

before the Company marched he got something better, and resolved tho' he risked his Life, he would endeavour to go with the rest, and accordingly went with his Baggage on Board Edward Drugan's Vessel which was impressed to carry them, and staid some Time there waiting and ready to go 'till he heard they the rest were all gone in the other Vessels. Lib. J. R.  
& U. S.

James Poole proved by the Oath of a credible Witness, that he has been in a very ill State of Health for this eighteen Months past, and constantly subject to the Flux and fretting of the Bowels on every slight Cold he catches, and quite unfit for such a Service, and the said Poole declared that tho' he was conscious how unable he was to undergo such a Service, and that he expected he must lose his Life by the Attempt, yet being terrified with the Punishment he apprehended he should be made to suffer for his Refusal resolved to go with the rest and accordingly packed up his Baggage, and it was proved went with Thomas Honour on Board Edward Drugan's Vessel in Order to go. p. 249

The above are all the People in the said Warrant that the Constable then brought before me, he then said they were all he had been able to take I told him he ought to get the rest as soon as he could, since which he brought none before me, nor have I heard that he has carried any before any other Magistrate 'till last Saturday he brought John Hicks junior before me who desired Time to get Witnesses, and Time was given him till a further Day, the Sheriff was also present who arrested him on some civil Process and took him to Goal where he now is, I shall take Care and hear his Excuse soon, and if it does not appear sufficient will commit him, and shall take to charge the Constable to attend his Duty and get the rest as soon as he can.

Upon the above Excuses being made and proved to me, I in Conscience & on the best of my Judgment thought them sufficient, and that I ought not to commit the People, and I would beg Leave to observe to your Excellency & Honours that tho' all those People so brought before me had such suff<sup>t</sup> and reasonable Excuses, as my Duty obliged me to discharge them, yet as you were not made acquainted with the Reasons and only heard they were discharged it is not improbable I may appear in an unfavourable Light to your Excellency and Honours, and that you may suppose I have assumed Powers the Law did not give me, and have acted unjustifiably; But I hope notwithstanding when you receive this Account which is a very just one, of the Matter my Conduct will appear blameless, If I have not acted right it has