

reason he did not apply to me before I went; That he had such a design appears pretty plain for upon the Application the Merchants made to me I granted them a Protection for some men they had occasion for, to work on board their ship, and who would not venture without it. Some of Capt^e Fane's Officers met one of those men on an outward bound Sloop, and pressed him and carried him on Board the Lowestaffe, notwithstanding the fellow shewed them my protection, At my return the Merchants complained to me of this Violence, I immediately sent an order to Capt^e Fane to discharge that man, but he, instead of that, put him in irons, and so kept him 'till the day which he sail'd, and then sent him on shoar; however this has so frighten'd the rest of them that I beleive the Merchants will not be able to send their Ships out this Winter, which will be a very considerable loss to them; This Gentleman has likewise press'd some Country people who were going out a fishing, so that at last People were afraid of coming to Market, either from New Jersey or Long Island (from whence they must come in boats) for fear of being pressed. Now I have acquainted Your Lord^{sh} with some of the Irregularities committed by Capt^e Fane, give me leave to observe, that unless I may have directions from His Royall Highness My Lord High Admirall, how to proceed in the like cases, no man can be safe in his house, for a Cap^e of a Man of War may in the night time take any Merchant here out of his house, put him into his Boat, and carry him on board his Ship, and keep on Board himself, 'till he has a fair wind for sailing, then carry him where he pleases; The Governor may send as many Orders as he pleases the Captain will not obey them, and the Governor has no way to make his orders be obey'd but firing upon the Queen's ship, which I did not think fitt to do. I did in my letter of the 3^d of October acquaint Your Lord^{sh} that by the 51st Clause in my Instructions from Her Majesty, I am directed in case any Capt^e or Commander of any of Her Majesty's Ships of war shall refuse to obey the written Orders he shall receive from me or shall negligently or unduly execute the same, to suspend the said Captain or Commander from the exercise of his said Office of Capt^e or Command^r and to commit him into safe custody, either on board his own Ship or elsewhere, at my discretion, &c. But at the end of the same clause I am directed not to exercise the power of suspending any such Capt^e or Commander, otherwise than by virtue of a Commission or Authority from My Lord High Admiral, which I have not yet received; I did in that letter likewise request your Lord^{sh} that I might have some Directions how I should proceed with respect to the Commanders of Men of war; I renew the same request now, I only desire to know what I am to do, and I will take care to observe punctually such Directions as I shall receive; And I hope that as I am directed to treat the Captains of Her Majesty's ships of War civilly, so they may be obliged to return the like Civil behaviour, and that they may not be allowed to say over their cups that they don't care a farthing for the Governor, nor the Government, that they will do what they please, and will press whom and when they please; These and the like Discourses have frequently come from Capt^e Fane of late; many other things I could say but am not willing to trouble you too long upon this Subject, only again beg I may receive Instructions how to Act for the future.

I must now acquaint your Lord^{sh} that I sent an order to Davis, who Capt^e Fane had appointed to command the Triton's Prize, to deliver the said ship to Lieutenant Wilcocks, to whom by the Prince's printed Instructions the command of her does of right belong, but he refused to obey that Order, as will appear to your Lord^{sh} by the copies of the Affidavits herewith send; After that I sent an order to him to appear before me, this Order he refused to obey; then I sent a Warrant by the Messenger of the Council to bring him before me.