



The Lord BALTEMORE'S Case, concerning the Province of *Avalon* in *New-found-Land*, an Island in *America*.

SIR *George Calvert* Knight, late Lord *Baltemore*, purchased long since (to wit in the yeer of our Lord one thousand six hundred and twenty) a great part of *New-found-land*, which afterwards was also granted to him and his heirs, by a Patent from King *James*, under the then Great Seal of *England*, And the said Tract of Land, was by the said Patent erected into a Province, and called *Avalon*, the bounds and limits whereof, are described in the said Patent (bearing date the fourth day of *April* in the one and twentieth yeer of the Reign of King *James*, and in the yeer of our Lord one thousand six hundred twenty and three) whereby also for his better encouragement to make a Plantation there, many priviledges and immunities were granted to him and his heirs, amongst which, one was, to have and enjoy all Customes and Imposts, which should be payable there for any Goods or Merchandizes whatsoever, to be laden or unladen within any part of the said Province by forreigners, reserving to the *English* free liberty of taking and drying of Fish there, as formerly they had.

The said late Lord *Baltemore* did thereupon expend above twenty thousand pounds in the transportation of people, Cattel, and other necessaries from time to time, for the setting of an *English* Colony there, at a place called *Ferry-land* within the said Province, where he built a fair house for his own habitation, and erected divers other buildings and Forts for the accommodation and security of several *English* families transported thither, unto which place he also adventured his own person twice, and in his last voyage thither, carryed with him his wife and most of his children; at which time (there being then war between *England* and *France*) it pleased God to make him an instrument to redeem above twenty sail of *English* ships there, which had been taken by *French*-men of war, whereof one Monsier *de la Rade* had the chief command; And also (afterwards) in the same yeer to take six *French* ships, which were then fishing upon that coast, and which he sent with a great many *French* men prisoners into *England*.

After the said *George* Lord *Baltemore*, had been possessed of the said Province about thirteen yeers, he died, in *April* one thousand six hundred thirty and two, seized and possessed thereof, and after his death, it descended of right, to his son and heir, *Cecil* now Lord *Baltemore*, who thereupon, forthwith sent one Captain *William Hill*, as his Deputy thither, to take possession thereof, and to manage his interest there for him.

Captain *William Hill* shortly after repaired thither, and according to his Commission from the said now Lord *Baltemore*, took (on his behalf) possession of the said Plantation and Province, and gave account yeerly to him of his proceedings, and of the profit belonging to him there, and resided about foure or five yeers at the said Lord *Baltemores* house at *Ferry-Land* above mentioned.

Not long before the beginning of the late wars in this Nation (to wit, in the yeere one thousand six hundred thirty and seven) the late Duke *Hamilton*, Earle of *Pembrook*, and Earle of *Holland*; by their then power in Court with the late King *Charles*, procured a Patent from him of all *New-found-Land*, to them and Sir *David Kirke*, and their heirs; including therein the said Province of *Avalon*.

Whereupon in the yeer one thousand six hundred thirty and eight, Sir *David Kirke* went to *Ferry-Land* aforesaid, in *New-found-Land*, and by force of Armes turned the said Captain *Hill* out of possession of the Lord *Baltemores* chief Mansion house there above mentioned (wherein the said Lord *Baltemore* had at that time divers things of good value) and took possession also of all the said Province, and of divers Cattel and Horses belonging to the said Lord *Baltemore*, upon pretence of the said later Patent, and upon pretence that he the said Lord *Baltemore* had deserted, forfeited, or surrendred his interest there, and received satisfaction for the same, which is altogether untrue, and so hath continued the possession thereof ever since, to the great dammage of the said Lord *Baltemore*, to wit, thirty thousand pound at least, as he can make appeare.

The now Lord *Baltemore* did often represent to the late King *Charles* the great and high injustice done to him herein, and made often and earnest addressies, and supplications to him to take it into consideration, and to do him right, but he was insensible thereof; and thereby the Lord *Baltemore* was left destitute of any kinde of relief, until now of late, that he understood Sir *David Kirke* was arrived here; Whereupon, being advised by his Councel, that as to all Maritime wrongs done unto him there by the said Sir *David Kirke*, he hath his legal remedy against him in the Court of Admiralty, he commenced and profecutes a suit there for that purpose, but as to a satisfaction for all other wrongs done unto him upon the Land in the said Province by Sir *David Kirke*, and for the regaining of his possession, as well of the said Mansion house, at *Ferry-Land*, as of the said Province it selfe, he can have no relief but from the Parliament or Councel of State, it being a businell (as he is told by his Councel) not within the cognizance of any other Court of Justice in *England*, especially seeing that the said Mansion house, and Province, is now in the possession of those persons, who were employed by the Councell of State lately, as Commissioners to dispossesse Sir *David Kirke* thereof.

The Lord *Baltemore* is therefore now an humble suitor to the Parliament and Councell of State, that they would be pleased to do him right herein, according to Justice and Equity, and that in the meantime, nothing may be obtained from that Honourable House, or Councel of State to the prejudice of his interest in the said Province, before he be heard by his Councell concerning the same, by such persons as they shall be pleased to appoint for that purpose.