

and not informing against them the moment he returned to the Settlements.

I had not observe that unless Satisfaction can be given to the Indians for that Murder it is not only probable that they will renew the War, but that it will be very difficult if not impossible ever to make another Peace with them, as they would believe us a faithless People, whose Promises they could no longer rely upon.

I have the honour to be with great respect
Sir your most Obedient Humble Servant

Henry Bouquet.

It being the Opinion of this Board that the Offence is not Cognizable in any Court of Law in this Province His Excellency was pleased to send the following Letter in Answer thereto.

Annapolis 11. January 1765.

Sir

The Intelligence you communicate to Me by the Letter you were pleased to write from Jimachouque the 20. of last Month gives me great concern, I wish it was in my Power as much as my Inclination to have the Perpetrator of the Crime you mention punished according to his Deserts, but I am told by our Lawyers that if he could be apprehended and it could be made appear by the clearest Evidence that the James Brown you speak of did kill a Friend Indian near Whetworth he could not be convicted of Murder in any Court of Law in this Province, that place being without the Limits of Maryland, and that Mr. Weigamets Behaviour in receiving the Scalp from him cannot be taken Cognizance of or at least punished by any Civil Jurisdiction, Such being the Opinion of our Lawyers I declined taking any Step for his Apprehension or giving any Orders which might alarm Brown until I could advise you of the Doctrine above mentioned so that you may consider whether it would not be more advisable to have him taken by a Party of Men and tried by a Court Martial for the Offence which I suppose must have been committed while he was properly in service under your command and he was then no doubt subject to Martial Law, but if you are averse to having him taken and proceeded against in that way an Information might be made against him for committing Murder in the Province or Colony within which the Fact was committed and upon Application from that Government for him he may be delivered up to a proper Officer in order for a Trial, tho' it would not I suppose be an easy matter at present to get him convicted by the Verdict of a Jury in either of these Colonies

Sam D.

At a Council held at the Governours on Saturday the 20. day of April
in the Fifteenth Year of his Lordships Dominion Annoq Domini 1765.

Present.

His Excellency Horatio Sharpe Esq. Governour.

The Honble Benjamin Tasker Daniel Dulany and John Ridout Esq.

Ordered that the present general Assembly of this Province which stands prorogued to Monday the Thirtieth day of May next be further prorogued to Monday the Tenth day of June next and that the following Resolutions should be taken at the several sittings aforesaid.