

May it please yo<sup>r</sup> Ex<sup>ty</sup>

Some time since I seized for their Ma<sup>ties</sup> the ship Ann of Maryland, John Blackmore Master for being laden with Tobacco before security first given according to Law that being prevented by bad Weather in the Bay I came not from James River to the provincial Court holden in St Maries till the 15<sup>th</sup> day of May last in the Morning in Ord<sup>r</sup> to try the ship about Eight that Night I received a Copy of an Order of the fourth of May directing Mr Plater to take care for due proceedings against the said ship, but the Jurys being dismissed that cause then could not be tryed but a Commission was directed to five persons to Meet at Battle Down on the 19<sup>th</sup> of June following to try that ship. I accordingly went thither with Mr Plater & Mr Clark to prosecute the vs. it, but by the neglect of the Sheriff or otherwise, the persons Nominated Commissioners were not duly summoned neither were any of the Witnesses summoned to appear to give in their Evidence for their Ma<sup>ties</sup> so that for want thereof they could not prosecute at that time: It is humbly proposed on their Ma<sup>ties</sup> behalfs that in regard three only of the five Commissioners were summoned (coming accidentally to Battle Down that Morning) and before hearing the cause acquitted the ship from her Seizure;

That your Ex<sup>ty</sup> will please to Order a Commission to be issued for a speedy Tryal of the said ship at St Maries directed to persons uninterested in the cause all which is humbly Submitted &c. Dry

E Randolph.

Ordered that this Delition be Ref<sup>d</sup> to Mr Attorney General to advise thereon and make Report to the Board Monday Morning next.

July 30<sup>th</sup> 1694.

Mr Attorney General accordingly Reports to the Board as follows, Viz<sup>t</sup> to his Ex<sup>ty</sup> Francis Nicholson Esq<sup>r</sup> Capt. Gen<sup>l</sup> & Govern<sup>r</sup> in Chief and to their Ma<sup>ties</sup> hon<sup>rs</sup> - Council of Maryland.

In obedience to your Ex<sup>ty</sup> Ord<sup>r</sup> of Reference to me directed to prosecute the Representation made to your Ex<sup>ty</sup> by Edward Randolph Esq<sup>r</sup> Surveyor Gen<sup>l</sup> of their Ma<sup>ties</sup> Customs upon the Continent of America I humbly signify I have perused the same and do presume the Matter of fact therein contained to be true and further that inasmuch as the said Edward Randolph Esq<sup>r</sup> thought it not fit for their Ma<sup>ties</sup> service to provide an information (two of the Justices of the Court in the Commission mentioned not being summoned)

the attorney Gen<sup>l</sup> Report  
upon a for J. P. L. Ref<sup>d</sup>