

first made: entry of the said which with the Office appointed by the said Governor: for the purpose or at other time than or before breaking of bulk & loss or cause to be directed to the said Governor: or the said Office by him thereunto authorized and appointed above and particular mention, damage or particular of the several goods or commoditys of the said shippe laden together w^t the place or places in whiche the said goods were laden or taken into the said shippe or Vessell as in and by the Statute the said John Elliot was engaged and employed against the formes of the Statute: after said in that case made and provided whereupon the said Nicholas Swall who afore for the said Lord the King and the said Governor as for himselfe prayed the advise of the Court in the principale, and that the said shippe called the Providence of God may be furnished with all good Tackles, Instruments furniture and apparel and all the said goods and commoditys aforesaid according to the forme of the Statute aforesaid and that the same further may be divided into three equall parts One third part thereof to be for the said Lord the King One third part thereof to the said Lord properly the Governor aforesaid of this Province: and the other third part thereof to the said Nicholas Swall Colleto: aforesaid according to the forme of the said Statute and that the said John Elliot and Jaffer Lynch may come unto Court to answer the said King, the said Lord properly the Governor aforesaid and the said Nicholas Swall who aforesaid for the said Lord the King the said Governor as for Kinges Ch^t in his behalf prosecute of and upon the premises.

And upon this it is commandeth the Sheriff of L. Marys County, that he will bring to the said John Elliot and Jaffer Lynch Merchant Esq^r and apper at the said Court this day to D^r and answer in the premises aforesaid.

At w^t the said day to wit the second day of May anno Domini 1685: came the said Jaffer Lynch Merchant into the Court with his proper person before Mr. Justice of the said Court to answer the said Lord the King the said Governor and the said Nicholas who aforesaid of and upon the premises, but the said John Elliot was not by the said Sheriff to be found in his dwelling.

And the said Jaffer Lynch Merchant in Court was asked by Robert Carville an Attorney for the King what he had to say to the Information why the said shippe and goods mentioned therein should not be condemned lost and forfeited according to the Act of Parliament in that case provided Mr. Lynch answered the Court that the Fryall might be putt off and defered for the space of two or three days longer, the Court would not admitt of or consent unto it: also said he that he himselfe could not tell how to plead to the Information and that he was wanting of Councill: he still imagining till Friday last that Mr. Carville was for him, Mr. Carville answered he never recd any fee of him nor ever was his Attorney, the said Mr. Lynch further said that the goods in the Information mentioned belonged to several others in answering to w^t Mr. Carville alledged that he did attempt to take all in his own name and although Swall often might be comand he was the ship and as it was Capt^r Merchant for the whole.

The Court adjourned till four a clock in the afternoon.

At w^t th^e time the Court sat again: The said Jaffer Lynch still insisted for longer time to have Fryall, But it is ordered by the Court that the said Lynch now forthwith plead to the Information and come to fryall imediately.

And the said Jaffer Lynch in his owne proper person comittit and defundit the fore^r and