

again desired the Deponent to deliver them to the Deponent apprehending that his life would be in Danger was he to refuse, took them out of his Pocket, and laid the said Papers down together with Captain Moulthorpe's Commission on the Locker in the Cabin whence the Marlboro's Mate took up the Brig's Papers but did not touch the Commission, and the Deponent says that at the Time he received the said Commission from Captain Moulthorpe the Seal was whole, but that when he returned it afterwards to the said Captain the Seal was cracked, tho' how that Accident had happened he does not know, but is sure it was not broken or injured by the Marlboro's Captain or any of his Crew, that immediately afterwards the Deponent went into his Boat to his four Men, and the Boat's Painter was then cast off the Brig and Boat being as he apprehends at that Time a little to the Northward of the Mouth of Potowmack, that having rowed and steered the Boat Southward all the next Day being the 19<sup>th</sup> of February he and the four People who were with him discovered and came up with the Schooner which was then at Anchoy in Flood's Bay a few Miles to the Northward of Rappahannock River. The Deponent also saith that when he and the four Men went on Board the Brig to take Charge of her, they carried with them on Board two Cullasses which when they were ordered on the Morning of the 19<sup>th</sup> to descend into the Boat he desired might be delivered or returned to him, but was refused them, tho' the Brig's Crew did hand into the Boat at that Time the three Cullasses which the said Crew themselves had brought from the Schooner.

Thomas Dale.

12<sup>th</sup> of March 1761. Sworn before the Governor and Council.

Wm. C. Lord.

William Query Mariner belonging to the Schooner Industry of which Valentine Moulthorpe is Master having been sworn on the holy Evangelis of Almighty God deposeth and saith that on Wednesday the 18<sup>th</sup> of February about 10 o' Clock in the Morning as the abovementioned Schooner was going down the Bay of Chesapeak in Company with a Brig commanded by one Captain Smith, Captain Moulthorpe hailed a Brig that was turning to clear New Point Comfort asking the Master of her whence he came to which the said Master answered from Jamaica, and that then Captain Moulthorpe ordered him to bring to, and then hoisted out his Boat and went on Board the said Brig soon after which one of Captain Moulthorpe's Men returned in the Boat to the Schooner for the said Captain's Commission or Letter of Marque, and after that had been carried to the Captain he the said Captain Moulthorpe returned on Board his Schooner, and then sent four Men in his Boat to bring the Brig's Master with his Papers on Board the Schooner, which was accordingly done, and soon afterwards Captain Moulthorpe sent his Boat again for two Outlandish Men whom he had seen on Board the Brig, that soon afterwards all the Brig's Crew being nine in Number came on Board the Schooner, and the Deponent heard the Master of the Brig ask his the Deponent's Captain whether he intended