

in which Resolution, tho' undoubtedly your Excellency had nothing more in View than pure Equity and Justice; yet as your Pet^r is justly apprehensive of many Inconveniencies and ill Consequences that may arise from this Affair, should it be determined in the Manner proposed, he hopes to be allowed the Liberty of offering his Objections to your Consideration, and doubts not but they will appear sufficiently reasonable to your Excellency for giving you this Trouble

Lib. C. B.

1st Your Excellency may be pleased to observe that according to the best Authorities in Law as Lord Coke &c. the Council can take Cognizance of no private matter that may be determined in other Courts, & therefore this Cause is not cognizable there, it being a Point of meum & tuum which your Remonstrant apprehends to be properly under the Denomination of private matter

2^{dly} Where there is no Right of Determination no Record can be made; so should the Council take this Affair upon them, their Judgment or Award could not be final, but the Matter yet in dispute, to the great Uncertainty and Perplexity of the Officers of, & Traders to this Province

3^{dly} As the Controversy lies in fact, that is, whether at the time of Entry with the Officers of Patowmeck, the Vessel was in Patuxent District, on which Point, the Officer of Patuxent grounds his Pretensions (tho' if that could be proved it would not as your Remonstrant conceives avail him ought, for by 15 Car 2^d A Master, tho' he comes into a Port or Harbour, is only required to make a Report within 24 Hours after anchoring, and not obliged to enter there) And as no Matter of fact is tryable otherwise than by a Jury, Your Pet^r hopes to be heard in a Court of Record, from whence, if he should think himself injured, he may appeal to other Courts, which cannot be done from the Council Board, as it is not of Record, and where there is no Record, there can be no Appeal.

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4^{thly} Should the Council intermeddle with this Affair, which really in the Opinion of your Remonstrant, they have not Jurisdiction of, he your s^d Remon^t fears the Enemies of the Gov^t would make but too great a Handle of it, by insinuating it as an Aggrievance to the Subject, that a Council should take upon them to determine matters of meum and tuum without lawful Authority, and by which Other Courts would be ousted of their Jurisdiction: As this is a Circumstance that may be of Disservice to his Ldps Gov^t Your Rem^t thinks it a Duty incumbent on One of his Station to represent it as such to your Excellency

Having thus given Reasons to your Exc^y for your Remonstrants Unwillingness to be determined by the Council, your s^d Remons^t & Petit^r will next, with your Excys Pmission pro-