

## SHIPS AND MARINERS.

During this period no court of admiralty, designated as such, was held, and cases involving ships, shipowners, and mariners, came before the Provincial Court. These ranged from confiscation of ships and cargoes for violation of the English navigation laws, to suits by sailors for wages and questions involving the ownership of vessels and cargoes, but none of these are specifically designated in the record as admiralty cases. Nor was a special sitting of the justices of the court held at Mattapany, March 19-20, 1667, so designated, when the forfeiture of two New England vessels for violation of the navigation acts was the issue. It will be recalled in this connection that in his charter the Lord Proprietary, among other titles conferred upon him, was designated as High Admiral of the Province, with power to hold such courts as he deemed wise, and that the present Governor, his son Charles Calvert, had been commissioned "our Lieutenant-General, Governor, Admiral, and Chief Commander both by sea and land of our said Province of Maryland". That the Proprietary had full power to establish an admiralty court at any time he saw fit, was, of course, obvious. In the seventeenth century, however, both in England and in Maryland, cases involving violation of the navigation acts were tried in courts of law, not in admiralty courts.

There are to be found three instances of forfeiture, or confiscation, of vessels under the English navigation acts. In these cases it would appear that the Lord Proprietary of Maryland assumed in his Province, under the English navigation acts, the same royal privileges specifically conferred in the acts upon the Crown. In the first of these cases entered in this record we find recorded the final act, the sale of forfeited ship and cargo, in the case of the forty-ton ship *Hopewell* of Kingsale, Ireland, at anchor at St. Mary's City, John Gilson, master. The proceedings leading up to the forfeiture of this vessel are recorded in a former volume of the *Archives*. The vessel and cargo had been confiscated at the January, 1666, session, under the navigation act of 1663, which prohibited among other things, the carrying of goods of European origin, other than those from England, Ireland, Wales, and the Scotch town of Berwick on Tweed, under the penalty of forfeiture of ship and cargo, one-third to go to the Crown, one-third to the Governor of the colony where the forfeiture occurred, and one-third to the informer (*Arch. Md. XLIX*, xxiii, 560-563). It was the judgment of the court, however, that two-thirds of the vessel and cargo be forfeited to the Lord Proprietary and to the Governor, and one-third to the informer, William Calvert, the Attorney-General who prosecuted the case. In this volume will be found a bill of sale, dated March 1, 1665/6, recording the sale by Governor Charles Calvert of the *Hopewell* to Isaac Bedloe, "a free denizen and inhabitant" of Maryland, and a further declaration by the Governor on behalf of his father, the Lord Proprietary, that the forfeiture was made "to Us by our Royal Priviledges of Our said Province". In plain words the "Royal Priviledges" of the Maryland charter was interpreted as putting the Proprietary in his Maryland palatinate in the place of the King as defined in the English navigation act of 1663, the Proprietary and not the Crown being