

Commission was directed to ffive persons to meet at Battle Lib. H. D. Town on the 19th of June following to Trye that ship. I accordingly went thither With M^r Plater & M^r Clarke to prosecute the Vessell, but by the Neglect of the Sherriffe or otherwise, the persons Nominated Commission^{rs} were not duly summoned neither were any of the Witnesses summoned to Appear to give in their Evidence for their Ma^{ty} so that for want thereof they could not prosecute at that time: It's humbly proposed on their Ma^{ty} behalfe that in regard three only of the ffive Commissioners were summoned (coming accidentally to Battle Town that Morning) and before hearing the Cause, acquitted the ship from her Seizure;

That your Ex^{ncie} will please to Order a Commission to be issued for a speedy Tryall of the said ship at S^t Maries directed to persons vninterested in the Cause all which is humbly submitted &^c By

E Randolph

Ordered that this Petition be Referred to M^r Attorney Generall to advize therein and make Report to the Board Monday Morning next.

July 30th 1694.

M^r Attorney Generall accordingly Reports to the Board as follows, Viz^t.

To his Ex^{ncy} ffrancis Nicholson Esq^r Cap^t Gen^l & Govern^r in Chief and to their Ma^{ty} hono^{ble} Councill of Maryland.

Mr Attorney
Gen^{ls}
Report vpon
the afores^d
Pet Referr^d In obedience to your Ex^{ncies} Ord^r of Reference to me directed to pervse the Representation made to your Ex^{ncy} by Edward Randolph Esq^r Surveyo^r Gen^l of their Ma^{ty} Customs vpon the Continent of America I humbly signifye I have pervsed the same and do presume the Matter of fact therein contained to be true and further that in as much as the said Edward Randolph Esq^r thought it not fit for their Ma^{ty} service to prefer an information (two of the Justices of the Court in the Commission mentioned not being summoned) as also the Evidences for the King not Appearing; p. 52 And forasmuch as that the King ought not to be surprized or Judgment given against him where noe Information filed wherein the breaches Committed against their Ma^{ty} Acts of Trade might have been Assigned, I humbly concieve that the Proceedings of three of the Justices of the Speciall Court mentioned in the Commission for Tryall of the said ship in the taking of the Seizure of the same made by the said Randolph