
 Colony do, His Excell^{ty} ask^d M^r Wallace what it was that he had to
 desire of him. To w^{ch} M^r Wallace made answer, that he desired
 nothing but that he may be permitted to live quietly and to enjoy
 the exercise of his ministry, Upon which his Excell^{ty} was pleased to
 say that whatever the Right hon^{ble} the Lords Comm^{rs} for trade and
 Plantations had been pleased to command him in their Letter, he
 thought himself obliged in duty to obey it being ordered both by her
 Matys Royal Commission & Instructions so to do.

Then his Excellency expressed himself to this effect, that he should
 ever think himself highly obliged to the Queens most excellent Majesty,
 the R^t hon^{ble} the Lds of her Majestys most hon^{ble} privy Council &
 the R^t hon^{ble} the Lords Comm^{rs} for Trade & Plantations that not-
 withstanding the many Complaints and Affidavits against him, and
 the repeated Petitions to have him turned out of his Government
 they had been pleased to give such a favourable determinatoin; and
 hoped he should never fail to render his thanks and Praises to Almighty
 God for it, nor cease his endeavors to obey & fullfill her Majestys and
 their Lords commands.

And then speaking to M^r Wallace, told him that the Gentlemen that have complain'd ag^t him, having said they could prove a great deal more, therefore if M^r Wallace wanted to have any other Person examined here to strengthen his Affidavit, upon application to him he would grant a Commission to take such Examinations.

Then his Excellency was pleased to say to this effect that her Majesty having been pleased to order him to send his answer to the Complaint made ag^t him, he would readily obey her Matys commands, but it being impossible to have the Papers & Affidavits (w^{ch} are necessary for him) ready to be sent by the Eagle Galley w^{ch} is now preparing to sail for England, and besides so great a Part of the Complaints, touching Assemblys he could not send such an answer as he thinks may be for her Matys Service before the meeting of the Assembly w^{ch} is in April, before w^{ch} time there is not like to be any Fleet going from hence for England. And when he hath returned his answer to those Complaints, his Excellency will be so far from desiring to be continued here that he shall humbly desire her Majestys leave to go for England to have a fair Trial there, before such Persons as her Majesty shal see fitt, provided the Gentlemen who have complained may be obliged to go thither also, and give Security to abide what the Lords shal determine. and that after he hath been heard there, he may have the benefit of the Laws of his Native Country of England.

His Excellency likewise acquainted Coll^o John Lightfoot & Coll^o Philip Ludwell being two of the Complainants, that it being said by some of them that they make out a great deal more, therefore if they or the other Complainants now in the Country, have any further Prooff to make here; his Excellency will give them Power to examine witnesses, and this he takes to be the best way to put an end to this matter and not put her Majesty and the R^t hon^{ble} the Lords Comm^{rs} for trade to the further trouble of long Affidavits against him, when her Majesty has so many other weighty affairs to consider of, as having all the affairs of Europe under her Matys management; not that his Excellency is conscious to himself (he thanks God for it) but that he shal be still able to preserve this her Majestys Colony & Dominion in Peace & quietness & he hopes to the Satisfaction of almost all the Inhabitants thereof except a very few: but God Almighty having been pleased to bless her Matys Arms & her Allyes with two glorious victorys under the command of his Grace John Duke of Marlborough for which her Majesty hath been pleased to order a publick day of thanksgiving in this her Majestys Colony and Dominion of Virginia, to shew what a deep sense his Excellency hath of these mercys to her most gracious Majesty, he makes this Proffer to the Gentlemen here in Virginia that have complained ag^t him, that if they will make him any reasonable Satisfaction for what they have done ag^t him, he will freely forgive them.

Upon reading an Order of her Majestys most hon^{ble} privy Council dated the 29th day of August last, whereby it is Ordered that the Ships Corbin and Coddington Galley with their Ladings be permitted to return from Virginia to England (without being Embargo'd) whenever the Masters or owners shal think fitt, and his Excell^{ty} is desired to suffer y^e said Ships to proceed on their voyages accordingly;

It is ordered that the Collector & Naval officer of Rappahannock River where y^e Ship Corbin now rides, and the Collector & Naval officer of York River where the Coddington Galley now rides, be, & they are hereby required not to stop either of the said Ships, but to clear them whenever application shal be made for y^e same.

Ordered that Cap^t Joshua Cook who is concerned in the Coddington Galley & is now in Town have notice of the above order.

Ordered that Cap^t Matthew Teate Commander of her Maties Ship Strombulo appointed to attend this Government, be desired to give in writing what he hath to ask of this Board for her Matys Service, tomorrow.

The Petition of James Flournoy praying a Share of the goods sent in for the French Refugees without being obliged to continue his actual residence at the Manican town is rejected, his Excell^{cy} & the Council finding no cause to alter their former order of the 8th instant concerning the s^d Flournoy.

December y^e 16th 1704

Present

His Excellency

John Lightfoot
William Bassett

Henry Duke
John Smith Esq^{rs}

Captain Matthew Teate Commander of her Matys Ship Strombulo having this day signified in writing to his Excellency that being appointed to cruise with her Matys said Ship in Linhaven Bay and about y^e Capes for the Security of the trade of this Country, and representing that her Majesty's Sloop, w^{ch} attended the Ships of war formerly here will be of great use to him for the better performing that Service; he engaging to fitt her for Service & leave her in good condition at his going hence

Ordered that Lieuten^t Coll^o W^m Randolph and M^r Rich^d Bland Trustees of the Estate of the deceased Coll^o W^m Byrd (in whose custody the s^d Sloop was put) deliver unto the s^d Captain Matthew Teate or his order the said Sloop with all her Rigging furniture & apparrell, according to an Inventory to be signed by the Person to whom the same shal be delivered.

Upon representation made by Cap^t Matthew Teate Com^{der} of her Matys Ship Strombulo that he wants nine or ten men to make up his Complement on board her Matys said Ship.

Ordered that a Warrant be prepared for his Excell^{cy's} signing empowering the s^d Cap^t Teate or his officers to take & secure all vagrant Seamen w^{ch} he shal find about y^e Country & particularly the Seamen belonging to a Privateer lately cast away on this coast untill he shal have his full Complement, and to impress Seamen out of Ships that can spare them, in case the aforementioned shal not be sufficient

His Excellency was pleased to acquaint Captain Teate that if he wanted Credit for y^e Ship either for purchasing Provisions, or otherwise, he would supply him. To w^{ch} Captain Teate answered, that he

hoped he should not want Credit, having as much Provision, on board as will serve Till the latter end of September, by which time he thinks to be in England again, intending to sail from hence about y^e latter end of July. Then his Excell^{cy} desired Captain Teate to let him know if at any time he shal want his assistance, recommended to him if anything of moment happens in his Cruise, to give his Excell^{cy} an acco^t thereof by an Express to be sent to any of her Majestys officers on Shoare who will take care to forward it to his Excell^{cy}. And further recommended to y^e s^d Cap^t Teate to enjoin his officers & Seamen, when they come ashore to avoid quarrells & disputes with y^e Inhabitants, but if any just ground of complaint be given to any of them, upon notice, thereof, his Ex^{cy} will do them Justice

His Excellency acquainted the Council that upon the death of M^r Auditor Byrd, there remained now but eight of her Matys Council in this Country, And therefore pursuant to her Matys Commission & Instructions to him, he thought fitt to nominate and appoint Jn^o Lewis of the County of Gloucester Esq^r to be one of her Matys hon^{ble} Council, having already recommended him to the R^t hon^{ble} the Lords Comm^{rs} for trade & Plantations.

Several of the Affidavits given ag^t his Excell^{cy} in England were now read and others (upon his Excell^{cy}s asking y^e Council if they would have them read) were laid aside: And upon reading that Part of M^r Rob^t Beverleys Affidavit w^{ch} relates to his Excell^{cy}s shutting up the land on the southside of the Blackwater Swamp,

His Excellency acquainted the Council that he was informed, that notwithstanding the orders he had given for stopping the taking up & seating of the Land on y^e south side of the Blackwater Swamp upon the Complaints that had been made to him of the irregularitys committed therein, yet some Persons have settled Plantations thereon And therefore his Ex^{cy} is pleased to order that y^e Sheriffs of the Countys of Prince George, Surry, Isle of Wight and Nansemond do with all Speed return an acco^t to his Excellency of all Persons that have seated on y^e s^d Land since the restriction laid thereon.

His Excellency observing by the Memorial given in ag^t him that the Complainants pray they may have access to the Council and Assembly Records, desired that such of the Complainants as are here, may declare if ever they were denyed that Privilege, the s^d Records being always ready in the office.

His Excellency was pleased to tell Coll^o John Lightfoot that he hears that he the s^d Coll^o Lightfoot takes upon him the name & title of President of her Majestys Council here, and commanded him in y^e Queens name not to use that Title for the future There Being no such Person in this Country except in his Excell^{cy}s absence

Upon the question being put by his Excell^{cy} to y^e Council whether the Country is now in Peace or not? The Council declare their opinion that y^e Country is in Peace & quietness

His Excell^{cy} was pleased to declare that the Memorial & Petition presented to her Majesty ag^t him, and all the Affidavits relating thereto should be left in y^e Council office for the perusal of the Gentlemen of the Council or others, and ordered that the Clerk of the Council give

notice to Coll^o Harrison & Coll^o Carter that the s^d Papers are lodged in his office, where they may see them, and what his Excell^{cy} hath said thereon in Council if they desire it.

And his Excell^{cy} was further pleased to order that the Clerk of the Council write to Coll^o Robert Carter to send his reasons for his absence from this & the two last meetings of Council.

Then his Excell^{cy} was pleased to cause this following Declaration to be read viz

"I do solemnly declare that if I in my conscience believed that y^e "Inhabitants of this her Majestys Colony and Dominion of Virginia, "or a hundredth Part of them nay even the five hundredth Part were "willing to have me either turned, or removed out of this Government, "or had such an inveterate Spleen & malice against me as some few "have given under their hands, I should think myself obliged in duty "both to God Almighty and her most sacred Majesty most humbly "to beg leave of her Majesty immediatly to resign her Royal Com- "mission; but I thank God I can safely say, that if ever I have or shal "wilfully or obstinately (according to y^e ability w^{ch} God almighty "hath been pleased to bestow upon me & the Station her Majesty "hath been pleased to place me in) refuse to do my duty to them, "and after that to do all the good I could for the welfare & Prosperity "of the Inhabitants of this her Matys most ancient & great Colony "& Dominion of Virginia, then let me cease to be the Governor thereof.

His Excellency acquainted the Council that by the death of M^r Thraile, the office of Agent for Virginia is become vacant, that as for his own Part, he thanked God he had no occasion for any Agent: but if her Maty or the R^e hon^{ble} the Lords Comm^{rs} for trade & Plantations find it necessary to have one, he humbly desires their Lord^{ps} may nominate him, w^{ch} he takes to be best for her Matys interest & Service, and that their Lodrps may also direct what his business is, being the s^d Agent is to be paid out of her Matys Revenue.

And then his Excellency having as usual asked the Council if they knew of any thing further for her Matys Service, and they answering that they knew of nothing at present.

The Council adjourned.

At a Council held at her Matys Royal College of William and Mary the 8th of february 1704/5

Present

His Excellencie

John Lightfoot
Benj^a Harrison
Rob^t Carter
Philip Ludwell

W^m Bassett
Henry Duke
and
John Smith Esq^{rs}

His Excellency read her Matys order in Council dated the 15th of June last past with the Right hon^{ble} the Lords Comm^{rs} for trade their Letter of the 22^d of y^e s^d moneth directing his Excellency to return his answer to the Petition and Memorial presented to her

Majesty against him signed by six of the Council, and after reading thereof, and of the List of the Affidavits and other Papers sent therewith acquainted the Council that they might peruse them if they pleased.

His Excell^{ty} was pleased to read to the Council that clause in her Matys Royal Commission to him whereby he has Power whenever the number of Councelors residing in this Colony shal happen to be under nine, to choose so many Persons out of the principal Inhabitants of the Colony as will make up the number of the Council to be nine & no more; and acquainted the Council that by the death of M^r Auditor Byrd there being a vacancy of one of the Council, he had thought fitt last Council (pursuant to the s^d Clause) to nominate John Lewis Esq^r to fill up the said Vacancy; and that he was here in order to be sworne.

And the s^d John Lewis Esq^r being called in, his Excell^{ty} acquainted him that he had formerly Recommended him to the Right hon^{ble} the Lords Comm^{rs} for trade &c to be of her Matys Council here, and that there being at this time a Vacancy, he thought it for her Matys Service that he be now sworne.

Then the s^d Jn^o Lewis at his Ex^{ty}s desire withdrew

And his Excell^{ty} was pleased to take notice to Coll^o Jn^o Lightfoot that he had observed just now that he said something on occasion of his Excell^{ty}s nominating Jn^o Lewis Esq^r to be of the Council.

Whereupon Coll^o Lightfoot made answer that what he said was, that in y^e time of S^r Edmund Andros's Government, when Coll^o Diggs was nominated of the Council Sir Edmund asked the Advice of the Council w^{ch} of the three Gent here named Viz^t Coll^o Diggs Coll^o Carter, & Coll^o Page should be appointed of the Council and Coll^o Diggs was thereupon elected.

Upon which his Excellency called for the Journal of the Council of that time and the same was read bearing date y^e 15th day of October 1698 and is as follows viz.

"His Excellency was pleased this day to move in Council that "there being a vacancy in the Council, whether there was not absolute "necessity of supplying thereof; It is the opinion of this Board that "this vacancy be forthwith supplied, His Excell^{ty} thereupon was "pleased to name Major Dudley Diggs, w^{ch} was to y^e great Satisfaction "of the Council.

Then his Excellency asked the Council if they had any objection against John Lewis Esq^r his being appointed & admitted one of her Matys Council, and they answered they had nothing to object against him.

John Lewis Esq^r took y^e Oaths appointed by act of Parliament to be taken instead of the Oaths of allegiance & Supremacy, the Oath mentioned in an Act of Parliament made in the first year of Matys Reign Entituled an Act to declare the alterations in the Oath appointed to be taken by the act Entituled an Act for the further Security of his Matys Person & the Succession of the Crown in the Protestant line, and for extinguishing the hopes of the pretended Prince of Wales and all other Pretenders and their open & secret abettors & for declaring the Association to be determined; Subscribed the Test and took the Oath of a Councillor, and then took his Place at the Board

John Lewis Esq^r Present

His Excellency laid before the Council a letter signed by Coll^o John Lightfoot Coll^o Rob^t Carter & Coll^o Philip Ludwell dated the 29 Jan^{ry} last past, as also a letter from Coll^o Harrison dated the 14th of y^e s^d moneth, both directed to the Clerk of the Council being in answer to what his Excell^{cy} offered them in a lett^r written by his Ex^{cy}s order the 20th of December last in relation to the granting Power to examine Evidences for proving their Complaint ag^t him. And the said two letters were read; but Coll^o Philip Ludwell declaring that he had not brought the List of the Comm^{rs} names mentioned in the first of the s^d letters, as not expecting anything would be done in that matter today the further consideration of the answers contained in the said Letters is referred till tomorrow.

His Excellency laid before the Council a letter from M^r Benj^a Harrison Jun^r dated the 5th instant, wherein he desires to be excused from attending this Council by reason of the late receipt of his Ex^{cy}s commands and other reasons therein mentioned, Which letter was also read

In obedience to his Excell^{cy}s order, D^r Archibald Blair & Sarah his wife late the wife of M^r Barth^o Fowler deceased attorney Gen^{ll} of this Colony, came before his Excellency in Council and delivered to his Excellency several Papers w^{ch} seem to relate to the Government found among the Papers of the said Fowler, and produced a receipt of M^r Dionisius Wright for sev^{ll} bundles of publick Papers & others belonging to his Excell^{cy}. And the said Archibald Blair & Sarah his wife made Oath that these Papers now delivered are all they have found, and promised that if any other come to their hands hereafter, to deliver them to his Excell^{cy}.

Upon reading a letter to his Excell^{cy} from Cap^t Matthew Teate Com^{d^{er}} of her Majestys Ship Strombulo dated the 29th of December last wherein he informs his Excell^{cy} that his Lieutenant, Carpenter & his mate had been at Coll^o Byrds in order to bring down her Matys Sloop but found her very bad & not worth repairing. The Council took into consideration what may be best for her Matys Service either in fitting up the said Sloop, or selling her as she is at present. And it is thereupon

Ordered that the Court of Charles City County cause a Survey to be made of her Matys Sloop now lying at Westopher by such Persons as they shal judge proper who are to draw up a Report what they judge the charge of repairing & fitting y^e s^d Sloop for service may amount to, And the Justices of y^e s^d Court of Charles City are directed with all Speed [to] return the said Report to his Excell^{cy}.

His Excell^{cy} communicated to the Council a letter from M^r W^m Churchill dated y^e 30th of January last, and another of the 5th instant, with a letter from Cap^t Snelgrave Commander of the Eagle Gally informing his Excell^{cy} that the s^d Ship cannot be ready to sail before the 1st of March, and his Excell^{cy} acquainted the Council that he intended to give notice thereof throughout the several Countys that the People may have time to prepare their Letters.

The Clerk of the Council having (according to order) entered the

Proceedings of Council in the time of M^r Dionisius Wright late Clerk, acquainted his Excell^{cy} & the Council that having left too much room in the Book for inserting the said Proceedings there remained 17 pages blank and prayed the directions of this Board if he should cutt out those blank Leaves or let them stand in the book; Whereupon it is ordered by his Ex^{cy} & the Council that the s^d 17 pages be left blank & that a Memorandum thereof be entered in y^e s^d Book on the foot of page : 141.

Then his Excell^{cy} caused the Journals of Council to be read begining the 2^d April 1702 & y^e s^d Journal was read through to the first of Jan^{ry} following.

And then y^e Council adjourned till tomorrow morning.

February the 9th 1704 [1704/5]

Present

His Excellency

John Lightfoot
Benj^a Harrison
Robert Carter
Philip Ludwell

William Bassett
Henry Duke
John Smith
John Lewis Esq^{rs}

Upon reading the Proceedings of Council yesterday, John Lightfoot, Benj^a Harrison, Robert Carter and Philip Ludwell Esq^{rs} desired that an Entry may be made of what they said yesterday, upon entering upon the reading of the Journals of former Councils, w^{ch} was spoken by Coll^o Harrison, to this effect, viz, That they desired to know to what intent those Journals were read, that if it was they should now make their objections to any of them, they declared they could not hear them read on any such acco^t because they were Partys: and their Complaint being now before her Majesty, they were not to make their objections here; but hoped they should have access to the Council Records as they shal have occasion.

Whereupon his Excell^{cy} ordered the answer given by him to them at y^e same time to be likewise entered here, viz. That they have made it one Article of their Complaint ag^t him that the Journals of Council were not read, tho it was no fault of his; for that they might always have had them read over if they would have staid.

To which they answered that they never went away from Council untill the Council was adjourned.

Then his Excell^{cy} put the question to the Gent abovenamed whether they ever desired to have the Council Journals read over to them either on the day the business was transacted or at the next meeting,

Upon w^{ch} Coll^o Carter said that he never desired it, but that he did not perceive any detriment that might accrue to him by answering that question, if he did, he should not think himself obliged to answer anything that might be made use of against him to his disadvantage in another Place, and the other three Gent said that that question was not proper to be answered here.

His Excell^{ty} asked the four aforementioned Gent whether they were ever denied access to the Council or Assembly Records or Records of the Gen^l Court.

As to w^{ch} they say that they conceive, it is not a proper question to be answered here.

Whereupon his Excellency was pleased to say that he defyed them to prove that ever they were denied access to the Records by his orders.

It being alledged by Coll^o Ludwell that his Excell^{ty} had denyed to let him have copys of the Proceedings of the Journal of the last Council in relation to the Complaint against his Excell^{ty} His Excell^{ty} caused to be read the following Letters viz

One from M^r W^m Robertson Clerk of y^e Council to Coll^o Philip Ludwell dated y^e 21st Decem^r last

One letter from Coll^o Ludwell to y^e said W^m Robertson dated y^e 28th of y^e same moneth

The s^d W^m Robertson's answer thereto of y^e same date

Coll^o Ludwells lett^r to his Ex^{ty} dated y^e 30th of the s^d moneth & his Ex^{ty}'s answer thereto of the same date

And Declared that [he] would send copys of the s^d Letters to England for Justifying the denial alledged ag^t him.

His Excellency commanded it to be entered on this Journal that what Coll^o Lightfoot said yesterday in Council in relation to Coll^o Diggs's being appointed of the Council in S^r Edmund Andros's time doth not agree with the Journal of that time: And was also pleased to tell the said Coll^o Lightfoot, that it was through his Excell^{ty}'s means that he the s^d Coll^o Lightfoot was one of the Council and admitted afterwards when Sir Edm^d Andros denyed him: and that if it had been left to the Council here to have named him, he would never have been named in that Station.

And Coll^o Lightfoot thereupon owned that his Excell^{ty} did recommend him to S^r Edm^d Andros, from my Lord Pembroke.

Upon w^{ch} his Excell^{ty} was pleased to say that he must ever own himself extraordinarily obliged to the Earl of Pembroke beyond his hopes of deserts.

Coll^o Carter desired that what he said yesterday in confirmation of what was spoke by Coll^o Lightfoot may be likewise inserted here, which was "That soon after Coll^o Diggs was made a Councelor, Coll^o Wormeley & he thinks Sec^{ry} Wormeley (when they came from the Gen^l Court that time) told him that had it not been for his living at such a distance, there would have been an Express sent for him to have come to Council in order to his being appointed one of that Board.

Benj^a Harrison Esq^r Absent

Upon reading a letter to his Ex^{ty} from Cap^t Matthew Teate Commander of her Matys Ship Strombulo dated the 4th instant informing his Excell^{ty} that he began to grow short of bread, and being disappointed of the Sloop to fetch his bread from y^e Vessell in y^e Dividing Creeks, he desires his Excell^{ty}'s leave & approbation to go thither with her Matys Ship under his command and also representing that

he has been much straitned for want of water the badness of the weather not permitting his Boat to go ashore but very rarely, whereby he hath not been able to supply the Ship with a weeks water before hand;

His Excell^{ty} and the Council having considered the said Letter, & not knowing any immediate Service for her Majestys said Ship, Leave it to Cap^t Teate to sail with her to the Dividing Creeks to fetch his bread whenever he finds it convenient, and are of opinion that his so doing will afford him a good opportunity of viewing the Bay, and the going into York & Rappahannock Rivers w^{ch} may be of use to him if her Matys Service should require his going that way hereafter. And they are sorry that he is disappointed of her Matys Sloop but cannot tell how to help him at present; and also that the badness of the weather has laid him under such straits for want of water; but he may thereby perceive the inconveniencys of riding out in Linhaven bay in such bad winters, and be able to represent the same to his Royal Highness

Benj^a Harrison Esq^r Present

Upon reading a lett^r signed by Coll^o Lightfoot, Carter & Coll^o Ludwell dated the 29th of Jan^{ry} last containing their answer to what his Excell^{ty} offered them in relation to y^e taking Examinations of witnesses for proving their Comp^{lt} ag^t him; His Excellency took notice of one expression therein, w^{ch} he thinks is a reflection on him, viz "We are willing to accept of the offer, so as the Affidavits may be taken in a quiet Peaceable manner. And desired the Gent who signed the said Letter may explain themselves.

To which they made answer that the words are very plain and need no further explanation.

His Excellency Replied that he thinks they do need explanation, and that he knew no just reason to put those words in. And his Excell^{ty} was pleased to say that as to their desire in their said Letter, it seemed to him to be somewhat extraordinary and that it being matter of Law, he would refer it to M^r Attorney Gen^l to report his opinion thereon, as also upon the List of the Comm^{rs} names this day given in by them, and what they desire in the Paragraph on the foot of the said List

Exceptions being taken by his Excell^{ty} to what is proposed by Coll^o Lightfoot Coll^o Carter & Coll^o Ludwell in the Paragraph subjoined to y^e List of the Commissioners nominated by them for taking examinations of witnesses; They alledged it was a mistake and desired leave to amend it, and explain their meaning; which was refused by his Excellency, who said they might explain their meaning in another Paper, but should not do it in this, it being given in to the Council. Upon this a Debate arising

The Question was moved by Coll^o Carter, whether the Gentlemen of her Matys Council who are not Complainants do concern themselves to act as Counselors in the Case between his Excellency and the Gentlemen of the Council that have complained ag^t him; They thereupon unanimously Declared that they will not concern themselves in the Case between his Excell^{ty} and the Gent that have complained ag^t him nor sitt as Counselors in anything relating to that affair.

His Excellency was pleased to answer that he never desired them,

M^r Attorney General being called in, his Excell^{ty} delivered to hom the lett^r signed by Coll^o Lightfoot, Coll^o Carter & Coll^o Ludwell, together with the List this day given in by them, and told him that he was not to make his Report till he had another Paper which would be sent him.

John Smith Esq^r Absent

The Clerk of the Council pursuant to his Excell^{ty}'s order proceeded to the reading of the Council Journals beginning where it was left off last night viz the 1st Jan^{ry} 1702/3 and read to the 25th of March 1703.

John Smith Esq^r Present

The Council Journals were read to the 10th of April 1703

And then Coll^o Lightfoot, Coll^o Carter and Coll^o Ludwell having prepared & signed a Paper explaining their meaning in the Paragraph on the foot of the List of Comm^{rs} given in by them: M^r Attorney General was called in and the s^d Papers delivered to him.

Whereas it is judged necessary for the Safety of the Ships & Vessells trading to this Country that from & after the first day of April next, all such Ships & Vessells be directed to ride at the Places appointed by an order of Council dated the 17th of June 1703

It is therefore Ordered that the Clerk of the Council send to each District a List of the Places at w^{ch} Ships were appointed to ride by the s^d order. And the Collectors & Naval officers are hereby directed to give notice to the Masters of all Ships & Vessells that shal be, or come into their respective Districts after the first day of April next to ride in the respective Places & Stations by y^e s^d order appointed in each District and at no other, untill a Convoy shal arrive in the Country.

Ordered that the Commanders in chief of the Militia of the Countys of Elizabeth City Princess Anne, Northampton & Accomack, appoint fitt Persons to look out to Seaward at the following Places viz for Elizabeth City County on Point Comfort one man, for Princess Anne County between Linhaven River & Cape Henry one man, and between Cape Henry and Corrotuck Inlett one man. In Northampton on Smith Island or Moskon Island and long the Seaboard Shore of the s^d County two men, and in Accomack County along the Seaboard Shore of the s^d County two men, to whom the s^d Commanders in Chief are to give in charge to observe the directions contained in the Act of Assembly for further strengthening the Frontiers and discovering the Approaches of an Enemy, which Persons so appointed shal continue in that Service from & after the first day of April next untill further order from his Excellency.

M^r Attorney General having prepared his Report on the lett^r and Papers this day given him by his Excellency, delivered the same now at y^e Council table.

Then the reading of the Journals of Council was proceeded in and read through to the 12th of May last past.

And then the Council adjourned till tomorrow morning 9 oclock

February 10th 1704 [1704/5]*Present*

The same as yesterday

The minuts of yesterday's Proceedings in Council were read

His Excellency commanded John Lightfoot, Benj^a Harrison, Robert Carter & Philip Ludwell Esq^{rs} in her Matys name to give him a positive answer whether they ever desired the Journals of Council to be read over to them either the day the business was done, or the next meeting; and said he defyed them to prove that ever it was asked & denied.

His Excell^{cy} showed to the abovenamed Gentlemen, the copy of their Memorial w^{ch} was sent him by the Right hon^{ble} the Lords Comm^{rs} for trade & Plantations, and ask'd them if they would swear to it.

Upon which they directed it might be entered that whatever questions are or shal be asked them in relation to their Complaint, they did not think themselves obliged to answer them here, their cause depending before her Majesty.

His Excell^{cy} did thereupon declare that the questions he has asked them are only such as arise upon the reading of the Council Journals, and on their letter concerning the taking Evidences, and not upon the merits of the Cause; for he is well satisfied that the cause is before her Majesty, and thanks God it is so.

And the Complainants also desire it may be entered that they likewise thank God, that it is so.

His Excellency further declared that he should look upon it as a Peice of the best fortune that ever happened to him in his life to have the hon^r & happiness to appear before her Majesty to make his defence in the Presence of these Gentlemen, & of those that have sworne ag^t him in England, and then by the Divine assistance he hoped to clear himself: but as he is obliged by the highest duty & gratitude to obey all her Maj^{ties} Royal Commands, so more particularly what her Majesty shal be most graciously pleased to order in this affair.

William Bassett, Henry Duke, Jn^o Smith and John Lewis Esq^{rs} did this day again repeat their Declaration made yesterday, That they will not concern themselves in the Case between his Excell^{cy} and the Gentlemen that have complained ag^t him nor sitt or act as Counselors in anything relating thereto.

To which his Excell^{cy} answered that he never desired it of them

Whereupon Coll^o Carter desired it might be noted that whatever Entrys are made on the Council Journal in relation to the s^d Complaint is done by his Excell^{cy}'s command and not by any direction of the Council.

M^r Attorney Gen^l having last night given in his Report on the Letter of Coll^o Lightfoot &^c and the List of Comm^{rs} names therein mentioned referred to him by his Excell^{cy} the same was now read in the following words, viz

"Pursuant to the above written order, I have perused the above mentioned lett^r the List of Comm^{rs} names & another Paper pur-

“porting the further Explanation of the Paragraph underwritten to
 “y^e s^d List, and do conceive & am of opinion that the granting of
 “Dedimus’s according to the Proposition in the said Letter, would
 “be contrary to Practice & illegal, because it seems to be partial &
 “exparte, and likewise for that all witnesses ought (if the adverse
 “Party so think fitt) to be interrogated & Cross examined on his behalf
 “likewise & also for that the delivery of Affidavits or Depositions by
 “the Comm^{rs} to y^e Party desiring such Commission savours too much
 “of Partiality, & is directly contrary to an Act of Assembly of this
 “Country Entituled *Dedimus Potestatem* how to issue, The w^{ch} Act
 “too in the Preamble seems to hint at y^e inconveniencies of partial
 “& exparte examinations. As to any Exception to the particular
 “Commis^{rs} mentioned in the s^d List, being acquainted with but few
 “of them, can offer nothing, but only observe that Cap^t Jn^o Taylor
 “nominated in y^e aboves^d List for Prince George County is one of
 “the Clerks mentioned in y^e mem^l to be turned out by his Ex^{cy},
 “w^{ch} is one of the Charges ag^t his Ex^{cy} & therefore he ought not to
 “be a Com^r As to y^e desiring Comm^{rs} to take the Affidavits of Persons
 “that live in other Countys where no Com^{rs} are appointed, I conceive
 “y^e same to be contrary to the afores^d Act, w^{ch} requires the examina-
 “tions of witnesses upon dedimus’s to be in y^e Countys where they
 “live &c

S. Thomson A G

Upon reading whereof Coll^o Carter for himself and in name of the other Complainants desired it might be entered that before their Letter was delivered to M^r Attorney Gen^l they owned, as they do now, that the method proposed by them was not according to Law or Practice in common Cases, but that this being an extraordinary one, they had proposed an extraordinary method, and that they should not have made such a Proposal (having no Power from England themselves to take Depositions) if an offer had not been made them in a lett^r sent by the Clerk of the Council by his Excell^{cy}s order dated y^e 20th of Decem^r last, and that this was said yesterday tho not desired then to be entered.

His Excell^{cy} acquainted the Complainants that they might see by the Report which the Attorney General had made, he could not grant such a Commission as they desire: but if they will have any witnesses examined at y^e Gen^l Court upon their application to him for a Power to summon such witnesses: he would advise with y^e Attorney Gen^l and if such Power may be lawfully granted, it shall be sent them

Upon reading Coll^o Harrisons letter of the 14th Jan^{ry} last, His Excell^{cy} said that the former Part of that letter was answered by the Proceedings on the letter sent by the other Gentlemen in relation to the taking Examinations of witnesses for them: but Coll^o Harrison having said that “he should not desire any of his friends to be examined “till they may do it in Peace & Safety, and that he can bring a late “instance of a Gent that was ill used because he kept Company with “his family His Excell^{cy} desired Coll^o Harrison to declare if he knew

"any reason why they cannot do it in Peace & Safety, and that he name the Person said to be ill used.

To which Coll^o Harrison said that he should give no answer here.

Upon reading a letter from M^r Benj^a Harrison jun^r dated the 5th instant In answer to a letter of his Excell^{ty} commanding his attendance at this Council if he could prove any of the Complaints ag^t his Excell^{ty}, wherein he says he will not take upon him to act as a Principal in the business of the Compl^t ag^t his Excell^{ty} but as a witness shal be ready to testify his knowledge when desired by the hon^{ble} Gentlemen that are concerned, or by his Excell^{ty} if he will please to send him the question and allow him time to recollect himself; but if neither of these things are desired of him, desires to be excused from any attendance on that account: His Excell^{ty} was pleased to declare that if M^r Harrison is not concerned as a Principal or Evidence on y^e other side, nor doth concern himself to act & write ag^t his Excell^{ty} except in so far as he shal be consulted by these Gentlemen as a Lawyer his Excell^{ty} will not trouble him to give any evidence on his Part

His Excellency was pleased to declare that as to what the Complainants have desired of having access to the Council & Assembly Records, he doth now order the Clk of the Council to let them see the Journals when they think fitt to ask for them, and if they themselves or any other Person they employ as a Lawier will take copys out of the Records, they may have them, the Clerk examining & signing such copys, and if they leave a List of any Papers they desire to have copys of, the Clerk of the Council is to prepare such copys and deliver them to such Persons as they shal appoint, taking a receipt for what orders they have copys of. And as for the Clerks of the Secretarys office they are obliged to attend & give copys of any thing there when desired. And because there are sev^l things mentioned in the Affidavits of M^r Blair relating to y^e College, his Excell^{ty} hath with y^e Rector appointed a meeting of the Governors thereof the 22^d instant, where the Complain^{ts} may apply if they desire any thing from their Records.

His Excellency further acquainted the Gent that have complained against him that if they have any questions to ask the present Clerks or those who have formerly been Clerks of the Council, Sec^{ry}s office, Assembly office, or College, or any other offices, or any other Persons concerning the Records of those Offices, His Excell^{ty} shal be very willing to give such a Power as he may legally grant for taking their Depositions before any Person they please to nominate.

To which they made answer that they have already proposed what they take to be the most proper method for taking Examinations in this matter.

His Excellency acquainted the Gentlemen that have complained ag^t him that he had appointed a meeting of the Reverend Clergy at this Place on the 20th instant, and if they had a mind to ask any questions of them or any of them in relation to their Mem^l or what is contained in the Affidavits of M^r Blair or M^r Beverley concerning the Clergy, they may then do it, either by themselves or their Lawyers.

His Excell^{ty} having caused the rough minuts of the Proceedings of Council this day to be read over, and such amendments were made therein as were directed.

And then his Excell^{ty} acquainted W^m Bassett, Henry Duke, Jn^o Smith & John Lewis Esq^{rs} that tho they have declared themselves not to be concerned in the matter between his Excell^{ty} and the Gent that have complained ag^t him, as he never desired them, yet he hoped they would take notice that the Rough of the whole Proceedings in that matter both yesterday & today have been read over in their Presence.

His Excell^{ty} acquainted the Complainants that he had employed her Matys attorney General, M^r Rich^d Wharton & M^r John Holloway to inspect their Memorial & Affidavits & the Records of the Country, and to make their observations thereon in Point of Law in his behalf.

Then the Journals of Council from the 8th day of August 1704 to the last meeting of Council were read over.

Upon reading that Paragraph of the Proceedings of last Council held the 16th day of December last, where his Excell^{ty} commanded Coll^o Lightfoot not to use the title of President of her Matys Council. The said Coll^o Lightfoot desired it might be entered that he says, he never did take on him the title of Presid^t of the Council.

A letter from the Right hon^{ble} Sir Charles Hedges Kn^t her Matys principal Sec^{ry} of State dated the 25th of May 1704, was read in Council, Inclosing her Matys additional Instruction concerning Privateers, and directing copies thereof to be delivered to such of them as shal resort to this Govern^t to be by them observed and also inclosing a copy of the R^t hon^{ble} the Earl of Nottingham's letter concerning the Trade with the Spaniards.

Her Matys Additional Instruction dated the 25th of May 1704 for such Merch^{ts} and others who shal have Commissions or lett^{rs} of Marque or Commissions for private men of war ag^t France & Spain &c. Directing that from & after the first day of June last past no injury molestation &c be done by any Ships of war, Privateers or merchant Ships having Letters of Marque, or by any of her Matys Governors upon or within the Mainland of the Continent or of the Islands or Plantations belonging to the Spaniards in America, or ag^t any of her Matys Subjects or the Subjects of the States General their Ships Vessells or goods being for the proper acco^t & Risque of her Matys said Subjects or the Subjects of the States with several Provisions and exceptions more fully exprest in the said Instruction; Being this day read in Council.

Ordered that a copy thereof be sent to each District to be communicated by the Collector & Naval officer to the Captain of all Privateers & merchant Ships having Letters of Marque coming into their said Districts

John Smith Esq^r Absent

Upon reading a letter from the R^t hon^{ble} Sir Charles Hedges Kn^t her Matys principal Secretary of State dated the 13th of June last, signifying that it being now more difficult than formerly to get Pitch, Tarr, and other Naval Stores for the use of her Majesty's Fleet; Her Matys Pleasure is that his Excell^{ty} should consider and give his opinion what may be done in Virginia for her Matys Service in that particular of Naval Stores.

It is the opinion of his Excell^{ty} & the Council that a former order having issued the 15th day of December last upon a letter from the Right hon^{ble} the Lords Comm^{rs} for trade & Plantations of the 13th of July concerning the Production of Pitch & Tarr in this Country they hope that by the Return that will be made to the s^d order, a sufficient answer may be given as to that Species of Naval Stores; but if her Majesty expects any other Sort of Naval Stores from this Colony, they humbly pray that her Majesty will be graciously pleased to signify her Royal Pleasure therein

Reynier Tongrelon late Commander of the Sloop Seaflower a Commission'd Privateer fitted out at Rhode Island and lately cast away to the southward of Cape Henry in this her Matys Colony and Dominion, having (upon a Petition to his Excell^{ty}) obtained a Warrant, to the Attorney Gen^l Coll^o W^m Wilson & M^r Sampson Trevethan to make enquiry and search for all goods & Merchandizes cast ashore out of y^e s^d Sloop and taken up by several Persons in Princess Anne County. And this day having together with a Petition, exhibited a Report of the attorney General & M^r Trevethan containing their Proceedings in pursuance of his Excell^{ty}'s said warrant, whereby it appears that diverse of the said goods & merchandizes were found & delivered up to them and that a great deal more are detained & concealed by several Persons inhabiting in Princess Anne County and praying that a Court of Admiralty may be appointed for condemning the goods that are found being taken as Prize from her Matys enemys And that some further means may be used for obtaining what is yet concealed & detained.

It is the opinion of the Council that the Persons that have taken up and detained the said goods are lyable to Prosecution, and ordered that it be referred to M^r Attorney Gen^l to prosecute them according to Law.

Present John Smith Esq^r

His Excell^{ty} was pleased to acquaint the Council that there being no Judge of the Court of Admiralty commissioned in this Colony, he had recommended Coll^o Henry Duke to the Admiralty Board for that Office: and since upon this occasion there is a necessity for the speedy constituting a Court of Admiralty, he thought fitt now to appoint the s^d Coll^o Henry Duke to be Judge, Stephens Thomson Esq^r attorney Gen^l to be Advocate, George Clough Gent to be Register & M^r Edw^d Ross Marshal, And ordered that Commissions be prepared for them accordingly.

Ordered that it be recommended to the Gen^l Assembly to consider of a Law for restraining the unjust and barbarous Practices of the Inhabitants of Princess Anne County & other Parts bordering on y^e Sea, in seizing & embezzling the goods of Persons whose misfortune it is to be cast away on those Coasts.

Upon reading the Petition of Reynier Tongrelon late Com^{der} of the Sloop Seaflower a Commissioned Privateer fitted out at Rhode Island, & lately cast away to the southward of Cape Henry within this Colony, praying that his officers & Seamen that were saved out of the s^d Sloop may be free from being impressed into her Matys

Service on her Matys Ship attending this Government, And that a pass may be granted to him, his officers & Seamen for their more safe travelling over land to New York.

His Excellency and the Council having been informed that the said Cap^t Tongrelon & his men have done very considerable Service ag^t her Matys enemys, & that they have Shares of very valuable Prizes due to them at their Commission Port; and considering that the impressing and detaining them here, may deprive them of the means of obtaining what is so due, are rather desirous to assist them in their Distress than take advantage of their misfortunes, w^{ch} brought them hither, And therefore are pleased to order as it is hereby ordered that the said Captain, his officers & Seamen be free from being impressed within this her Matys Colony and Dominion. And Captain Matthew Teate Commander of her Matys Ship Strombulo is hereby directed not to impress any of the Seamen that belonged to y^e s^d Sloop Seaflower at the time of her being cast away And that he forthwith discharge such of the s^d Seamen as he may have already impressed by virtue of his Excell^{ys} warrant, & suffer them to go about their lawfull affairs, excepting such of the s^d Seamen as shal voluntarily enter themselves in her Matys Service on board her Matys said Ship under his command.

And ordered that a Pass be granted under the Seal of the Colony to the s^d Captain Tongrelon and his officers & Seamen (whom he shal make appear upon Oath to have belonged to the s^d Sloop) according to the Prayer of y^e s^d Petition.

Whereas several Seamen lately belonging to the Coddington Galley now lying in York River having been discharged from the said Ship are now stragling about the Countys of York and Gloucester, and by their mutinous behaviour on board y^e s^d Ship as well as their insolent carriage on Shore appear to be dangerous Persons & unfit to be permitted to go about the Country: And whereas her Majesty's Ship Strombulo is now in want of some Seamen for her Maty Service, and the Captain having represented to this Board that he has no conveniency of sending to impress the said Seamen.

It is therefore Ordered that the Sheriffs of the Countys of Gloucester & York respectively do forthwith impress such of the said Seamen as they shal find within their respective Countys whose names are as follow Viz, Francis Purrell, [blotted] Edw^d Newport W^m Popham, John Hilton, Rich^d Ely, W^m Mann, James Steward, Peter Folke, John Thomas, Thomas Pain & Maurice Smith, And for the better apprehending & securing the said Seamen the said Sheriffs respectively are hereby impowered to raise such a force of armed men as shal be necessary And ordered that the Sheriff of Gloucester County deliver such of the said Seamen as he shal apprehend within his Bailywick unto the Sherif of York who is hereby directed to receive and convey them, as also such of the s^d Seamen as he shal find within his Bailywick to the Sherif of the County of Warwick, who is in like manner to receive and Convey them unto the Sheriff of the Colony of Elizabeth City to be by him Conveyed and delivered on board her Matys Ship Strombulo. And all her Matys officers Civil and Military and all other her Matys Subjects within this Colony are hereby required to be aiding and

assisting to the said Sherifs in y^o execution hereof as they will answer the contrary at their Peril.

William Bassett & Henry Duke Esq^{rs} Absent

M^r James Wallace attending here by his Excell^{ty}s order, was called in, and his Excell^{ty} was pleased to ask him if he had rec^d his letter, unto w^{ch} the s^d M^r Wallace answered that he had, and presented a Petition to his Excell^{ty} in answer thereto which was read importing that his Affidavit (he conceived) wanted no Proof, that what is delivered upon Oath is received as truth till it be disproved, and if his Ex^{ty} can disprove any Part of his Affidavit, when he should know the Particulars, he hoped to get sufficient evidence to confirme & justify what he hath said &c And also informing his Excell^{ty} that finding by his Ex^{ty}s letter to the Vestry of Elizabeth City Parish that his Excell^{ty} had some doubt about his being qualified as a Min^r he had brought his Deacons and Priests orders & Licence to preach in this Colony, and praying his Excell^{ty}s leave to exercise his ministry in that Parish:

Whereupon his Excell^{ty} called for the said M^r Wallace's Priests orders and Licence, and ordered the Clerk of the Council to take a copy of them. And acquainted the said M^r Wallace, that the reason of his desiring to see them, was, because he did not find them recorded anywhere in this Country, and that M^r Commissary Blair had left no Papers relating to his office that his Excell^{ty} could come at, having sent to Madam Blair before she went for England & rec^d none of them.

His Excellency caused to be read the Proceedings of the Vestry of Elizabeth City Parish dated the 5th January last in behalf of M^r Wallace, with his Excell^{ty}s answer to the Vestry, and observed one expression in the Proceedings of the s^d Vestry w^{ch}, he said, he had not taken notice of before viz that they call his Excell^{ty} my Lord of Londons Representative; And thereupon told M^r Wallace that what Power he hath in Ecclesiastical affairs within this Country is from her Majesty and not from the Bishop of London.

His Excell^{ty} asked M^r Wallace why he prayed now for the Bishop of London by name & left out his Excell^{ty} neither of which he used to do before he went for England; which M^r Wallace owned to be true.

His Excell^{ty} further asked M^r Wallace by what authority he went to preach in James Town Church, and told the people in the Pulpit, Desk, or somewhere in the Church, that he preached there for M^r Commissary Blair their minister, who designed to be with them next Fleet or words to this Purpose. To both which questions his Excell^{ty} acquainted the s^d Wallace that he expected his answer either now or in some short time

John Lightfoot & Jn^o Smith Esq^{rs} Absent

As to M^r Wallace's Prayer in his Petition concerning y^e exercise of his ministry in Elizabeth City Parish; his Excell^{ty} acquainted him that he might be assured that he will obey what the R^t hon^{ble}s the Lords Comm^{rs} for trade have been pleased to order him; but having written to the Vestry and received no answer yet; his Ex^{ty} will give M^r Wallace a fuller answer to his Petition when he receives the answer of the Vestry.

His Excell^{ty} asked M^r Wallace whether he did not say when he was last before him in Council that he was obliged to swear ag^t his Excell^{ty} or words to that effect

To which M^r Wallace said that he remembers nothing of it

And his Excell^{ty} likewise asked him whether he did not send a Boy up hither with Letters that night or next day after he came on Shore, And he acknowledged that he sent a Boy up, but with no letters from England, only a line or two w^{ch} he wrote to Coll^o Ludwell.

His Excell^{ty} was pleased to say that one reason for his sending for M^r Wallace was that Coll^o Harrison & Coll^o Carter being two of the Complainants might have an opportunity of seeing and discoursing him if they thought proper, they not being here last Council

John Lightfoot, Henry Duke & W^m Russel, Jn^o Smith, Esq^{rs} Present
M^r William Lowry Surveyor of Elizabeth City County having in obedience to an order of Council dated the 26th of October last past laid out and surveyed Point Comfort Island, and transmitted to his Excell^{ty} a Platt & Survey thereof, which being this day laid before the Council:

Ordered that notice be given in Elizabeth City County that if any Person be desirous to take a Lease of Point Comfort Island they are to make application for the same to his Excell^{ty}. And

Ordered that the Platt & Survey of the said Island, together with the Platt & Survey of some Part thereof surveyed for M^r Rob^t Beverley be lodged in the Council office.

Upon reading a Petition of the Feofees of the Town land in Middlesex County praying a *Dedimus* for taking the Depositions of witnesses for proving their Complaint against the Court of the said County

It is the opinion of the Council that y^e said Complaint being referred to the General Assembly, it is not proper for the Council to meddle further in it, till it has been under consideration there, And therefore do not think fitt to grant any *Dedimus*

The Trustees of the Estate of the deceased M^r Auditor Byrd having in pursuance of an order of this Board given his Excell^{ty} an Acco^t of the Quitt rents sold by M^r Auditor Byrd and of what remains yet unsold, the same was taken into consideration

William Bassett and Henry Duke Esq^{rs} moving for the Quittrent Tobacco of King William County at y^e rate of a penny per pound, It is agreed to by his Excellency and the Council; And ordered that the Sheriff of King William County make Payment of her Matys Quittrents of that County for the year 1704 unto the s^d William Bassett and Henry Duke Esq^{rs} to whom y^e same are sold by his Excell^{ty} & the Council.

M^r Ethelred Taylor having made an offer of 5^s & 10^d per hundrd for the quittrent Tobacco of Surry County for the year 1704; and it appearing that the Quittrents of Isle of Wight County (w^{ch} used formerly to be sold at the same rate with Surry) for this year sold for 5^s 10^d and that M^r Taylor's offer for the Quittrents of Surry is the highest that hath been or is like to be made for the same. It is agreed that the said Ethelred Taylor have y^e s^d Quittrents at y^e Rate of five shillings & ten pence per hundred and the Sheriff of Surry is

ordered to pay the s^d Quittrents to him accordingly. Coll^o Henry Duke in presence of his Excell^{cy} & the Council engaged himself for the s^d Taylors duly answering and paying what shall be due for the s^d Quittrents

The Trustees of the deceased M^r Aud^r Byrds estate having refused to take the Quittrents of Prince George's County:

Ordered that the Justices of Prince George's County Court sell the Quittrents of the said County to such Person or Persons as shall offer most for y^e same, and return an acco^t of their Proceedings (with the Purchasers Bond) to his Excell^{cy} with all Speed.

The Trustees of the dec^d Coll^o Byrds estate having (according to order) sent his Excell^{cy} a copy of the account Current between M^r Micajah Perry Merchant in London and the said Coll^o Byrd as Auditor, his Excell^{cy} was pleased to lay the said acco^t before the Council, whereby there appears to have been due to the said Coll^o Byrd, the 17th of February 1703 the Sum of Eight thousand four hundred fifty two pounds, eleven shill one penny. And his Excell^{cy} acquainted the Council that he intended to send to the R^t hon^{ble} the Lord high Treasurer and the Lords Comm^{rs} for trade the last acco^{ts} of her Matys Quittrents and Revenue of two shillings per hh^d with a State of the Ballance of the said acco^{ts} and of this ballance in M^r Perrys hands due to Coll^o Byrd, which will satisfy their Lordps that there is Estate enough in England to pay what is due to her Majesty on acco^t of her said Revenue.

Her Majestys warrant Contresigned by the Lord high Treasurer dated the 6th of March 1703/4 for paying sixty pounds per annum out of her Matys Quitt rents as an Additional Sallary to the Attorney General of this Dominion commencing from the 8th day of the s^d moneth of March, was this day read in Council, and ordered to be entered on the Council books.

Coll^o Jn^o Custis having in compliance with an order of Council made enquiry concerning the two strange Indians that were taken up on Assoteague Island on the Eastern Shore and having by a lett^r to his Excell^{cy} of the 13th of December last (now read in Council) informed his Excell^{cy} that he had examined them but can learn nothing from them—only believes by some circumstances that they are Florida Indians; It is the opinion of the Council that if Coll^o Custis have received no further Informations concerning the said Indians to prove them to be Slaves, that he set them at liberty

Whereas it has been represented that the late act for taring and ascertaining the Size of Tobacco hogsheads hath made no Provision for such hogsheads as were pack'd before the making of that act, and not yet shipd off; and that it will be a great trouble & loss to the Owners of such hogsheads to pack them into other Casks, It is the opinion of his Excellency that it is not in their Power to apply any remedy thereto, But

Ordered that publick notice be given throughout this Colony that such Persons as conceive themselves aggrieved by the said Act may apply to the Gen^l Assembly w^{ch} is to meet the 18th of April next

The Petition of Mary Holt of Gloucester County read and referred to the Court of the said County to do therein according to Law.

Whereas it was formerly Ordered that the deceased M^r Auditor Byrd should agree for making a Pew in the Church of Williamsburgh for his Excell^{ty} and the Council, and to send for sev^l things for England for the use thereof His Excellen^{cy} this day acquainting the Council that the said Church was become ruinous, and therefore he did not think fitt to be at any charge about a Pew there, Therefore

Ordered that no further be done concerning y^e s^d Pew nor anything sent for y^e same, if not already sent by Coll^o Byrd.

The Proceedings of Stafford County Court upon the Petition of Mary Strachan the wife of David Strachan of the s^d County referred to the s^d Court by an order of Council dated the 9th day of August 1704, were this day read; and it appearing that the s^d Mary Strachan hath failed to provc herself the wife of the said David, It is the opinion of the Council that nothing further be done therein.

The Clerk of the Council informing this Board that diverse Returns of fines are come to his hands from Gloucester County and praying directions what to do with them, the care thereof formerly belonging to the Auditor. Ordered that the Clerk of the Council, send the orders for the fines to the Sheriff of Gloucester County to be by him collected & accounted for at the Gen^l Court. And that he do the like if any fines be sent from other Countys

A letter to his Excellency from Cap^t Thomas Cowles one of the Justices of Peace for James City County dated the 5th instant informing his Ex^{ty} of his reasons for withdrawing himself from the Bench being on acco^t of some abuses offered him by Cap^t James Bray a Justice of Peace of the s^d County, being this day read in Council is referred to M^r Attorney Gen^l to whom the Petition of the s^d Cowles ag^t the s^d Bray was formerly referred.

Upon reading a letter from the R^t hon^{ble} the Lords Comm^{rs} for trade & Plantations dated the 17th day of August last, signifying that there being some Informations come to them by the last Ships of great heats expressed by his Excell^{ty} ag^t private Persons for matters that are or have been in difference or Contest between his Excell^{ty} and such Person and Persons; Their Lord^{ps} think it for her Majesty's Service and the quiet of the Province that his Excell^{ty} forbear (and discontinue if begun) any Personal resentment, Prosecution, or molestation whatsoever upon his own acco^t ag^t any Person concerned in those Complaints whilst the said Compl^{ts} ag^t him are depending, and untill her Majesty have determined thereupon

His Excell^{ty} was pleased to say as follows, & ordered it to be entered here viz "I think myself obliged in duty to obey their Lordps commands, but I know of no Process that I have commenced ag^t any of those Gentlemen who have complained ag^t me, nor do design it. "There was a Process ordered ag^t M^r Edm^d Berkley of Gloucester, "but out of the great respect and esteem I have for his wife on the acco^t "of her vertue and her other good accomplishments I made a Proposal "to her, w^{ch} if she pleases to accept of, I think there will be no occasion "of sending the Proceedings into England; but if she do not, then I "will order them to be sent, and no further Proceedings shal be made "ag^t him upon my own acco^t till I receive their Lordps Order. There

“is a Process taken out last Gen^l Court ag^t M^r John Monro, w^{ch} I
 “shal give order, shal not be further prosecuted till I receive their
 “Lordps further commands therein; tho wth humble Submissionto
 their Lordps great Judgement, I do not think those two Cases come
 “under their Lops order: but I shal always esteem it as a happiness
 “that any such affair may come before their Lordps; for I never did
 “in the least doubt but their Lordps would do me Justice, as they have
 “hitherto always done. I most humbly beg of their Lordps that what
 “Complaints have been or shal be made ag^t me may come under the
 “same determination as the rest have done, & her most sacred Majestys
 “Royal commands & those of their Lordps shal be continued to be
 “obeyed by me.

His Excellency asked the Council if they knew of anything further
 for her Ma^{ties} Service, and nothing further being offered.

The Council adjourned

Wil Robertson *Cls Con*

Here follows the copies of the Letters, List of Comm^{rs}
 names and Explanatory Paper mentioned in the 57th 61,
 and 62 Pages of the foregoing Journal [The figures refer
 to pages of the original document. In this printed book
 the pages are 421, 424, 425.]

Letter to Jn^o Lightfoot, Benj^a Harrison, Robert Carter and Philip
 Ludwell Esq^{rs}

Williamsburgh Decem^r 20th 1704

Hon^{ble} Sir

I am commanded by his Excell^{cy} to signify unto you that whereas
 in the Complaint w^{ch} you and others have made ag^t him, & the Affi-
 davits that have been given thereon it is insinuated that those things
 may be more fully proved: His Excell^{cy} doth therefore promise (as
 he did also in Council) that if you desire any Person to be examined
 here, touching any of the particulars mentioned in the Affidavits of
 M^r Blair, M^r Fouace, M^r Wallace Cap^t Moodie, Esq^r Lukc or M^r
 Robert Beverley, and especially concerning what M^r Blair hath deposed
 of his Excell^{cy} design of Levying war against the Queen, of the School
 Boys being set on to kill him, or his Ex^{cy} attempting to break into
 his room in y^e night, his Excell^{cy} will grant a Power to take such exam-
 inations, as also yo^r own Deposition in relation to the said Complaint
 if you desire it. This by his Excell^{cy} command being all from

Yo^r Hon^{rs}

This is by order of

Fr: Nicholson

most humble Servant

Wil Robertson

Coll^o Harrison's answer

Surry Jan^{ry} the 14th 1704

Sir

I have lately received a letter from you wherein you tell me you
 are com^d by his Excellency to signify unto me, that whereas in a
 Complaint, w^{ch} I and others have made ag^t him, and the Affidavits
 given thereon, it is insinuated those things may be more fully proved,

his Excell^{ty} doth therefore promise, as he did likewise in Council that if I desire any Person to be examined here touching any particular Article mentioned in the Affidavits of M^r Blair, M^r Fouace, M^r Wallace, Cap^t Moodie, Esq^r Luke and M^r Robert Beverley, his Excell^{ty} will grant a Power to take such Examinations, as likewise my own Deposition in relation to the said Complaint if I desire it. I have with others made a Complaint to her Majesty the fountain of Justice where all Complaints of that nature ought to be made, and if it be required of me shal give my Affidavit to the truth of every article in my Complaint having y^e use of the Council & Assembly books as to Point of time: but as to having any of my friends Examined I shall not desire it till they may do it in Peace & Safety, I can bring a late instance of a Gentleman that was illused, because he kept Company with my family:

I am

S^r yo^r friend to serve you
Benj^a Harrison

The answer of Jn^o Lightfoot, Robert Carter & Philip Ludwell Esq^{rs}

Sir

We have received yo^r Letters to us severally dated the 20th of the last moneth wherein you, by his Excell^{ty}'s order, offer us that Powers shal be given to take Affidavits on our behalf for proving our Complaints ag^t his Excell^{ty}; And upon consideration thereof, we now return you this answer, the unseasonableness of the weather not permitting us to do it sooner.

We are very willing to accept of the offer, so as the Affidavits may be taken in a peaceable quiet manner, and therefore if such Persons as we shal name may be Commissionated to take the Affidavits of ourselves & such other Persons as we shal desire to be sworne; and the Affidavits Certified and delivered by the Comm^{rs} to us without being made publick or inspected in this Country; And the Deponents may be free from any after Examination upon Oath to tell what they shal have sworne on our behalf, we desire such Commissions may issue.

We have considered of such Persons as we take to be proper for Comm^{rs} & Coll^o Ludwell hath a list of their names, and if what we desire may be granted we hope you will acquaint him with it as soon as conveniently may be.

We are S^r
Yo^r humble Servants

J Lightfoot
Robert Carter
Phill. Ludwell

Jan^{ry} y^e 29th 1704/5

A List of Persons whom we desire may be appointed to take and Certify the Affidavits of such Persons as we shal bring before them concerning the Complaint ag^t his Excell^{cy}

In Lancaster
Coll^o Jos: Ball
Maj^r W^m Lester
Cap^t W^m Fox

In Middlesex
Matthew Kemp
Jn^o Graham
Jn^o Robinson
Rich^d Kemp

In Gloucester
Coll^o James Ransom
Rich^d Booker
Mordecai Cook
Conquest Wyat

In Richmond
L^t Coll^o Geo: Taylor
L^t Coll^o Sam^l Peachey
Cap^t Jn^o Tarpley
Cap^t W^m Underwood

In Charles City
Dan^{ll} Lewellin
Littlebury Epps
Jn^o Epes Jun^r
Sam^l Harwood

In New Kent
Coll^o Jos: Foster
Nich^o Merriweather
Jn^o Scott
Rob^t Anderson

In James City
Cap^t James Bray
Cap^t Hugh Norvell
Cap^t Jn^o Frayser
M^r W^m Brodnax

Eliz^a City
L^t Coll^o Anth^o Armistead
Bertrand Servant
Edw^d Miles
Thomas Tabb

In Prince George County
Coll^o Rob^t Bolling
Cap^t Jn^o Taylor
Cap^t Jn^o Hamblin
Francis Mallory

In Surry
M^r Sam^l Thomson
M^r W^m Cock
M^r Ethelr Taylor
M^r Walter Cock

We desire that the Commissions may empower the Persons abovenamed or any one or two of them to act and that they may take & Certify not only the Affidavits of such Persons as live in their respective Countys but also of any other Countys whom we shal bring before them

Explanatory Paper

Whereas at the bottom of the List of Persons whom we desire may be appointed to take and Certify the Affidavits of such Persons as we shal bring before them concerning the Complaint ag^t his Excell^{cy}; We have desired that the Commissions may empower the Persons abovenamed or any one or two of them to act, & that they may take & Certify not only the Affidavits of such Persons as live in their respective Countys but also of any other County whom we shal bring before them.

We being in hast to come to Council this morning, had not time to correct the fowle draught & write it fair hoping to have had time to

do it at y^e Council Chamber before y^e sitting of the Council, but being disappointed by the Councils sitting as soon as we came, we were obliged to produce the fowl draught when his Excell^{ty} asked for it, and upon reading it to the Council, we perceive that our intentions are not so clearly exprest, but that some doubt may arise from the words, We do therefore desire to explain our meaning as followeth viz

We declare that our intentions therein are only to desire that the Persons named in each respective County, or any one or two of them may be empowered to take & Certify the Affidavits of such Persons as live in their Countys respectively, and of such Persons as live in such other Countys where no Commissioners are appointed

J Lightfoot
Robert Carter
Phill Ludwell

Here follows several Papers relating to M^r James Wallace mentioned in the 69 Page of the foregoing Journal [Page 432 of this book]

Elizabeth City Parish At a Vestry held the 5th of January 1704 [1704/5]

Present

Coll ^o W ^m Wilson	
M ^r Pasco Curle	Cap ^t Geo: Wauff
M ^r W ^m Lowry	Cap ^t Aug ⁿ Moore
Major W ^m Armistead	M ^r Rob ^t Taylor
M ^r Nich ^o Curle	M ^r Symon Hollier
	L ^t Coll ^o Anth ^o Armistead—
	Cap ^t Henry Royal —Churchwardens

It is ordered that this following address & humble Supplication be made to his Ex^{ty}

May it please yo^r Excell^{ty}

M^r Isaac Grace our late Minister having left this Parish, it is thereby become vacant, M^r James Wallace our former minister this day offered himself to us, and produced a letter from my Lord Bishop of London to the Vestry in his behalf; and M^r James Wallace having informed the said Vestry that yo^r Excell^{ty} had given him free Liberty to exercise his Ministry, a copy of my Lord Bishops letter, inclosed we send to yo^r Excell^{ty} and yo^r Ex^{ty} being my Lords Representative here, and the Vestry and Parish being willing to receive y^e s^d M^r James Wallace for this ensuing year, We beg yo^r Excell^{ty}'s direction and approbation therein.

A copy of my Lord Bishops letter

June 16

Gentlemen

Yo^r minister M^r Wallace returning to you & his family, his behaviour I hope has been so good among you that you will receive him

again with y^r former kindness, w^{ch} will oblige me to acknowledge yo^r favour therein upon all occasions and pray for yo^r welfare as I am
Gent

Yo^r most assured friend to serve you
H: London

To the Gent of the Vestry of Elizabeth Parish.

It is ordered that Major W^m Armistead and M^r Nicholas Curle do carry up the above order and copy of the Lord Bishop of London's letter to his Excellency.

Copa Test Cha: Jenings Cl Vestry

We do enter our dissents from the above Presentation, by reason we do think M^r Wallace ought to have had a Recommendation from his Ex^{cy} to this Parish in particular

William Wilson
W^m Lowry
Aug^t More
Henry Royal

Williamsburgh Jan^{ry} 16th 1704/5

Gent

On the 8th instant Major W^m Armistead and M^r Nich^o Curle delivered me a Paper from you concerning the Rev^d M^r Isaac Grace & M^r James Wallace &c I showed them the R^t hon^{ble} the Lords Comm^{rs} for trade & Plantations their Lett^r to me ab^t the s^d Wallace, as likewise what was done in Council concerning him, & did ye same last night to Lieu^t Coll^o Anth^o Armistead. The answer w^{ch} I can at present give to yo^r Paper is that I must know whether all you Gent that call yo^r-selves Churchwardens & Vestrymen of the said Parish have qualified yo^rselves according to y^e Laws of England & of this her Matys Colony & Dominion of Virginia, as likewise whether the same M^r James Wallace hath qualified himself pursuant to y^e s^d Laws to officiate as yo^r minister, for he ought to produce to me, the R^t hon^{ble} & R^t Rev^d father in God, the Lord Bishop of London his Licence for officiating here as a Minister of the Church of England as by Law established, as likewise what orders he hath; for I don't find that they are recorded, and M^r Commissary Blair hath left no Records or Papers concerning his office. When I have a full answer of these affairs, you shal have a further answer from him who is

Yo^r affectionate friend
Fr: Nicholson

To the Church Wardens & Vestrymen of
Eliz^a City Parish.

per Lieu^t Coll^o Anth^o Armistead
Q. D. G.

To M^r Wallace
Rev^d Sir

Williamsburgh Jan^{ry} 30th 1704/5

I have appointed her Matys hon^{ble} Council to meet me here God willing on thursday the 8th day of february next: if therefore you

desire to have any Persons examined to prove what is contained in yo^r own Affidavit, or the other Affidavits, or in the Councils Petition and Memorial ag^t me, yo^r attendance here at Council on the afores^d day, and that you bring with you the Persons, Papers, or Records you intend to make use of; is hereby in her Matys name required by
Fr: Nicholson

feb: 7th 1704/5

To his Excell^{cy} Francis Nicholson Esq^r her Matys Lieu^t and Governour
Gen^l of Virginia

James Wallace Clerk humbly sheweth

May it please yo^r Ex^{cy}

In obedience to yo^r Excell^{cy}s command I am come to attend yo^r Excell^{cy} & the hon^{ble} Council I humbly conceive that my Affidavit wants no Proof. An Oath is a sufficient Confirmation of what a man says, and what is delivered upon Oath, is received as truth till it be disproved. If yo^r Excell^{cy} can disprove any Part of my Affidavit, when I know the Particulars, I hope to get sufficient evidence (if needfull) to confirm & Justify what I have said, and till then have nothing to say.

May it please yo^r Excell^{cy}

Having seen yo^r Excell^{cy}s letter to the Church wardens & Vestrymen of Elizabeth City Parish, I find yo^r Ex^{cy} has some doubts about my being duly qualified to officiate as their minister. When I first came to Virginia (w^{ch} is amost thirteen years agoe) I produced my Deacons & Priests orders to yo^r Ex^{cy} & also my Licence to preach in this Colony, all three signed & sealed by the R^t Reverend father in God Henry Lord B^p of London & Ordinary of Virginia, My orders & Licence were recorded by M^r Commissary Blair at a Convention held for inspecting the orders of the Clergy about four years agoe and to give yo^r Excell^{cy} full Satisfaction, I have brought them with me, & pray yo^r Ex^{cy} to have them examined in Council, whereby it will appear whether I am duly qualified or not. Eliz^a City Parish wherein I was Minister almost eleven years, and where I am (blessed be God) happily settled, is now vacant; and the Parish & Vestry being willing to receive me again (as the address of the Vestry to yo^r Ex^{cy} in my behalf doth plainly demonstrate) I therefore humbly beg yo^r Ex^{cy}s consent & Leave to exercise my Ministry in that Parish, and pray yo^r Excell^{cy} to signify the same to y^e Gent of the Vestry

And as in duty bound shal pray &c

To M^r Ja: Wallace
Reverend Sir

Williamsburgh february 11th 1704/5

I am commanded by his Excell^{cy} to acquaint you that he hath appointed a meeting of the Reverend Clergy at this Place on the 20th inst at w^{ch} you may be present if you please, and his Excell^{cy} is very desirous if you please, and his Excell^{cy} is very desirous you should be so: but you being Chaplain to her Matys Ship Strombulo, and the Captain having yesterday informed his Ex^{cy} that he intends speedily to sail up the Bay to the Dividing Creeks to fetch his bread, his Ex^{cy}

will not command yo^r attendance here, because yo^r Presence may be necessary on board, and hopes you will have more conscience now than to take her Matys Pay as Chaplain to this Ship and not do yo^r duty, as you did when you went Chaplain to her Matys Ship Southampton; but yo^r behaviour since you came into Virginia hath been so very strange that he can expect little good from you in any kind, and he gives you notice that he intends to complain of you, both to the R^t hon^{ble} the Lords Comm^{rs} for trade and Plantations, as also to the R^t hon^{ble} & R^t Rev^d father in God Henry Lord Bishop of Lond^o His Excell^{cy} says he cannot but let you know, that he takes y^r Oath before him here, and what you swore in England to be in some Part not true, and he believes as you can't at present, so you will never find others to confirme by oath all you have sworne, and he hopes yo^r Oath will never be a sufficient Confirmation of what you have deposed ag^t him, neither of any of the Oaths of yo^r Associates. His Ex^{cy} saith he doth not think it strange that you said you did not remember what you spoke before him in Council, when you were last here Viz that you were obliged to swear ag^t his Excell^{cy} or words to that effect; tho their Hon^{rs} Coll^o Duke & Coll^o Smith remember it: and I must own that I heard you say nothing to this Purpose, when his Ex^{cy} spoke to you about yo^r swearing ag^t him, w^{ch} as nigh as I can remember was, that you were sorry for it, but you could not help it: But his Excell^{cy} says that may be since that, by the Conversation you had, you don't think fitt to own it now; but to equivocate as you did, when you were formerly before him in Council. And as his Ex^{cy} hath heard his Grace the Archbishop of Canterbury told you that you equivocated before him. He supposes you have now consulted what answers to give to his questions, and therefore expects them from you, he advises you to consult the Statute about Perjury, & several Cases where people have been Convict of it, and fined & punished for so doing. The inclosed lett^r being for her Matys Service & for yo^r Captain he expects you'l deliver to him so soon as possible. This being by his Ex^{cy}s com^d from

Yo^r most humble servant
Wil Robertson

[C. O. 5, 1314, No. 42⁽¹⁾ Cont^d]

Virg^a sst

By his Ex^{cy}

A Proclamation

Whereas her most Sacred Majesty Anne by the grace of God Queen of England, Scotland, France & Ireland Defend^r of the faith &c^a by her Royall Commission bearing date at Westminster the fourth day of Augst in the first year of her Reign was graciously pleased to Constitute & appoint me Francis Nicholson Esq^r her Lieu^t & Gov^r gen^l of this Colony & Dominion of Virg^a. And her Majesty haveing in the s^d Commission been graciously pleased to declare her Royall will & pleasure to be y^t in case of my death or absence from this Colony & Dominion of Virginia & there be no Person upon the

place Commissionated to be her Maj^{ty} L^t Gov^r or Command^r in cheife that then y^e present Councill of Virg^a do take upon them the Administration of the Governm^t & that the first of the Councill shall preside with such powers & pre-eminences as any former Presid^t hath used & Enjoyed And whereas the R^t Hono^{ble} the Lords Com^{rs} of Trade & Plantations by their Letter dated the 16th day of Feb^{ry} 1703/4 doth well approve of my going to meet her Maj^{ty} Govern^{rs} on this Continent & being now designed (God willing) to the Northward in order thereto I have therefore thought fit to Publish & declare & by this Proclamation in her Maj^{ty} name do publish & declare that the Administration of the Gov^{nm}^t and the Execution of the afores^d Commission and the Severall powers and Authorities therein Contained is dureing such my absence in her Maj^{ty} President & Councill of Virg^a and y^t the Hono^{ble} W^m Byrd Esq^r is at this present the first in Commission of her Maj^{ty} Hono^{ble} Councill & so by reason thereof President I do therefore in her Maj^{ty} Name hereby strictly charge require & Command all her Maj^{ty} Loveing Subjects of what Station or qualification soever within this Colony & Dominion of Virg^a to yeild all due Honour & obedience to her Maj^{ty} aforesaid President & Councill pursuant to the Powers & Authorityes aforesaid in the Administration of the Gov^{nm}^t untill my returne hither as they will answer the Contrary at their utmost Perill. Given under my hand & the Seale of the Colony this 9th day of August 1704 in the third year of her Maj^{ty} Reigne.

A Proclamation declaireing the

Hono^{ble} W^m Byrd Esq^r President

F: Nicholson.

God save the Queen

Virg^a sst

By his Excellency

A Proclamation

Whereas the Gen^{ll} Assembly called to meet at her Maj^{ty} Royall Colledge of W^m & Mary adjoining to the City of W^mburgh the 17th day of March last is prorogued to the 18th day of October next and on advice in Councill find it most for her Maj^{ty} & this Colonys Service that the Assembly be prorogued untill further time. Therefore I Francis Nicholson Esq^r her Maj^{ty} L^t & Gov^r Gen^{ll} of Virg^a by virtue of the Power and Authority to me Given by her Maj^{ty} Letters Patents under the great Seale of England bearing date at Westminster the fourth day of Augst in the first year of her Reigne do by this Proclamation in her Maj^{ty} Name Publish & declare that I have prorogued the s^d Assembly & it is hereby Prorogued to the 16th day of November next at w^{ch} time I do hereby require every respective member that they faile not in giving their attendance accordingly. Given under my hand & the Seale of the Colony this day of in the third year of her Maj^{ty} Reigne *Annoq Dom: 1704.*

A Proclamation Prorogueing

the Generall Assembly.

F: Nicholson.

God save the Queen

Virg^a 551

By his Excellency

A Proclamation

Whereas the Generall Assembly called to meet at her Maj^{ty} Royall Colledge of W^m & Mary adjoining to the City of W^mburgh the 17th day of March last is prorogued to the 16th day of November next and on advice in Councill find it most for her Maj^{ty} & this Colonies Service that y^e Assembly be prorogued untill further time Therefore I Francis Nicholson Esq^r her Maj^{ty} L^t & Gov^r gen^{ll} of Virg^a by virtue of the Power & Authority to me given by her Maj^{ty} Letters Patents under the great Seale of England bearing date at Westminster the fourth day of August in the first year of her Reigne do by this Proclamation in her Maj^{ty} name Publish & declare that I have prorogued the said Assembly and it is hereby Prorogued to the Eighteenth day of Aprill next at which time I do hereby require Every respective member that they faile not in Giving their attendance accordingly. Given under my hand & the Seale of the Colony this 26th day of October in the third year of her Maj^{ty} Reigne *annoq Dom. 1704.*

A Proclamation Prorogueing
the Generall Assembly

Fr: Nicholson.

God save the Queen

Virg^a 551

By his Excellency

A Proclamation

Whereas it hath pleased almighty God to grant unto her Maj^{ty} Armes in conjunction with her Allies under the Command of his Grace John Duke of Marlborough Cap^{tn} Gen^{ll} of her Maj^{ty} Land forces a Signall & glorious Victory over the French & Bavarian forces at Blenheim near Hockstet on the River Danube in Germany (the first acco^t thereof being brought to her most Sacred Majesty by Coll^o Parke a Gent & Native of this Country who was sent by his Grace) and the R^t Hono^{ble} the Lords Commiss^{rs} for Trade & Plantations haveing been pleased to send unto me her Maj^{ty} Royall Proclamation for a day of thanksgiving in England (a Copy of w^{ch} is herewith sent to be published with this) with directions to me to appoint a proper & speedy day of thanksgiving to be kept & observed by all her Maj^{ty} good Subjects within this her Maj^{ty} Colony & Dominion of Virg^a. Therefore I Francis Nicholson Esq^r her Maj^{ty} L^t & Gov^r gen^{ll} thereof duely and seriously reflecting upon the great goodness of almighty God Manifested to her most Sacred Majesty throughout the whole Course of her Auspicious Reigne & the Signall testimonys of y^e Divine protection and assistance afforded to her Maj^{ty} Armes in the just & Necessary Warr wherein her Majesty is Engaged for y^e Common Safety of her Maj^{ty} Kingdomes & Dominions & for disappointing the boundless Ambition of France & more Especially in the afore-

mentioned late Signall Victory soe glorious to y^e English Armes (w^{ch} is owned by his Imperiall Majesty & their high & mightinesses the States Gen^l of the United Provinces to her Majesty and his Grace the Duke of Marlborough as appears by the Lond^o Gazetts & monthly Mercurys) w^{ch} Signall blessing on her most Sacred Majesty seem to be the gracious retribution of the Almighty for her Maj^{ty} Exemplary Piety & great Charity Especially that of bestowing such a Considerable beneficence on the Poore Clergy of the Church of England, as likewise for her Maj^{ty}s haveing protected his Grace the Duke of Marlborough & his most noble family & their haveing been her Maj^{ty}s more Immediate Servants since her Marriage to his Royall highness Prince George of Denmark wherein they have always acted with a steady Loyalty and fidelity and Considering that such great and public blessings do call for Solemn & publick acknowledgem^{ts} do by advice of her Maj^{ty}s Hono^{ble} Council of State hereby appoint that a publick & Solemn day of thanksgiving to almighty God for these his great mercys be kept & observed by all her Maj^{ty}s Subjects within this her Colony and Dominion of Virg^a on Tuesday the Sixth day of February next being the Anniversary of her Maj^{ty}s birthday on which account all her Maj^{ty}s Subjects have double obligations to keep a day of thanksgiving. And for the more Religious Solmnizing the s^d day of thanksgiving I do by advice afores^d order & direct that in Every Parish where there is a Minister there be divine Service in the Church & a Sermon suitable to this great Occasion & in all other Churches & Chappells where there are no Ministers the publick Prayers be read by the Clerk and because the Season of y^e year will not admitt of a speedy Conveyance of this Proclamation to the remote parts of the Country, for w^{ch} reason the Solemnizing of this publick thanksgiving is so long delayed, yet that we may be as speedy in returning our thanks and praises to almighty God as such great blessings require, I do recommend to the Ministers of the Respective Parishes that as soon as this Proclamation shall reach them they take Notice of the same either in the Publick Prayers or in their private Prayer before Sermon or in the Sermon itself according to their discretion and I do hereby require & Command the Militia both of horse foot & Dragoons in every Parish to meet at the Church of their respective Parishes on the said Sixth day of February and the respective officers residing in such Parish or Parishes are there to draw up the s^d Militia after Sermon & cause them to fire three Volleys in token of their rejoyceing And I do hereby require all her Maj^{ty}s good & Loveing Subjects within this Colony & Dominion duely & Religiously to observe the said day of thanksgiving by abstaining from all Servile & Bodily Labour & exercising such acts of Devotion & publick rejoyceing as may best Express their thankfulness to Almighty God & their Joy on this Occasion. Hereby requiring & Commanding the Sherriffs of the Severall Countys to cause this my Proclamation to be read in all Churches, Chappells & Courthouses within their respective Bayliwicks. Given under my hand & the Seale of this her Maj^{ty}s Colony & Dominion of Virg^a at her Maj^{ty}s

Roy^{ll} Colledge of W^m & Mary the 15th day of December 1704 in the third year of her Maj^{ty}s Reigne.

A Proclamation for a Publick
& Solemn thanksgivinge

Fr: Nicholson.

God save the Queen

Virg^a sst

By his Excellency

A Proclamation

Whereas her most Sacred Majesty having taken into her gracious Consideration the Inconveniencies that happen by the different rates which the same Species of Forreigne Coines do pass in her Maj^{ty}s Plantations & thereupon hath issued her Royall Proclamation for ascertaining the Rates at w^{ch} the severall Species of Foreigne Coine therein mentioned shall pass after the first day of Jan^{ry} next and the R^t Hono^{ble} Lords Com^{rs} for Trade & Plantations by their Letter of the 29th of June last past having directed me to cause her Maj^{ty}s s^d Proclamation to be published throughout this her Maj^{ty}s Colony & Dominion of Virg^a & haveing in like manner transmitted to me a table of y^e value & rate of the s^d forreigne Coines to be fixed in all publick places within this Colony, Therefore I Francis Nicholson Esq^r her Maj^{ty}s L^t & Gov^r gen^{ll} of Virg^a do by advice of her Maj^{ty}s Hono^{ble} Councill of State hereby Comand & require that the Sherriffs of the severall Countys within this Colony cause her Majesties s^d Proclamation the R^t Hono^{ble} the Lords Commissioners for Trade their Letter & the afores^d Table (Copy of all w^{ch} are herewith sent) to be published in all Churches Chappells Courthouses & other publick places within their said Countys and after due publication thereof as aforesaid I do hereby order that the said Sherriff & the worshipfull her Maj^{ty}s Justices of the Peace cause the said Proclamation Letter & table to be fixt & sett up in the said respective Courthouses and all her Maj^{ty}s Subjects within this her Colony & Dominion of Virg^a are required to take Notice thereof & Conforme themselves accordingly. Given under my hand & the Seale of this her Maj^{ty}s Colony & Dominion of Virg^a at her Maj^{ty}s Royall Colledge of W^m & Mary the 15th day of December 1704 in the third year of her Maj^{ty}s Reigne.

Fr: Nicholson.

God save the Queen

Virg^a sst

By his Excellency

Whereas by the Death of y^e Hono^{ble} W^m Byrd Esq^r late her Maj^{ty}s Auditor of this her Colony & Dominion of Virg^a the s^d office of Auditor and Receiver Gen^{ll} of her Maj^{ty}s Revenue is become Vacant & whereas diverse of her Maj^{ty}s Loveing Subjects may have occasion to purchase rights for Land & to make Composition for Escheats in order to the obtaining Patents I have thought fit by advice of her Maj^{ty}s Hono^{ble} Councill to publish & make knowne to all such as desire to purchase rights or to pay Composition for Escheat lands

that dureing the Vacancy of the said Office of Auditor or untill further order be given therein I have by advice aforesaid impowered the Clerke of her Maj^{ty}s Council to grant such rights for land & Certificates for Compositions of Escheat lands as were granted by the deceased M^r Auditor Byrd upon receipt or paym^t of such rates and ducs as have been usually paid for the same to be by him received & accounted for to her Maj^{ty}s use. And I do further order all Persons that have any Claime for Messages, Expresses or other publick Services of the Governm^t w^{ch} should have been paid by M^r Auditor Byrd to bring their s^d Claimes to L^t Coll^o W^m Randolph & M^r Richard Bland trustees of the Estate of the said M^r Auditor Byrd in order to the paym^t thereof before the 16th day of Aprill next but in case any difficulty arise to the said Trustees to the allowing the said Claimes the said Trustees are to transmitt the same to the Council office in order to be Examined & allowed by me & the Council and I do hereby require the Sheriffs of the severall County's within this Colony to cause these presents be published for the Information of all her Maj^{ty}s Subjects at all Churches Chappells & Courthouses in their respective Bayliwicks. Given under my hand and the Seale of this her Maj^{ty}s Colony & Dominion of Virg^a at her Maj^{ty}s Royall Colledge of W^m & Mary the 15th day of December 1704 in the third year of her Maj^{ty}s Reigne.

Fr: Nicholson.

God save the Queen

Virg^a 551

By his Excellency

A Proclamation

Whereas her most Sacred Majesty by her Royall Instructions bearing date at her Colledge at Windsor the 17th day of July 1704 hath been graciously pleased to Signify unto me that forasmuch as by one Clause in an act made in the 3^d year of her Maj^{ty}s Reigne Entituled an act for raising recruits for the land forces & Marines & for dispensing with part of the act for the Encouragem^t & increase of Ships & Navigation dureing the present warr, it is Enacted that dureing the present warr & no longer the Number & proportion of Mariners to saile in such Shippes & Vessells w^{ch} by Laws now in force are limited to the Master & three fourths of the Mariners to be English shall be Enlarged to the Master & one Moiety of the Mariners at least to be English her Majesty is therefore pleased to order that care be taken & that it be given in charge to the proper officers that the said act be observed in this her Maj^{ty}s Colony & Dominion accordingly. In pursuance therefore of her Maj^{ty}s Royall Commands.

I Francis Nicholson Esq^r her Maj^{ty}s L^t & Gov^r gen^l of this her Colony & Dominion of Virg^a do by advice of her Maj^{ty}s Hono^{ble} Council hereby order & Command the Sherriffs of the severall Countys within this Colony to cause the afores^d recited Clause in the above-mentioned act (a Copy whereof is herewith sent) to be published together with this my Proclamation at the Courthouses Churches

& Chappells within their respective Countyes to y^e end all her Maj^{ties} Loveing Subjects & perticularly those Concerned in trade may have due notice thereof hereby willing & requiring all Collectors & Navall Officers & others concerned in her Maj^{ties} Customs or inspecting the trade & Navigation within this her Maj^{ties} Colony & Dominion to observe the directions in her Maj^{ties} s^d Royall Instructions & the afores^d Act mentioned & Contained dureing this present warr accordingly. Given under my hand & the Seale of this her Maj^{ties} Colony & Dominion of Virg^a at her Maj^{ties} Royall Colledge of W^m & Mary the 15th day of December 1704 in the third year of her Maj^{ties} Reigne.

Fr: Nicholson.

God save the Queen

The above written are true Copys frøm the Records in her Majestys Secretarys Office of Virginia and Examined by

Cha: Chiswell Clk Sec^{ry}s Office
C. C. Thacker Dep^{ty} Sec^{ry}

[C. O. 5, Vol. 1314, No. 35 (iv)]

[Copy of the Proceedings in Council and General Court in the Case of a Reversal of the Judgment of the General Court of Virginia by Order in Council.]

At a Council held at Williamsburgh the 8th day of August 1704

Present

His Excellency Francis Nicholson Esq ^r &c	
William Byrd	William Bassett
John Lightfoot	Henry Duke
Banj ^a Harrison	John Smith Esq ^{rs}
Philip Ludwell	

Upon reading an Order * * * *

[Here follow the Paragraphs of the Minutes of Council the same as given in the Volume 1412 at this date, ending with the words "come to be considered in the General Court." (see pp. 375 and 376 of the present volume.) The manuscript then continues.]

At a Generall Court held at her Matys Royall Capitol in the City of Williamsburgh October the 16th 1704

Present

His Excell ^{cy} Francis Nicholson Esq ^r her Matys	
Lieu ^t & Govern ^r Gen ^{ll} of Virginia	
William Byrd	Philip Ludwell
Benj ^a Harrison	William Bassett
John Lightfoot	Henry Duke
Robert Carter	John Smith Esq ^{rs}
John Custis	

His Excellency produced an Order of her Majesty in Council on the Appeal in the Action in *Ejectione firme* between Francis Ballard Pl^t and Robert Beverley admitted Def^t in the room of John George which was read and is in the following words (viz^t)

At the Court at St^t James's the 20th of January 1703

Present

The Queens Most Excellent Majesty

His Royal Highness Prince	Earl of Berkely
George of Denmark	Earl of Radnor
Lord Arch Bishop of York	Earl of Nottingham
Lord Keeper	Earl of Abingdon
Lord Treasurer	Earl of Scarbrough
Lord President	Earl of Romney
Lord Privy Seal	Lord Pawlett
Lord Howard	Lord Gernsey
Duke of Somersett	Lord Coningesby
Duke of Bolton	M ^r Boyle
Lord High Chamberlain	M ^r Sec ^{ry} Hedges
Lord Chamberlain	Lord Chief Justice Holt
Earl of Northampton	Master of the Rolles
Earl of Stamford	Lord Chief Justice Trevor

Upon reading this day at the Board a Report from the Lords of the Committee of the whole Council for hearing Appeals from y^e Plantations, upon having heard the Parties concern'd in the Petition & Appeal of Francis Ballard Lessee of Samuel Selden & Rebecca his wife on the behalf of himself & Lessors from proceedings in the General Court in Virginia; in the Cause between the Petitioner & Rob^t Beverley touching two Plantations of Land in that Colony, which Appeal was referr'd to the said Committee by her Matys Order in Council the 13th of December last. Her Majesty with the advice of her Privy Council approving what is proposed by the said Report, is thereupon pleased to Order that the Judgement or Order given by the Generall Court of Virginia the 24th day of April 1703 in the said Cause, and all Issues & Proceedings thereupon be Reversed and Declared Null and Void, as the same is according to Her Matys Pleasure hereby Reversed and Declared Null and Voyd and of none Effect; And her Majesty is further pleased to Order, as it is hereby accordingly Ordered, that Judgement be given in the said Cause for the Appellant with five Pounds for Costs of this Appeal to be paid by the Def^t to the Pl^t in the said Appeal: But that nevertheless the Parties or either of them be at Liberty to bring the said Cause to Tryall again in the Courts in Virginia, and that in case upon such Tryall either of the said Parties shall desire it the matter be found specially by the Jury, to the End that if either Parties shall think fitt to Appeal to her Majesty in Council, her Majesty may be more fully inform'd. And the Governour and Council of Virginia and

all others whom it may concern are to take Notice of this her Matys Pleasure, and to Govern themselves herein accordingly.

Whereupon it is Ordered, that the Pl^t & Def^t or their Attorneys be served with a Copy of her Matys said Order in Council, and also with this Order, and that the Cause be referred till Thursday.

October the 19th 1704

Present

	His Excell ^{cy} Francis Nicholson Esq ^r her Matys Lieu ^t & Govern ^r Gen ^l of Virginia
William Byrd	Philip Ludwell
John Lightfoot	William Bassett
Banj ^a Harrison	Henry Duke
Robert Carter	John Smith Esq ^{rs}

On Consideration of her Matys Order in Council in the Appeal in the Action in Ejectment between Francis Ballard Pl^t and Robert Beverley admitted Def^t in the room of John George, her Matys said Order being read and the Attorneys on both sides being served with a Copy, and the Pl^t and Def^t being Called, the Pl^t by his Attorney appeared, and the Def^{ts} Attorneys being Called said they had no Instructions to Appear: Whereupon the Pl^{ts} Council prayed Judgement: His Excell^{cy} Ordered the Pl^{ts} Council to put their Prayer in writing tomorrow, because the Def^t had reflected on his tryall both here and in England; To manifest which his Excell^{cy} produced a Letter Subscribed Robert Beverley directed to M^r W^m Blackbourne, which was ordered to be Recorded. Of which Letter his Excell^{cy} desired the Court to take notice and give him an answer tomorrow; till which time the Cause is Postpon'd.

October the 21st 1704

Present

	His Excell ^{cy} Francis Nicholson Esq ^r her Matys Lieu ^t & Govern ^r Gen ^l of Virginia
William Byrd	Philip Ludwell
John Lightfoot	William Bassett
Robert Carter	Henry Duke
John Custis	Rob ^t Quarry
	John Smith Esq ^{rs}

The Report being made this day by the Court in Relation to the Tryall in Ejectment between Francis Ballard Pl^t and Rob^t Beverley Def^t for Lands in Elizabeth City County, the Court unanimously Report that the said Cause was tryed and heard with all patience, Justice and Circumspection, and all Partys fully and fairly heard.

In the Action of Ejectment between Francis Ballard Pl^t and Rob^t Beverley Def^t for Lands in Elizabeth City County, the Partys

being both Called and being served with Copies of her Matys Order in Council dated the 20th of January 1703 [1703/4], whereby the Judgement or Order of this Court made the 24th day of April 1703 is Declared Null and Void, the Def^t not appearing, the Pl^t by his Council moved that the said Judgement of Aprill Generall Court 1703 may be reversed, and that a Writt of Possession might issue: Whereupon on Consideration of her Matys aforesaid Order it is Considered that the said Judgement of the 24th of April 1703 be made Null and Void, and that her Matys Writt of *Habere facias Possessionem* be awarded, and that the Def^t pay the five Pounds Sterling Costs allowed by her Matys aforesaid Order with all other Damages and Costs, *alias* Execution.

True Copy Test Cha: Chiswell *Cl Gen; Cur*

[C. O. 5, Vol. 1314, No. 36 (i)]

[Indictment of M^r Jⁿ^o Monroe for Slandering Governor Nicholson]
Virg^a ss

October Gen^l Court 1704

Stephens Thomson Esq^r Attorney gen^l of our Lady the Queen that now is for this her Maj^{ty}s Province of Virg^a who sues for our s^d Lady the Queen being present here in Court this twenty Sixth day of October in the year of our Lord one thousand Seven hundred & four for our s^d Lady the Queen gives the Court here to understand & to be informed that by an Act of Assembly of this Province made at a gen^l Assembly begun at James City the eighth day of June 1680 Entituled an act of free & gen^l pardon Indempnity & oblivion amongst other things it is enacted in these words following (*viz*^t) that whosoever shall after the passing of this act maliciously & advisedly by writeing speaking or otherwise express publish utter or declare any words Sentences or other thing or things to incite or stirr up the People to the dislike of any Person appointed by his Maj^{ty}^s to be Gov^r or Comand^r in Cheife of the s^d Colony or tending to the dishonour or defaiming of the s^d Gov^r or Comand^r in Cheif for the time being & being thereof Legally convicted shall be imprisoned during one year wthout Bail or mainprize & incurr such forfeitures as shall be adjudged not exceeding the sume of five hund^d Pounds to y^o Kings most excellent Maj^{ty}^s his heirs and Successours as by y^o s^d Act relation being thereunto had amongst other things more fully does appear yet one Jⁿ^o Monroe of the Parish of S^t John in the County of King W^m in this Colony Clerk (not in the least weighing or Considering the s^d act nor the Penalty in the same Contained in any wise fearing on the first day of October in the year of our Lord one thousand Seven hund^d and four in y^o afores^d Parish of S^t John in County of King W^m afores^d haveing discourse wth one Roger Mallory of the s^d County Gent: of & Concerning his Ex^{cy} Francis Nicholson Esq^r then and now her Maj^{ty}s Gov^r & Comand^r in Cheif of this her Maj^{ty}s Colony of Virg^a did maliciously & advisedly publish, utter & declare words to this Effect following of his said Ex^{cy} Francis Nicholson to y^o s^d Roger Mallory *viz*^t: that he (y^o s^d

Jn^o Monroe meaning) had met wth the Gov^r (y^e s^d Francis Nicholson then & now her Maj^{ty}s Gov^r & Comand^r in Cheif of this her Maj^{ty}s Colony of Virg^a meaning) upon the road & y^t the Gov^r (the s^d Francis Nicholson meaning) abused him (the s^d Jn^o Monroe meaning) upon the road & Caused him (the s^d Jn^o Monroe meaning) to ride four miles back wth him (the s^d Francis Nicholson meaning) bear headed and the s^d Attorney of our s^d Lady the Queen further for our s^d Lady the Queen gives the Court to understand & to be informed that the s^d Jn^o Monroe & Roger Mallory haveing at the same day year & in the Parish last named some further discourse the s^d Jn^o Monroe said he (the s^d Jn^o meaning) was clear of what the Gov^r (the s^d Francis Nicholson meaning) laid to his (the s^d Johns meaning) Charge upon w^{ch} discourse y^e s^d Roger then and there made him (the s^d Jn^o meaning) this answer that if I had been clear of it I would have let the Gov^r rode before & would have fallen behind him till he had been out of sight & then turned about & rode away to w^{ch} the s^d Jn^o Monroe the day year and Parish last named answered & said to y^e s^d Roger & to him (the s^d Roger meaning) did out of his further malice maliciously & advisedly publish utter & declare these words following viz^t I (the s^d Jn^o meaning) beg yo^r pardon S^r he (the s^d Francis Nicholson meaning) had got Pistols wth him (the s^d Francis Nicholson meaning) & if I (the afores^d Jn^o meaning) had rode away for what I (the s^d Jn^o meaning) know he (the s^d Francis Nicholson meaning) would have shot me (the s^d Jn^o meaning) & y^e s^d attorney gives y^r Hon^{ble} Court further to understand that the s^d Roger the day year & Parish last named answered and said unto y^e s^d Jn^o Do you (the afores^d Jn^o meaning) think the Gov^r (the s^d Francis Nicholson meaning) will kill any man in cold blood to w^{ch} saying of y^e s^d Rogers the s^d Jn^o the same day year and Parish last mentioned did then & there out of his further malice maliciously & advisedly publish utter & declare these words following of his Ex^{cy} viz^t I (the s^d Jn^o meaning) begg your (the s^d Rogers meaning) pardon S^r it is not y^e first time he (the afores^d Francis Nicholson Esq^r then & now her Maj^{ty}s Gov^r & Comand^r in Cheif of this her Maj^{ty}s Colony of Virg^a) has (meaning thereby that y^e s^d Francis Nicholson had murdered a man) and the s^d Attorney of our s^d Lady y^e Queen further for our s^d Lady the Queen gives this Hon^{ble} Court to understand & to be informed that the afores^d Jn^o Monroe afterwards to wit on the first day of October in the year of our Lord one thousand Seven hund^d & four in the Parish of S^t John afores^d haveing discourse wth one Tho^s Claybourne Gent of & concerning his s^d Ex^{cy} Francis Nicholson then & now her Maj^{ty}s Gov^r & Comand^r in Cheif of this her Maj^{ty}s Colony of Virg^a did then & there out of his further malice maliciously & advisedly publish utter declare & cast upon him (the s^d Francis Nicholson Esq^r then & now her Maj^{ty}s Gov^r & Comand^r in Cheif meaning) sev^{ll} odious reflections upon the Gov^r (the s^d Francis Nicholson Esq^r then & now her Maj^{ty}s Gov^r & Comand^r in Cheif of this her Maj^{ty}s Colony of Virg^a meaning) taxing him (the afores^d Francis Nicholson Esq^r meaning) wth breaking open M^{rs} Blairs letters from her husband out of England & wth injustice to the Clergy in

forcing them to sign his addresses by his (the s^d Francis Nicholson Esq^r meaning) stern Countenance all w^{ch} proceedings of the s^d Jn^o Monroe being agst the Peace of our s^d Lady the Queen & agst the tenor form & effect of the s^d Act of Assembly afores^d the s^d attorney of our s^d Lady the Queen prays for our s^d Lady the Queen the advism^t of their Hon^{ble} Court in the Premisses & that process of Law may be awarded agst the s^d Jn^o Monroe for his appearance at the next Gen^l Court to answer our s^d Lady the Queen Concerning the Premisses afores^d.

S. Thomson A G

Cop Test Cha: Chismell C G C

Ent^rd October 27th 1704

[C. O. 5, 1412 Cont^d]

At a Council held at her Majestys Royal Capitol
the 19th day of April 1705

Present

His Excellency

John Lightfoot
Robert Carter
John Custis
Philip Ludwell

William Bassett
Henry Duke &
John Lewis Esq^{rs}

His Excellency communicated to the Council several Letters relating to the Indians viz a Letter from Coll^o Benj^a Harrison dated the 6th instant concerning a Report of some secret practices of the Tuscoruro & Nottoway Indians & that there was two hundred Tuscoruro Indians at the Nattoway Town with an intention to fall on the English, with M^r Henry Harrisons attestation concerning y^e s^d Report, and his Excell^{cy}s letters to Coll^o Bassett & Captain Teate on that occasion. Another letter from Coll^o Harrison to his Excell^{cy} dated the 7th instant, containing a Relation of what he had from a Maherine Indian concerning a Meeting of the Tuscoruro and Nattoway Indians, and his Excell^{cy} acquainted the Council that upon his going to the Nattoway Town he found the Reports that had been spread, to be groundless, there being only ten Tuscoruro Indians there, & that they had no design on the English. And likewise his Excell^{cy} Coll^o Seymour Governor of Maryland his lett^r dated the 11th instant concerning the Indians in that Province. And his Excell^{cy} was pleased to acquaint the Council that he intended to lay these Papers before the Assembly, and likewise to recommend to them the Case of the Ships now in the Country, and acquainted the Council that Captain Teate Commander of her Majestys Ship Strombulo by his lett^r of the 14th instant intimates that he must be obliged to sail for England about the tenth of June next, and communicated to y^e Council the Result of the M^{rs} of Ships in Rappohannock River that they will sail with y^e s^d Cap^t Teate.

A lett^r from Coll^o Benj^a Harrison was read in Council desiring to be excused from attending at this Gen^l Court & Assembly being very much indisposed & unable to give his attendance.

April the 21st 1705

Present

His Excellency

John Lightfoot
Rob^t Carter
John Custis
Philip Ludwell

W^m Bassett
Henry Duke
John Smith
John Lewis Esq^r

M^r Hancock Custis having produced to his Excell^{cy} his acco^{ts} of the 2 Shillings per hogshead &c in order to make oath thereto & have them audited.

A dispute arose whether the Council should intermeddle with the Receiver General and Auditors office. Whereupon his Excell^{cy} causing the Declaration made by him in Council the 8th of Decem^r last to be read viz "that he would take that trouble on himself with the advice & assistance of the Council: w^{ch} was not then objected against, Desired that such of the Gentlemen of the Council as were present at that Meeting may now offer if they have any objection ag^t that order.

To which Coll^o Lightfoot & Coll^o Ludwell two of the Gentlemen then present, offered this, That they were willing to advise his Excellency in anything wherein his Excell^{cy} shal command their advice as Councelors, but desire they may not be chargeable with her Matys Revenue as intermeddling with y^e Auditors Office.

His Excellency thereupon said that he knew no reason they had to make that Explanation since the order itself is plain English.

His Excell^{cy} put y^e question to the Gentlemen of y^e Council that were not at the making of the aforesaid order on y^e 8th of December, whether they are willing to assist him according to that order.

Coll^o Carter & Coll^o Basset declared they were willing to assist his Excell^{cy} according to that order with this Explanation viz that they are willing to advise as Councelors but will not be answerable for the money that shal arise on the Revenue of this her Majestys Colony & Dominion.

And the other four Gentlemen present viz Coll^o Custis, Coll^o Duke, Coll^o Smith & Jn^o Lewis Esq^r declared that they were ready to assist his Excell^{cy} according to the aforementioned order without any Explanation.

His Excell^{cy} was pleased to acquaint the Council that the method he proposed for making up the Acco^{ts} of her Matys Revenue was this, That all the officers do first make Oath to their respective acco^{ts} before his Excellency in Council, or his Excell^{cy} alone. That the Clerk of the Council shal Examine and make up the accompts with those officers, and receive the money and Bills for what shal be due to her Majesty, keeping the same in his hands till his Excell^{cy} and the Council shal require it of him. And that as soon as the money arising by the Revenue of two Shillings per hogshead, Port dutys and head money, came in, he would pay off this last half years Sallarys, leaving his own till Last, And as for the money and Bills that remain

on acco^t of her Matys Revenues of Quittrents and two Shillings per hh^d &c after the Annual Sallarys are paid, he would advise with the Council where they shal be lodged.

Then M^r Hancock Custis made Oath to his acco^t^s

April 23^d 1705

Present

His Excellency

Jn^o Lightfoot
Robert Carter
Jn^o Custis

Philip Ludwell &
John Lewis Esq^r^s

Upon reading a Petition of the Queen & Great men of the Pamunky Indians setting forth that the English Inhabitants of King William & New Kent Countys hinder them from hunting upon any of their Lands, and praying that they may have y^e same Liberty that they formerly enjoyed;

Ordered, that the said Petition be referred to the consideration of the House of Burgesses, the Petitioners and likewise the Chichominy Indians being now in Town to represent their Case personally if the House think fitt to admitt them.

His Excell^{cy} was pleased to declare that if the Annual Tribute paid by the Indians be thought too great (being now ten Bever skins) he is willing to remitt it all except one Skin to be paid yearly as an acknowledgement of their Subjection to the Crown of England.

April 26th 1705

Present

His Excellencie

Jn^o Lightfoot
Rob^t Carter
Jn^o Custis
Philip Ludwell

Henry Duke
Jn^o Smith and
Jn^o Lewis

Whereas it hath been represented that several Persons hold Land in diverse Countys & having no Plantations seated thereon, neglect to pay her Majestys Q^rrents and the Sherifs are disabled from procuring y^e same, by reason that the Owner lives in another County & no effects on the Land to distrain, for the preventing of such damage as is like to accrue to her Majesty's Revenue by such Practices, It is Ordered that the Sherifs be careful to return an acco^t on the foot of their Rent rolls of all Persons who possess lands in their respective Countys, and neglect or refuse to pay the Quitt Rents, and upon such Return her Majestys Attorney Gen^l is hereby Ordered to prosecute all & every such Person & Persons. And whereas the Sherifs of the several Countys have made Return of diverse Tracts of Land that have not paid Quittrents for this last year part of which is possesst by Persons living out of the County where the Land lyes, and other

part by Persons in England and elsewhere, It is ordered that the Clerk of the Council write to the Owners of such Land if in the Country, and to the Attorneys of such as are out of the Country that they pay the Quittrents of the said Land to him, either in money or bills of Exch^a at the rate at which the Quittrents of the Countys, where the respective Lands ly, are sold, betwixt this and the fifth day of October General Court, and in case of refusal or neglect, her Majestys Attorney Gen^{ll} is hereby Ordered to prosecute them according to Law. And it is Ordered that these presents be published throughout this Colony that all concerned may take notice thereof & conforme themselves accordingly.

April 27th 1705

Present

The same as yesterday

Whereas the Council and House of Burgesses of this present Gen^{ll} Assembly upon consideration of the condition of the Ships in this Country with respect to their sailing for England under the Convoy of her Matys Ship Strombulo, have resolved that her Majestys said Ship is not a sufficient Convoy for the Ships now in the Country, It is therefore Ordered that an Embargo on all Ships & Vessels bound for England be continued untill a sufficient Convoy arrives, and the Collectors & Naval officers are directed to give notice thereof to the Masters of all Ships and Vessells in their Districts, and they are hereby enjoined not to clear any Ship or Vessel bound for England untill further order.

Upon reading a lett^r from Coll^o Rich^d Lee Naval Officer of Potomack that the Ship Speedwell bound to Lyme hath been long time in the Country, and being now ready desires leave to clear & sail for England (being built for a Runner) It is the opinion of the Council that no Ship be permitted to sail home for England without Convoy as her Majesty's Instructions direct.

Ordered, that the Naval Officers be required forthwith to transmitt to the Council office their last half years acco^{ts} of her Matys Revenue of two Shillings per hogsh^d Port dutys and head money as they formerly used to do to M^r Auditor Byrd.

M^r Peter Holt of Essex County presenting to his Excell^{ty} in Council a Paper Entituled an Aggrievance of the Upper Inhabitants of Essex County wherein they pray that the Nansiatco Indians may be transported;

It is ordered that the said Paper be referred to the House of Burgesses the Case of the Nansiatco Indians being now under their consideration.

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