

gression Payne had no need to goe out of his district where the other lived no manner of any transgression of the Acts of trade and thus they continued to watch all opportunities to effect their designe which having now mett with the sonne must be Coloured with the shew of Iustice as Collector to make way for the letter Executing the other warrant which was altogether unanswerable from Convention or Cood that as Collector he could not by Vertue of his Comm<sup>on</sup> or Instructions presse an armed Power to assist him in seizing shippes or Vessells noe he did it as Cap the men said when they came ashore wee have lost our Cap:) but he ought upon resistance to apply himselfe to the Govern<sup>r</sup> or sea Commander and they by the Law are to Send them their assistance soe Iustices of the peace shew Constables &<sup>ca</sup> and without their assistance he could not use force violence and this must be after Resistance presumed to be made and specially declared in the Civil Magistrates Warrant.

P. R. O.  
Maryland  
B. I. Vol. 2,  
B. F.

That Collectors are Civil Officers and have to doe in civil Marine affaires with Merchants masters and who by Law are to be civilly treated and Collectors ought nott att the first outset of their owne heads and by the onely vertue of their Comm<sup>on</sup> without the assistance of some higher authoritye to come on board merchant shippes w<sup>th</sup> armed force Espetially in the dead time of the night in Terrorem populi That such proceedings were never intended them being destructive to Trade That the manner of proceeding the Time and seizing the Boate Considering the Com<sup>nd</sup> from Coode that Payne had w<sup>ch</sup> was nott Legall lookt like Pirascy and as such was by them resistable Cook 3. Inst 63. si noctu furtim factum sit jure cæsus est—.

That the Pretending he came as Collector was butt a Collor in Fraudem Legis and wrongs done under the Collor of Iustice are the worst of wrongs.—That if he were not in due Execution of his office & com<sup>d</sup> as Collector (as without doubt he was not) he come at his perill and if thence it can in the Eye of Lawe be adjudged murther at the worst but manslaughter Cookes case in Crookes reports and perhapps but se Defendendo—

That Sherriffes in the Execution of the kings process or doeing any other ministeriell Act must not use any Craft or violence he cannot break open Door or gate to destrayne for the K: rent Leavy fine amerciam issue debts of such other like Duties due to the King Dolton sher. 523. 353. and if this great officer much less a Collector That M<sup>r</sup> Payne tis true was Collector to K. I. 2<sup>d</sup> by Com<sup>d</sup> and sworne but never had Comm<sup>on</sup> or sworne that was knowne for K. W. & M. and the proclamation that continued his Maj<sup>ties</sup> officers in America is