

Liber  
P. C. R.

The pff not being p<sup>nt</sup> in Court, But by his Attorney M<sup>r</sup> Henry Coursey who is one of the Wittnesses summoned in this Cause, Ordered that the Cause bee respited till next Prouinciall Court, And further, th<sup>t</sup> M<sup>r</sup> Rob<sup>t</sup> Clearke & M<sup>r</sup> Henry Coursey (being lawfully summoned) giue in their Depos<sup>ns</sup> att this Court, touching the pffs claime.

Philip  
Calvert Esq<sup>r</sup>  
his L<sup>ps</sup>  
Receiv<sup>r</sup>  
gräll v.  
Cap<sup>t</sup> Miles  
Cooke  
Vid. Order  
Attatchm<sup>t</sup>  
fol. 320

The pff sheweth how th<sup>t</sup> according to his Order & appoyntment from his L<sup>p</sup>, hee demanded of the dēft, The Port duties (as is prouided by Order of Assembly) w<sup>ch</sup> the dēft refused to pay. And thereupon obteyned Order for Attatchm<sup>t</sup>.

The dēft sayth th<sup>t</sup> hee did not deny the paym<sup>t</sup> of the Port Duties, if in Case his L<sup>p</sup> requyred them of him, But being his L<sup>ps</sup> serut, & one of his Admiralls here, hee supposeth himselfe not chargeable w<sup>th</sup> those Duties. And how that those duties were not demanded of him according to the Act or Order of Assembly.

Will<sup>m</sup> Bretton Sayth upon Oath That hee went in Company w<sup>th</sup> M<sup>r</sup> Caluert aboard Cap<sup>t</sup> Cooks ship, when hee demanded the Port Duties. And Cap<sup>t</sup> Cooke sayd th<sup>t</sup> if his L<sup>p</sup> requyred them in England, hee would satisfy them. But being pressed by M<sup>r</sup> Caluert, whither hee would giue him his Bill of Exchange into England therefore, yea or not, the s<sup>d</sup> Cap<sup>t</sup> Cooke absolutely refused, & sayd hee would not, fferther sayth not.

Zachary Wade sworne in open Court sayth That hee was on board Cap<sup>t</sup> Cookes ship when M<sup>r</sup> Caluert was aboard. And upon motion of M<sup>r</sup> Caluert touching Port Duties, Cap<sup>t</sup> Cooke sayd That if his L<sup>p</sup> requyred it in England hee would pay it, But hee would not giue Bond for it here, & further sayth not.

The Gouverno<sup>r</sup> requyreth the Councill to deliuer their Judgm<sup>ts</sup> seuerally whither Cap<sup>t</sup> Cooks answere were ssufficient yea or noe.

Co<sup>th</sup> Vtye. Powder & shott ought to haue bene demanded according to the Act, & payd by him: & That his answere was sufficient & the sloop not iustly attached.

M<sup>r</sup> Baker Brooke the same.

D<sup>r</sup> Luke Barber the same.

M<sup>r</sup> Thomas Gerard. That the Sloop ought not to be condemned or attached.

Co<sup>th</sup> John Price. Answere not sufficient: & the sloope iustly attacht.

p. 345 M<sup>r</sup> Rob<sup>t</sup> Clearke. That the Attatchm<sup>t</sup> of the Sloop was iust, in th<sup>t</sup> Cap<sup>t</sup> Cooke complied not: nor payd those duties eyther in this County or in England.

Gouverno<sup>r</sup>. That Cap<sup>t</sup> Cookes answere was not sufficient, although the Port Duties were to bee payd in money & his L<sup>ps</sup> Receiuer demand it.