

James Moore Esq. Governor & Commander in Chief of all that part of
Province of Carolina that lyeth South and West of Cape Fear

399

To all Lords, Judges, Justices and magistrates, Judge and Judge
of Admiralty in England and Else where and all other
Persons Impowered by Commission to hear and Determine
Pyraçyes in Europe, Africa or America, and so all
Captains of Shippes of War

Know ye That Jonathan Evans formerly belonging to the Shipps Advent
Gally, whereof Capt. William Kidd was Commander, being willing to f
himself from that wicked Practise of Life, which in y^e said Ship w
perished and in order to payne & fill himself for his most sacred magist
gracious Pardon, which by His Royall Proclamation given at his
at Kensington the sixth Day of March 1702. In the thirteenth year of his Ma
he hath been pleased to promise to all Persons which at any time within twelve
months after y^e date of the said Proclamation shall appear to any of his Ma
Magistrates, Justices, and Commanders in the said Proclamation mention
and before them or any of them make affidavit of the Pyraçyes committed
by the Shipps or vessel where to they did belong and which shall bear th
same, Know ye That y^e said Jonathan Evans hath appeared unto
the said James Moore & hath made affidavit of all the Pyraçyes
committed by the Shipps whilst he did belong to y^e same, and of all Pyraçyes
at any time committed before the 25th day of June 1701. And further ha
surrendered himself to the said James Moore, and have hereunto sett my hand
and fixed my seal at ARMS this thirteenth of September 1701. D^o 1701
By His Majesty's Command in Council
Thomas on Ashley River in South Carolina

Ja: Moore.

Recorded this thirtieth day of
June an^o dni 1703

J^o Barmwell Esq. Clerk

South Carolina

To all to whom these presents shall come I James Omb
of London but now resident in Charles Town in y^e Province of South Carolina
Merchant send greeting Whereas Benjamin Nicoll John Grosse Patrick Walsh
& Giles Been of London Merchants owners of a Ship called the Cole & been lately ab
in y^e year of our Lord 1699, fitted out y^e ship
month of August 1699, with sundry goods & merchandises mentioned in
Invoice & Bills of Lading then sent with her bound for y^e Islands of Teneriffe, Canary
& from thence to South Carolina, and whereas the said Ship & barge arrived
at South Carolina in the month of December then next following was there seized
and condemned by a sentence of y^e Court of Admiralty held for y^e said Province on the
25th of third day of January following on pretence of her not having a Certificate
or Register in forme according to an act of Parliament made in y^e seventh
& eight years of y^e reign of his late Majesty King William the Third Entitled
an act for preventing frauds and Regulating abuses in y^e Plantation Trade
which sentence was afterwards by order of Council bearing date y^e thirty first
of July in y^e year of our Lord one thousand seven hundred & one made upon a Reque
from y^e Right honorable y^e Lords of y^e Committee of his late Majesties most hon^{ble}
Privy Council for hearing Appeals from y^e Plantations upon hearing & appella
y^e said Benjamin Nicoll John Grosse Patrick Walsh & Giles Been from y^e said sentence
and all writs & all issues thereupon returned and whereas y^e said
Benjamin Nicoll John Grosse Patrick Walsh and Giles Been by one Instrument
or letter of Attorney bearing date y^e fifth day of September in y^e year of our Lord one
thousand seven hundred & one did ordaine constitute & appoint unto y^e James
Gibbs to be their true & lawfull attorney for them & in their names & to their
use to aske Demand, Leavy due for recover & Receive of & from Elizabeth
Colaba of South Carolina Widow y^e Relict & Executrix of Joseph Colaba
Esq. late Governor of Carolina Edmund Bellinger of y^e said South
Carolina Esq. Informer against y^e said Cole & been Gally and her barge and
Thomas Croughton of y^e same Place Esq. Collector of y^e Customs for y^e said Province
their & either of their Execut. or administrators and alio of & from any oth
er Person & Persons whatsoever full Recompence Restitution & satisfaction
for y^e said Shipps Cole & been Gally and her barge & all Debts due

Demands sume & sume of Money whatsoever are in any manner due or
belonging to them & either of them from J^r. Elizabeth Blake Edmund Bellinger
Thomas Broughton their & either of their Executors or administrators or from any
other Person or Persons whatsoever for or in respect thereof **GIVING** unto me
said attorney full power & lawfull authority for & touching & Recovery & Præsumption
of all & premises aforesaid to sue implead & prosecute & also to Compound Agree
Release & Discharge for them & in their names as by the above. written Instrument
Letter of Attorney under & severall Hands and seals of J^r. said Benjamin Nicoll John Croft Patrick Walsh
Giles Beem reference being thereto had more fully
at large. it both & may appear. **And Whereas** J^r. Edmund Bellinger is
proprietor of the said ships called J^r. Cole and Beem Gally by virtue of severall
assignments made to him of & sume pursuant to the sale of J^r. said ships made
Publick out cry by order of J^r. Court of admiralty in Carolina pursuant
J^r. Sentence or Decree of Condemnation of J^r. said ships by J^r. Court with
sentence is reversed & set aside by order of Council as aforesaid by virtue
Reversall a Right doth accrue to J^r. Benjamin Nicoll John Croft Patrick Walsh
& Giles Beem & him & originall owners of J^r. ships J^r. Cole & Beem Gally to have
J^r. said ships. **And** the said Edmund Bellinger having come to agreement
me as to J^r. part of J^r. ships J^r. Cole & Beem Gally & her Cargo with me
received & possess himselfe of as aforesaid by appraisment amounting unto
sum of six hundred seventy seven pounds Ten shillings & four pence & sum of
hundred. sixty three pounds Eight shillings & nine pence forthwith being paid
Demanded out of & whole appraisment on purpose of Charges ~~the~~ whole appraisment
amounting unto Two thousand four hundred. Ninety five pounds Ten shillings
& nine pence half penny. **And** J^r. Edmund Bellinger upon such agreement
made with him having desired me in & behalfe of J^r. said Constituents J^r.
Benjamin Nicoll John Croft Patrick Walsh & Giles Beem to release all the
Title and Claim to J^r. ships. **Now Know ye** that the said James Butler
for & in consideration of the agreement before mentioned and for an im-
bursement of the sume of five shillings current moneys of South Carolina
me in hand paid for the use of the J^r. Benjamin Nicoll John Croft Patrick Walsh
& Giles Beem & Receipt whereof I doe hereby acknowledge and for divers other
goods Causes & Considerations on thereunto especially moving J^r. James
Butler by virtue of J^r. above recited Instrument or Letter of Attorney for &
I name & on & behalfe of J^r. said Constituents Benjamin Nicoll John Croft
Patrick Walsh & Giles Beem have Remised Released & for ever quit claimed
& by these presents doe for them the said Constituents their Executors
Administrators & assigns fully clearly & absolutely Remise Release

for ever quit claim unto J^r. Edmund Bellinger his Executors assigns
ors and assigns all their Right Title Interest Claim & Demand whosoever
they ever had now have or may have of in or to all or any part of J^r.
ship J^r. Cole & Beem Gally & all & any part of her luns appurteinables and
Furniture to her belonging now being in J^r. Possession of J^r. Edmund Bellinger
so as that neither they J^r. said Benjamin Nicoll John Croft Patrick Walsh
& Giles Beem or either of them their or either of their Executors admini-
strators or assigns nor the said James Butler or any other Person or Persons
for or in their behalfe & claiming by from or under them shall molest or
disturb the said Edmund Bellinger his Executors Administrators or
assignes in J^r. Quiet and peaceable Possession of J^r. ship J^r. Cole & Beem
Gally & appurtenances to her belonging or shall bring or Commence or Cause
to be brought & Commenced any Action or suit for J^r. same but J^r. from all
actions Claims & Demands whatsoever for J^r. recovery of J^r. said ship shall be
for ever utterly debared & Excluded by these presents. **In Witness** whereof
the J^r. James Butler have hereunto set my Hand & seal the first Day of
June in J^r. second year of J^r. Reigne of our Sovereign Lady ANNE by the
Grace of God of England Scotland France & Ireland Queen Defender of J^r. faith
&c. and in J^r. year of our Lord one Thousand seven hundred & thirty

Sealed and Delivered
In the Presence of
Lewis Pasqueroan
James Byrnes.
Rt Hon^{ble} Park
Bony^r Soda Chivalier
Rounded July 2^d 1703
J^r J^r. Barnwell. Clor. Court.

South Carolina July 2^d 1703
This day personally appeared before me Nicholas Troth Esq^r. Chief Justice
of South Carolina the within mentioned James Butler and did
acknowledgy this within mentioned Instrument to be signed sealed
and Delivered as his act and deed on J^r. behalf and for the use
and Purposes within mentioned In testimony whereof I have here-
unto set my Hand & day and year above written
Nicholas Troth C^r. J.