

which they were left by the said Brig's Master, Mate, and Crew, but immediately on gaining Liberty this Deponent and his Crew made Sail after the said Brig up the said Bay, but between six and seven o' the Clock in the Morning lost Sight of the Brig by Reason of the Night, and in the Night following this Deponent in the said Schooner took up his Mate and other Hands in this Deponent's Boat which the said Brig's Master, Mate, and Crew had as aforesaid taken away with them from on Board the said Schooner, and this Deponent further saith that the said Brig's Captain having when this Deponent was on Board the said Brig told this Deponent that there ^{was} on Board the said Brig seventy eight Hogheads of Sugar mentioned in the said Brig's Clearance, and two more belonging to himself and one to his Mate, this Deponent did design pursuant to his aforementioned Commission, and his Instructions so received from the same Authority which granted his aforesaid Commission to have carried the said Brig into Hampton in Virginia and there to have proceeded against her for Condemnation as legal Prize but by the aforesaid conduct of the said Brig's Master, Mate, and Crew has been prevented from executing such Design, and this Deponent saith that since the aforesaid Transaction he hath seen the same Brig Marlborough in Patuxent River, and hath heard and believes that she is now in West River in Maryland.

Valentine Mulhore.

19. March 1761.

Sworn before the Governor and Council.

Thos Dale.

Thomas Dale Mariner, Mate of the Schooner Industry of which Valentine Mulhore is Master having been sworn on the holy Evangel of Almighty God deposeth and saith that in the Morning of the 18th Day of February 1761: as the aforesaid Schooner was sailing down the Bay of Chesapeake in Company with the Brig Sally Captain Smith who was bound to New York he the Deponent being on Board the said Schooner discovered and met the Brig Marlbro's a little to the Northward of New Point Comfort that when the said Schooner and Brig Marlbro were within about a hundred Yards of each other the said Valentine Mulhore hailed the Brig asking the Master of the Brig whence he came, and was answered from Jamaica, that then Captain Mulhore ordered the other to bring to, in Order that he Mulhore might overhaul his the Marlbro's Masters Papers, that the said Marlbro's Master having accordingly brought to, Valentine Mulhore went on Board the Marlbro and after about half an Hour returned to his own Schooner, and then sent his Boat to bring the Master of the Marlbro together with his Papers on Board the said Schooner, that the said Master accordingly was brought and when he came on Board delivered up his Papers to Captain Mulhore, that Captain Mulhore having perused the Papers put them into the Hands of the Deponent and he the Deponent examined them but found no English Papers among them except a Register for a Schooner which was dated at Boston, the rest of the Papers which as he thinks were six or seven