

past, hath signified her Majestys pleasure that such ships as shall not get ready to sail from hence for England with the Convoy then intended for Virginia and now lately Departed from this Country should be permitted to sail for England as soon as they gett ready without being Embargoed, in Case an another Convoy were not sent to bring them away in the moneth of september. Pursuant whereunto it is hereby ordered that the Collectors & Naval officers have leave to Clear all ships and Vessells bound for England untill further orders

Ordered that Directions be sent to the Collectors & Navall officers of the lower District of James River & York river that in Case any ship or Vessell arrive in their District directly from England dureing the time of the Gen<sup>l</sup> Court, they Cause the master thereof to come up to Williamsburgh & attend the Council.

John Smith Esq<sup>r</sup> being by her Majesties directions signified in a letter under her Majesties royall Sign Manual dated the 31<sup>st</sup> December 1705 restored & readmitted to his former place in the Council took the Oaths appointed by Act of Parliament to be taken instead of the oaths of Alledgiance & Supremacy, the oath mentioned in an Act Entituled an act to Declare the alterations in the oath appointed to be taken by the act for the further Security of her Majesties person & the succession of the Crown in the protestant Line &c and subscribed the Test & took the Oaths of a Councilor.

Dudley Diggs, John Smith & W<sup>m</sup> Churchill Esq<sup>rs</sup> took the Oath for the Due observation of the Acts of Trade & Navigation.

October y<sup>e</sup> 17<sup>th</sup> 1706

*Present*

	The honourable Edmund Jenings Esq <sup>r</sup> President
John Lightfoot	Philip Ludwell
Dudley Diggs	W <sup>m</sup> Bassett
Benj <sup>a</sup> Harrison	Henry Duke
Rob <sup>t</sup> Carter Esq <sup>rs</sup>	John Smith
M <sup>r</sup> Comm <sup>rs</sup> Blair	W <sup>m</sup> Churchill Esq <sup>rs</sup>

A letter to the President from John Custis Esq<sup>r</sup> excusing his absence from Council or Gen<sup>l</sup> Court by regard of his being very [ill] of y<sup>e</sup> Govt was read in Council.

Upon reading a letter from the Right honourable S<sup>r</sup> Nathaniell Johnson Kn<sup>t</sup> Governor of the province of South Carolina, & from the Council of the said province dated the 7<sup>th</sup> of September last past wherein they Signifie that the french & Spaniards having invaded the said province in the moneth of August were repul[s]ed with the loss of sev<sup>l</sup> of their men & that they had sent one hundred & Eighteen of the said French & Spanish Prisoners hither to be conveyed unto England in the fleet of Merchant Ships. This Board having called before them Cap<sup>t</sup> Francis Rogers Commander of the W<sup>m</sup> Galley who brought the said letter with 65 of the prisoners (the rest being in a Brigantine not yet arrived) & having inspected his Commission together with the Contract between the Governor & Council of Carolina & the owner

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of the said W<sup>m</sup> Galley whereby it is agreed that in case this Govern<sup>m</sup>t shall refuse to receive the said prisoners the said Captain Rogers shall give them the said ship W<sup>m</sup> Galley with a suit of sails an anchor & Capable & other necessary tackle & apparell together with one moneths provisions & so turn them to Sea. Upon a due consideration of the premises This Board are of opinion that the proceedings of the said Govern<sup>m</sup>t of Carolina in sending the aforementioned prisoners hither while there is no fleet in the Country to disperse them, is an extraordinary hardship on this Colony, for that thereby this Government is laid under a necessity of receiving & keeping those prisoners at a vast Charge untill an oportunity of transporting them for England shall offer, or else to have them turned lose upon this Coast to intercept the trade or to plunder the Inhabitants for that it is not to be immagined shall [that] so great number of men who have been for the most part privateers & now rendred Desperate by the slight provision made for them by order of the Govern<sup>m</sup>t of Carolina will depart from this Coast without endeavouring to procure a larger supply either from the merchant ships trading hither or from the shoar, but forasmuch as this matter is of great Consequence y<sup>e</sup> Council think fitt to refer the further Consideration thereof untill they can be informed how many of the said prisoners can be Disposed off in those few merchant ships now in the Country, & in the mean time it is ordered that Cap<sup>t</sup> Rogers take care to keep & maintain them on Board.

Ordered that the Naval officers of the Districts of York & James Rivers direct the masters of all ships in their Districts that are bound for England to attend the Council on Munday next being the 21<sup>st</sup> Instant.

Upon the motion of M<sup>r</sup> Treasurer ordered that the respective Naval officers attend the said Treasurer at W<sup>m</sup> Borgh on thursday the 24<sup>th</sup> of this instant & make up their accounts of the money received by them for the Impositions on Liquors & Slaves to that time.

### *Post Meridiem*

Philip Ludwell Esq<sup>r</sup> Absent

Ordered that a new Commission of the peace issue for Middlesex County & that John Robinson George Wortham & Rich<sup>d</sup> Kemp be added to the Quorum.

Robert Carter Esq<sup>r</sup> Agent for the proprietors of the Northern Neck produced in Council a report of the persons appointed by Order of this Board to view the branches of Rapp<sup>a</sup> river in order to the Discovering which of them ought to be accounted the boundary between her Majesty & the proprietors of the Northern Neck which report is as follows.

Pursuant to y<sup>e</sup> within order of Council we John Taliaferro & Richard Buckner by the said order appointed on behalf of her Majesty, to view which Branch of Rappahanock river is the main branch, and others Subscribed, on the request of Robert Carter Esq<sup>r</sup> Agent for the proprietors met & went into the Fork of the said River & viewed the two branches thereof five or six miles of each branch & by what appeared

could not determine which is the largest Stream but that they seemed to us to be of equal magnitude Witness our hands this 28<sup>th</sup> day of September 1706.

John Taliaferro	Thomas Jones
Rich <sup>d</sup> Buckner	Hancock Lee
Frances Taliaferro	John Waugh
Edward Mountjoy	Giles Travers
	Thomas Gregg Surveyor

As also produced the Testimony of John Taliaferro whereby he affirms that by report of the Indians the Southern branch is reputed the main Stream of the said River, ordered that the said report & testimonys be referred for further consideration.

Whereas the Governm<sup>t</sup> of North Carolina do daily continue to make encroachments on this Colony by surveying land far within the reputed bounds thereof, and whereas this board are informed that Thomas Busby of the County of prince George & Henry Plumpton of the County of Nansemond being men of great age & long acquainted with those bounds can give a particular account of that Creek called Weyanock Creek which bounds that Government. It is ordered that a commission be prepared directed to Major Arthur Allen M<sup>r</sup> Francis Milner Lieut Coll<sup>o</sup> Thomas Milner Cap<sup>t</sup> James Lockhart M<sup>r</sup> Henry Jenkins or any three of them to take the examinations upon oath of the said Plumpton at his house on the last thursday of November & also to take y<sup>e</sup> examination of such other persons as can give any Evidence in relation to the said Bounds. and that a Commission do also issue to Benj<sup>a</sup> Harrison Charles Goodrich John Hamlon & Rob<sup>t</sup> Bolling jun<sup>r</sup> Gent or any three of them to take the examintaion on Oath of the said Thomas Busby at his house on the first tuesday in December, & also the depositions of any other person they shall think proper Evidences in relation to the matter aforesaid & that notice thereof be sent to the Deputy Gov<sup>r</sup> of North Carolina that he may appoint such as he shall think to be present at the said examination at [on] the part of that Governm<sup>t</sup>.

October the 18<sup>th</sup> 1706

*Present*

The honourable Edmund Jenings Esq <sup>r</sup> President	
John Lightfoot	M <sup>r</sup> Comm <sup>ry</sup> Blair
Dudley Diggs	Philip Ludwell
Benj <sup>a</sup> Harrison	W <sup>m</sup> Bassett
Rob <sup>t</sup> Carter Esq <sup>rs</sup>	Henry Duke &
	John Smith Esq <sup>rs</sup>

This Board having taken into Consideration the letter sent from the Gov<sup>r</sup> and Council of Carolina with the prisoners sent hither for Conveyance for England, Came to the following relations *viz.* That it is not for her Majestys Service nor for the Safety of this Colony, or the trade thereof that the said prisoners should be permitted to Depart in the manner directed by the Governm<sup>t</sup> of South Carolina.