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ARTICLES

Exhibited against

Lord *Archibald Hamilton.*

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NOT RECORDED

ARTICLES

Exhibited against

Lord *Archibald Hamilton*,

Late Governour of

J A M A I C A.

With Sundry DEPOSITIONS and
PROOFS relating to the same.



L O N D O N,

Printed in the Year M. DCC. XVII.

ARTICLES

English Literature

London: Andrew Melville & Co.

1880

ADAM

London: Andrew Melville & Co.



1880

London: Andrew Melville & Co.

THE following Papers contain the Proceedings of the Island of *Jamaica*, in the Affair of Lord *Archibald Hamilton*, their late Governour; and shew both the Grounds of their Complaint against him, and their Vouchers for the Facts.

The said Lord *Archibald Hamilton* having encouraged, during the time of his Government, piratical Hostilities upon the Subjects of *France* and *Spain*, in open Violation of the Publick Treaties between those Nations; the People thought themselves obliged, not only for the Security of the Commerce, which was thus interrupted, but in Duty to his Majesty, to represent to him the Governour's illegal Behaviour; that the mutual good Understanding between his Majesty and the Crowns of *France* and *Spain* might be preserv'd, and the Subjects of each be made safe and easy in their Trade.

Upon this Representation, his Majesty was pleased to appoint *Peter Heywood Esq;* Governour, and directed him to enquire, in
Concert

Concert with the Council of the Island, into Lord *Archibald Hamilton's* Conduct in these Particulars. An Inquiry was accordingly made, and it appear'd by evident Proofs that he had not only permitted, but even encourag'd and cover'd the Pirates, and was concern'd as an Owner in some of their Vessels. The Governour and Council of the Island therefore exhibited Articles against Lord *Archibald Hamilton* in his Majesty's behalf; which, with their whole Proceedings, were transmitted to one of his Majesty's Principal Secretaries of State.

Lord *Archibald Hamilton* having obtain'd a Copy of the Articles, presented a Petition to his Majesty, setting forth that the Accusation was malicious, and without ground, and praying to be heard in his Defence. His Petition was refer'd to the Privy Council, by which the Matter was of course brought before them; several Days were appointed for a Hearing, and Notice was sent to both Parties to appear: Upon all which Days several Persons concern'd in the Island attended, in order to make good their Charge; but for some Reasons it happen'd that the thing never came to a Hearing in the Council.

Since this, Lord *Archibald Hamilton* has apply'd himself to the Lords Commissioners for Trade and Plantations; who have heard him,

him, without any Notification given to any of the contrary Side to attend : tho besides others who were ready on the spot, Mr. *Bendish* (who was intimately concern'd in several of the Transactions, and of consequence had a perfect knowledge of the Circumstances) was come over to *England* to corroborate his Depositions, and *viria voce* to fix the Charge upon Lord *Archibald Hamilton*, and give full Light to the Affair : Yet upon the sole Information of Lord *Archibald Hamilton* himself, in his own Cause, it is said the Lords Commissioners, &c. have made a Report to the King in his favour ; which must be of the last ill Consequence to his Majesty's dutiful Subjects of *Jamaica*, because they are in danger thereby of appearing to his Majesty to have complain'd without sufficient Grounds, or being able to support their Charge : whereas it is manifest, they were unhappily prevented of any Opportunity to produce the Proofs they had prepar'd to justify their Complaint.

As the Island, notwithstanding any Rumours rais'd in their prejudice, are most sincerely and loyally affected to his Majesty ; if they should thus be depriv'd of his Majesty's Favour and good Opinion, it must render their Condition extremely miserable : And it will be a particular Aggravation of their Misfortune, that it will befall them, not for want of Evidence against

gainst Lord *Archibald Hamilton*, or by their neglecting any Means to make it appear; for they have done all that was incumbent on them, and in their power to do, by first examining fully into the Case, according to his Majesty's Instructions, and then putting it into the hands of those above, where it now lies regularly to be brought to an Issue.

But lest this Report, which the Board of Trade is said to have made, should lead any Persons into an Opinion of Lord *Archibald Hamilton's* Innocence, it was thought convenient to lay a true State of the Affair before the World, and of the Steps taken in the Prosecution of it: By which it will appear, that the Delay has not arisen from a Defect of Proofs, or an Omission of proper Measures on the part of the Island, to bring it to a Decision.

N. B. By an Omission of the Press, the Affidavits, &c. mention'd in the Articles, are not quoted in the Margin after N^o 1, and 2. but they are plac'd in the Order as they are mention'd.

Jamaica ff.

ARTICLES

EXHIBITED by the Governour and Council against *Archibald Hamilton* Esq; commonly called Lord *Archibald Hamilton*, the late Governour, for and under our Most Gracious Sovereign Lord *George* King of *Great Britain, France, and Ireland, &c.* of this his Majesty's Island of *Jamaica*, for and on behalf of his said Majesty, touching and concerning his, the said *Archibald Hamilton's*, during the time of his Government, Counselling, Promoting, and Advising several of his Majesty's Subjects of this Island to commit Piracies, Robberies, and Depredations on *French* and *Spaniards*, and Subjects of their most Christian and Catholick Majesties, contrary to the Law of Nations, and in manifest Derogation of the Treaties of Peace and Commerce, settled in the most solemn manner, between our said most gracious King, and the Kings of *France* and *Spain*. And the better to colour his the said *Archibald Hamilton's* most wicked Intentions aforesaid, and to blind and encourage his Majesty's Subjects to take on, and be concerned in his said evil and wicked Design, did not only become interested and Part-Owner of several Sloops and Vessels himself, but to the great dishonour of our said Sovereign Lord the King, did grant unto them, as Captains and Commanders of several Sloops or

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Vessels

Vessels belonging to this Island, Commissions under our said King, for the suppressing of Pirates, by the Title, or under Denomination of private Men of War; under colour of which said Commissions, the Subjects of our said Sovereign Lord the King were to commit the said Piracies, Robberies and Depredations; and of his the said *Archibald Hamilton*'s countenancing, aiding and abetting such of the Subjects of our said Sovereign Lord the King, as committed any Robberies, Depredations, and Piracies, as aforesaid, knowing them to have committed the same: And also of his the said *Archibald Hamilton*'s receiving and partaking of the Booty, whereof the Subjects of their most Christian and Catholick Majesties were despoiled and robbed, by the said Subjects of our said Sovereign Lord the King as aforesaid.

It will be necessary for us before we proceed to make good the aforesaid Charge, or any part thereof, against the said *Archibald Hamilton*, commonly called Lord *Archibald Hamilton*,

I. To set forth that a Squadron or Flota of *Spanish* Ships or Vessels, belonging to his Catholick Majesty, and his Subjects, richly laden with Gold, Silver, Goods, and Merchandizes, of a very considerable Value, and being homeward bound for *Old Spain*, was, on or about the day of in the Year of our Lord one thousand seven hundred and fifteen, cast away and wreck'd on the Coast of *Florida*, within his Catholick Majesty's Dominions, tho most of the Men on board them were saved: of which the said *Archibald Hamilton* having an account, and preferring his own private Ends and Interests to the Honour of our most Gracious King, and the *British* Nation, did grant several Commissions to several of his Majesty's

esty's Subjects of this Island, for the suppressing of Pirates; under colour of which, several of his Majesty's Subjects were counselled and instructed by the said *Archibald Hamilton* to go to the said Wrecks, and if stronger than the *Spaniards*, to beat them off, and take what Mony they could get. [Vid. as to this, the Depositions of * *Lewis Galdy*, and † *Jonathan Barnet*, taken before the Governour and Council, at a Council held at *St. Jago de la Vega*, within the said Island, on the 10th day of *August*, in the Year of our Lord 1716.]

II. That the said Lord *Archibald Hamilton* had been concerned an eighth part in the Voyage of each of the Sloops *Eagle* and *Bersheba*, whom he had commissioned as aforesaid, with intent to go to the said Wrecks: And tho he would not receive his part of the Mony they brought home; being, before the tender thereof to him made, acquainted by *Don Juan del Valle*, Deputy of the Council of Commerce at the *Havana*, that the said Sloops had robbed the *Spaniards* of the said Mony in the Channel of the *Bahama's*, on the *Florida Shore*, as appears by a *Memorial* presented to the said *Archibald Hamilton*, about the end of *January* last, by the said *Don Juan del Valle*, Deputy as aforesaid: In which said *Memorial*, the said Deputy desired Satisfaction for the Mony already come within his Government, to prevent like Practices for the future; and also to recall, by Proclamation, those of his *Britannick Majesty's* Subjects of this Island, out on the said Wrecks; and also desiring that those who committed the Robberies and Piracies aforesaid, and that then were within the said *Archibald Hamilton's* Government, might be secured and brought to Justice; as per the said *Memorial*, en-

* N^o I.

† N^o II.

ter'd amongst the Minutes of the Council held at *St. Jago de la Vega* aforesaid, on the 28th day of *August* 1716. To which the said Deputy had had no Answer, as will appear by a Copy of another Memorial presented by the said Deputy to the said *Archibald Hamilton*, enter'd amongst the Minutes of the said day; whereas in Justice he ought to have comply'd with the said Memorials: But instead of doing his Duty, the Offenders were allow'd all the Liberties of innocent Men, within this Island; and suffered with impunity to go where they list'd. And tho it appears by his refusing to receive his said Share of the said Mony, so tender'd to him as aforesaid, That he knew, and was sensible that it was got as aforesaid; yet he neither secured his own, or other Owners Parts, as he ought to do, in Justice to our most Gracious Sovereign Lord the King, and his Subjects of this Island, and in performance of of his Duty; nor any of the Persons committing the said Robberies. [*Vid.* as to this, the Depositions of *John Beswick*, taken before the Governor and Council, at a Council held at *St. Jago de la Vega* aforesaid, the 18th day of *August* 1716. and of *John Cavalier*, the 16th day of *August* 1716.]

III. That the said *Archibald Hamilton* was Part-Owner of the Sloop *Benner*, under Command of *Francis Fernando*, to whom he gave Commission, as aforesaid, to suppress Pirates; under colour whereof, he was to go to the Wrecks in order to rob and despoil the *Spaniards*. That the said *Francis Fernando*, under colour of such Commission, on or about the 31st day of *December* 1715, piratically took a trading Sloop, belonging to the *Spaniards*, richly laden; which after taking out of her, and putting on board the said Sloop *Bennet*, the best and most valuable part of her Cargo, he sent her into the Harbour of *Port Royal*, in order to have her

her condemned as Prize: As by his Letter to the said Archibald Hamilton, of the 7th of January 1716. enter'd in the Council-Minutes September 7. 1716. [*Vid.* the said Archibald Hamilton's, by his Secretary William Cockburn, Letter the 28th day of February 1715. to the said Fernando, acquainting him, that Measures were taken to condemn the said Spanish Sloop as Prize, and of her being condemned, there was no doubt; enter'd in the Council Minutes, *eodem die.*] That the said Archibald Hamilton sent Directions signed by his Secretary, the said William Cockburn, to the said Fernando, when at the North side of this Island, to pay one third part of the Owners Proportion of the Effects, &c. taken on board the said Spanish Sloop, for his the said Archibald Hamilton's Use, and proper Account, to Thomas Bendish Esq; in the Council-Minutes, enter'd the 9th day of June 1716. And his Secretary's, the said William Cockburn's Receipt for, &c. from said Bendish, as receiv'd for the use of the said Archibald Hamilton, as his Proportion or third part, (as Part-Owner of the Sloop Bonnet) of the Mony which was on board the said Spanish Sloop, when taken as aforesaid: Enter'd in the Council-Minutes the 8th day of September.

IV. That the said Archibald Hamilton encourag'd the said Fernando to come to him about nine of the clock at night, *incognito*; and that he should be admitted in at the Gate, at the North side of his Garden: And this after the Piracy aforesaid, committed by him. [*Vid.* for proof hereof, the Deposition of the said Thomas Bendish, taken before the Governour and Council, at a Council held at St. Jago de la Vega aforesaid, the 14th day August 1716.]

V. That afterwards the said Fernando being desirous to come in, in June last, desired him to have

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a little Patience, till the *Spaniards* had gone off, to whom he would give their Answer as soon as he could. [*Vide*, for Proof hereof, the Deposition of the said *Thomas Bendish*, taken before the Governor and Council, at a Council held at *St. Jago de la Vega* aforesaid, and enter'd in the Council-Minutes, September 10. 1716.] This was after issuing a Proclamation for calling in, upon pain of their Allegiance, his Majesty's Subjects, then out under his Commission.

Tho. Croose, Cl. Concil.

Jamaica ff.

N^o I.

The Deposition of Lewis Galdy, of the Parish of Port-Royal, Merchant, aged Sixty Two Years, or thereabouts ; who being duly sworn, and being ask'd by Mr. Beckford what pass'd between him this Deponent, and Lord Archibald Hamilton, at the time when the said Deponent came to his Lordship for a Commission for Captain Jonathan Barnet, Master of the Snow-Tyger ; the said Deponent made the following Answer :

THAT the said Captain *Barnet* came to this Deponent in *Spanish-Town*, where he was then upon the Assembly, and told this Deponent, it would signify nothing to go to the Wreck without a Commission, because on his return the Governor

vernour would take away the Mony for the King. Upon which this Deponent waited on his Lordship, to desire a Commission for the said *Snow*; and after some small Difficulties, his Lordship order'd Mr. *Cockburn* his Secretary to get a Commission drawn accordingly: and at the same time this Deponent ask'd his Lordship, If there were any *French, Dutch, or Spaniards* upon the Wreck, (*whether*) the Commission would protect the *Snow*. His Lordship thereunto answer'd, That his Opinion was, that it was free for every body to take the Mony out of the Water; and Mr. *Cockburn* thereupon told his Lordship, to consider, that they were Friends; and his Lordship reply'd, the strongest ought to keep the possession of the Wreck. And further the said Deponent saith not.

X.

Sworn before his Excellency
in Council, this 10th Day
of August, 1716.

Lewis Galdy.

Thomas Croose, Cl. Concil.

Jamaica ff.

N^o II.

The Deposition of Captain Jonathan Barnett, of the Parish of Port-Royal, Mariner, aged thirty four Years, or thereabouts; who being duly sworn, deposeth and saith as follows.

THAT in *December* last this Deponent came to Mr. *Cockburn*, Lord *Archibald Hamilton's* Secretary's Chamber, and ask'd him to see a Copy of one of the Commissions that had been before

fore granted, and he thereupon shew'd this Deponent a Copy of a Commission and Instructions; and this Deponent thereupon told Mr. Cockburn, 'twould do him no service, and Mr. Galdy coming in, said he believ'd so too: and thereupon Mr. Galdy and this Deponent went with Mr. Cockburn to his Lordship, and this Deponent told his Lordship, he did not think fit to take a Commission, for that it would do this Deponent no service on the Wrecks. His Lordship thereupon answer'd, He could give this Deponent none that would do him any service, any farther than defending this Deponent against Pirates: and his Lordship added, If this Deponent went on the Wreck, if the *Spaniards* were stronger than this Deponent, he must expect to get no Mony; but if he was stronger than the *Spaniards*, then this Deponent might take the Mony he could get up. And being ask'd, Whether he understood his Lordship meant the Mony before fish'd out of the Wrecks by the *Spaniards*, or the Mony under Water; the said Deponent answer'd, he apprehended his Lordship meant the Mony under Water. And this Deponent further saith, that he should not have gone to the Wrecks, if his Lordship had not said, if this Deponent was stronger than the *Spaniards*, he might have liberty to take the Mony out of the Water, and beat them off the Wrecks. And being ask'd by Mr. Bernard, whether he was not fitted out for the Wrecks before he came for his Commission; answer'd, he was, but that this Deponent would not have gone to the Wrecks if he had not understood he had liberty to drive the *Spaniards* off, if he was stronger than they. And further the said Deponent saith not.

Sworn before his Excellency
in Council, this 10th Day
of August, 1716.

Jonathan Barnet.

Tho. Croose, Cl. Concil.

N^o

N^o III.

Memorial of Captain Don Juan del Valle, Deputy of, and of the Council of Commerce of his Catholick Majesty, and of the Flota lately under the Command of Don Juan Estebano de Uvelia, Knight of the Order of St. James.

To his Excellency the Lord Archibald Hamilton, Governor of Jamaica, under the most Serene and most Potent Prince GEORGE, King of Great Britain, France, and Ireland, and of Jamaica Lord, Defender of the Faith, &c.

THE Governor and the said Council of Trade at the *Havana*, entertaining the highest Opinion of the Clemency, Piety and Justice of his most Serene *Britannick* Majesty; and having repeated Experience of your Excellency's great Wisdom as well as Justice, having sent the under-written Deputy to represent unto your Excellency, that notwithstanding the perpetual Peace, Amity, and Friendship between their said Majesties, the King of *Spain* and *Great Britain*, divers of his said *Britannick* Majesty's Subjects, in warlike manner, committed Hostilities upon the Subjects of his said Catholick Majesty, of which I lately had the Honour to acquaint your Excellency.

But since the said Deputy's Arrival at *Jamaica*, to his great Surprise, is given to understand, that divers others of his said *Britannick* Majesty's Subjects, with two Sloops belonging to this Island,

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have

have lately, in a hostile and piratical manner, landed upon his said Catholick Majesty's Dominions, in the Channel of the *Bahamas*, on the Coast of *Florida*, under pretence of looking for Pirates, but in reality have committed the highest Act of Piracy upon his said Catholick Majesty's Subjects, by forcibly taking from them in value 120000 Pieces of Eight ; which being not only against the Treaties of Peace and Commerce between their said Majesties, whereby all Plunderings, Depredations, Injuries, and Annoyances whatsoever are to cease, as well by Land as by Sea, and fresh Waters in all Parts of the World, and chiefly thro' all Tracts, Dominions, and Places of what kind soever, of their said Majesties respective Kingdoms, Countries, and Territories ; but against the Laws of Christianity and of Nations.

Therefore the said Deputy should think himself wanting to the Respect he owes to the said Governour and Council of Commerce, who have charg'd him as well with Letters to your Excellency, as humbly to represent to you the Mischiefs that may ensue such Proceedings, and likewise to pray your Excellency to inhibit and discountenance the like Practices for the future : Wherefore the said Deputy Don *Juan del Valle*, from the said Governor and Council of Commerce, and in their Names, on the behalf of his said most Serene and most Catholick Majesty, prays,

First, That your Excellency would be pleas'd, by Proclamation, to recal, upon pain of their Allegiance, all the Subjects of his said *Britannick* Majesty belonging unto your Government, and to inhibit them to dive or fish upon the said Flota, stranded and cast on shore upon or near the said *Bahama* Islands and Coast of *Florida*, part of his said Catholick Majesty's Dominions ; and likewise,

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in as much as in your Excellency lies, to prevent others of his said *Britannick* Majesty's Subjects, now preparing and fitting in this Island, to do the like.

Secondly, That the Effects and Money piratically taken as aforesaid, and already come into your Government, be restor'd to the use of his said Catholick Majesty and his Subjects, or Satisfaction made unto his said Majesty therefore by those who are Owners of the said Sloops.

Thirdly, That what Money or other Effects is already taken, or which may hereafter be taken and fish'd out of the said Flota, by his said *Britannick* Majesty's Subjects, be likewise restor'd, so soon as the same shall arrive in your Excellency's Government, or Satisfaction made as aforesaid.

Fourthly, That since 'tis most evident there is a Piracy committed, and that by Persons now under your Excellency's Government, the said Deputy prays they may be secur'd and brought to Justice; not doubting, in a few days, to give your Excellency full Satisfaction in the Premises.

Lastly, Nothing more now remains unto me, but to wait your Excellency's favourable Answer, that I may have the Honour of laying the same before the said Governor and Commerce, with what speed the necessity of this Affair requires.

Juan Fran. del Valle.

N^o IV.

Memorial of Captain Don Juan del Valle, Deputy of, and of the Council of Commerce of his Catholick Majesty, and of the Flota lately under the Command of Don Juan Estebano de Uvelia, Knight of the Order of St. James.

To his Excellency the Lord Archibald Hamilton, Governor of Jamaica, under the most Serene and most Potent Prince GEORGE, King of Great Britain, France, and Ireland, and of Jamaica Lord, Defender of the Faith, &c.

My Lord,

ABOUT the end of *January* last, the underwritten Deputy *Don Juan del Valle* had the honour to deliver into your Lordship's hands a Memorial; complaining, amongst other things, of many Depredations and Piracies committed by his *Britannick* Majesty's Subjects belonging to this Island, upon the Subjects of his Catholick Majesty; to which the said Deputy has receiv'd as yet no Answer, other than a Letter for the Governor of the *Havana*, which your Excellency no sooner caus'd to be read to him than seal'd: tho the said Memorial and Credentials deliver'd your Lordship, imported the underwritten was Deputy of, and of the said Council of Commerce. Of which Treatment the underwritten complains of, as he apprehends it to be a Slight to his Catholick Majesty's Council of Commerce.

And

And upon understanding the Contents of your Lordship's said Letter, I then took liberty to acquaint you, I could by no means think it satisfactory, when I complain'd of no less than a Violation of the Treaties of Peace and Commerce between their said Majesties, and a high Infringement of the Law of Nations, and I do now add the Law of Nature also.

vide the
Letter

Your Excellency then readily admitted the Dispossession of his Catholick Majesty's Subjects from the Wrecks were Robbers, and ought to be treated as such; but instead thereof are permitted to pass and repass, without any Molestation.

I remember farther, in your Excellency's Letter, you were pleas'd to say, that the prosecuting the said Robbers would probably prevent others, employ'd upon like Piracies, from returning to *Jamaica*. To which I answer, that the very guilty Persons are since permitted, with your Excellency's Commission, again in the same Vessels to proceed to Sea, and repeat the same Crimes. This, my Lord, with your good favour, looks so very strange from Friends and Allies, I am at a loss what to say; it favours so little of that good Opinion the *Spaniards* ever entertain'd of the Subjects of the King of *Great Britain*, that they must now make this Island an Exception.

And now I am upon this Head, give me leave to observe to your Excellency, that one of those Sloops, mention'd in my former Memorial, to have landed upon his Catholick Majesty's Dominions, and plunder'd his Subjects in the Channel of the *Bahamas*, on the Coast of *Florida*, hath a second time taken a Sloop, and brought in divers of his Catholick Majesty's Subjects into this Island, who lie in Prison untry'd, notwithstanding daily Courts of Admiralty are held to condemn Vessels, and the very Cargo belonging to, and taken with his said Catholick Majesty's Subjects, now in Prison.

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A further Act of Cruelty, which I formerly omitted mentioning to your Lordship, committed upon the Coast of *Florida* by the said two Sloops, not contenting themselves with taking all the Bul- lion and Merchandize, but like Men without Mercy or Humanity nailed the Guns the *Spaniards* had landed to preserve their Lives from the wild *Indeans*: And to finish the Work, stript the Men naked, in the Latitude of 27 Degrees, and 40 Minutes, where it is exceeding cold in that Season of the Year ; and this too by Friends and Allies.

I must now represent unto your Excellency the Consequences of not punishing Crimes of this nature in the bud. Instead of that mutual Friendship, good Neighbourhood, and Correspondence stipulated and agreed upon between their said Majesties both by Sea and Land, nothing on the one hand but Depredations, Plunderings, Robberies, and Piracies daily committed. What have other Sloops and Vessels, commission'd by your Excellency, since done? Attack and seize, upon the high Seas, and bring into your Ports, Sloops richly laden, belonging to the Subjects of his Catholick Majesty, without reason, or other Crime but being valuable. To the Proof and Particulars of which, I refer your Excellency to the Memorial of Captain *Don Manuel de Arambura*, who is empower'd to represent the same to your Excellency, and to demand full Satisfaction therefore.

Consider well, my Lord, what the most serene and most just Kings of *Spain* and *Great Britain* will say unto those things: Nay, my Lord, consider with what horreur all the Crowns of *Europe* will receive the Tydings of those Barbarities.

Before I take leave of your Excellency, I am commanded, once again, in the Name of my Lord the King, to demand full Restitution and Satisfaction for all the Injuries aforesaid ; which I do demand

mand from your Excellency accordingly, in the Name of the most Catholick King.

Juan Fran. del Valle.

Jamaica fl.

N^o V.

The Deposition of John Beswick, of the Parish of Port Royal, Merchant, aged thirty seven Years, or thereabouts; who being duly sworn, deposeth and saith as follows :

THAT this Deponent was concerned in the Sloop *Eagle*, *John Wills* Commander, one third Part; Capt. *James* and Mr. *William Hayman* holding the other two thirds: That about nine months since, this Deponent and the rest of the Owners fitted her out to the Wrecks, in company with the Sloop *Bersheba*, *Henry Jennings* Commander: That this Deponent coming to *Spanish-Town*, to clear the Sloop *Eagle*, he offered Lord *Archibald Hamilton* to be concerned, as he usually had been in trading Voyages; whereupon his Lordship answer'd, Concern me what you please: and that going down from *Spanish-Town* to *Passage-Fort* in the Coach, this Deponent and Major *Cavalier* agreed to concern his Lordship an eighth part in each of the said Sloops *Eagle* and *Bersheba*: That the said Sloop *Eagle*, Capt. *John Wills* Commander, in her return to *Jamaica*, brought in Mony; that the same was put in this Deponent's House on *Port Royal*: That in about six days after the Arrival of the said Sloop *Eagle*, Capt. *James*, Mr. *Hayman* and this

this Deponent shar'd the Mony by weight : That this Deponent believes each Owner's third part amounted to the Sum of one thousand five hundred Pounds, or thereabouts : That Capt. *Wills* told the Owners he had the said Mony from the Wrecks : That this Deponent, after the Mony was shared, acquainted Lord *Archibald Hamilton*, that they had shared the said Mony, and offered him an eighth part, whereupon his Lordship answer'd that he would have nothing to do with it, for that he had heard it was taken from the Shore. And this Deponent being asked if he knew of any Sum of Mony laid by for Lord *Archibald Hamilton*, answer'd there was none : And being asked whether there was any Present made by the Captain or any of the Owners of the said Sloop *Eagle*, to any Person or Persons whatsoever, answer'd none that he knew of; and further this Deponent saith not.

*Sworn before his Excellency
in Council, this 18th Day
of August, 1716.*

John Beswick.

Thomas Croose Cl. Concil.

Jamaica ff.

N^o VI.

*The Deposition of John Cavalier, of the
Parish of Kingston, Esq; who being du-
ly sworn, deposeth and saith as follows.*

THAT this Deponent being concerned in the Sloop *Bersheba* one ninth part in her first Voyage to the Wreck, some time before her sailing, this Deponent, together with Mr. *John Beswick*,
going

going to *Spanish-Town*, waited on Lord *Archibald Hamilton*; and this Deponent asked his Lordship, as they usually did when they engaged in a trading Voyage to the *Spanish Coast*, if he would be concerned in a Voyage to the Wreck in the Sloop *Bersheba*; and his Lordship thereupon answer'd he would, and left it to this Deponent and Mr. *Beswick* to do as they used to do, or as they thought fit: this Deponent not remembering which of those Expressions his Lordship made use of. And this Deponent returning to *Kingston*, acquainted the rest of the Owners therewith. That soon afterwards the said Sloop failed for the Wrecks, and in about a month's time returning, this Deponent heard there was Mony brought in by her from the Wrecks, and divided amongst the Owners; that he was sent for several times by the rest of the Owners, but refusing to come, was not present at the Division thereof. And being asked when the Division was made, if the *Eagle* and *Bersheba* divided together, answer'd, not being present at the Division, he knew not; but was informed the Mony brought in by the *Bersheba* was shared, and that his Part was left in the hands of Dr. *Nicholas Harris*, and afterwards brought to this Deponent's House in *Kingston*, by a Negro: and this Deponent being acquainted therewith, and observing an Intimacy between *Don Juan del Valle* and Mr. *Pratter*, this Deponent apply'd himself to Mr. *Pratter*, and told him, that he, this Deponent, was uneasy at his Share of the Monies being brought to his House, believing he had no right to it, it having been reported it was taken from the Shore. And this Deponent further added, that if *Don Juan del Valle*, or he the said Mr. *Pratter*, or any other Person had any Power to receive it, and give this Deponent a full Discharge, he was ready to deliver it up. And being asked how much the Sum was, which

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was

was divided amongst the Owners, answer'd he did not know ; but had heard that he that was concerned an eighth part in the Voyage of the Sloop *Bersheba*, shared four hundred Pounds, or thereabouts. And being asked if he knew, or had heard of any Share or Proportion of the Mony brought in by the *Bersheba* and *Eagle*, or either of them, in the first Voyage from the Wrecks, that was laid by for Lord *Archibald Hamilton*, or any other Person, and what the Sum was ; this Deponent saith, that being told by the *Bersheba*'s Owners, that at their sharing they had laid by two thousand Pieces of Eight for Lord *Archibald Hamilton's Part of the Voyage of the Sloop Bersheba* ; and this Deponent acquainting his Lordship therewith, and desiring to know how his Lordship would be pleased to order his Mony that was laid by for him by the Owners of the *Bersheba*, his Lordship answer'd he had heard since the Sloop came in, it was taken from the Shore, and that he would not receive it. And this Deponent being asked whether the Owners of the *Bersheba* had laid by the two thousand Pieces of Eight, as a Present, or as so much concerned in the Voyage ; this Deponent answer'd, as so much concerned in the Voyage. That this Deponent acquainting the rest of the Owners with his Lordship's Answer, they said that if his Lordship would not receive it, they would divide it ; and this Deponent seeing the Owners so uneasy to divide it, this Deponent of his own accord spoke twice to his Lordship about it, once in the Fort on *Port-Royal*, and once in *St. James's Fort*, and his Lordship both times answer'd he would not receive it. And this Deponent being asked where the Mony was lodged, the rest of the Owners told him it was lodg'd at Capt. *Jennings's House*. And being asked whether at any time after his Lordship was concerned, if this Deponent, or any of the Owners acquainted

acquainted his Lordship what part he was concerned ; answer'd, that this Deponent never did before the Sloop came in, which was so soon, that his Lordship had not paid in his Proportion : but that a Bill of the Charge of the Out-set was drawn, to the best of this Deponent's remembrance, by Mr. *Reeves*, or his Order, after the sharing; in which, to the best of this Deponent's remembrance, Lord *Archibald Hamilton* was charged an eighth part of the Charge of the Out-set : which Bill was delivered to this Deponent, but was never sent to *Spanish-Town*. And being asked whether the *Bersheba* and *Eagle* concerted together in a Voyage to the Wrecks, he answer'd he knew not, but it was reported that they did. And being asked whether he knew any thing in relation to Lord *Archibald Hamilton*'s having endeavoured to get back Capt. *Jennings*'s Commission before he went out on his second Voyage ; answer'd, that he this Deponent, before the Sloop *Bersheba* went out her second Voyage, sold his Part of her to *Daniel da Costa Alvaringa*, a Jew, in *Kingston* : upon which this Deponent told Captain *Jennings* he was no longer an Owner of the *Bersheba*, and that he must find new Securities for the Commission for his Vessel, before he sailed ; whereupon Captain *Jennings* acquainted his Owners therewith, and they said they were of opinion he might go. And this Deponent thereupon desired Mr. *Hayman* to obtain from Lord *Archibald Hamilton* an Order to stop the Sloop ; and this Deponent soon after received a Letter from his Lordship to Captain *Jennings*, requiring Captain *Jennings* to deliver up his Commission before he went to Sea, and that this Deponent deliver'd the said Letter to Mr. *Daws*, Captain *Jennings* and some other of the Owners being present : whereupon Captain *Jennings*, and the Owners then present, refused to deliver up the Commission, but offer'd to give a Counter-Bond

to this Deponent, to indemnify this Deponent and Mr. *Hayman*, as being Security for the Commission for the Sloop *Bersheba* in her first Voyage to the Wreck; which Bond was accordingly given to this Deponent. And being asked if this Deponent gave notice to Lord *Archibald Hamilton* of *Jennings's* having refused to deliver his Commission before he sail'd, this Deponent answer'd he did not. And being asked the Reason why Captain *Jennings* refused to deliver up the Commission, this Deponent answered he did not know. And being asked how long it was before Captain *Jennings* failed after this Deponent deliver'd the Letter to him the said *Jennings*, requiring his Commission, this Deponent answer'd, soon after. And being asked how long the Sloop *Bersheba* stay'd in the Harbour after her return from her first Voyage from the Wreck, answer'd he could not tell. And further this Deponent saith not.

*Sworn before his Excellency
in Council, this 16th Day
of August, 1716.*

John Cavelier.

Thomas Croose, Cl. Concil.

N^o

N^o VII.Copy of a Letter from Fra. Fernando to
Lord Archibald Hamilton.

My Lord,

Cuba, Jan. 7. 1715.

December the 31st, being in the Latitude of twenty four Degrees, within about eight Leagues from the *Florida-Keys*, in the Morning at six of the Clock, saw a Sail to Leeward of us, which we gave chase to, being desirous of hearing what News upon the Wrecks, expecting that he had come out of the *Keys*, we being then so near them. At nine at Night we came up with him, he prov'd to be a Sloop which formerly belong'd to the Receiver-General at *Kingston*, Mr. *Knight*, and taken since the late Peace; for which reason I made a Search on board her, and find several *English* Goods on board; and likewise she not being condemn'd amongst the *Spaniards*, have seiz'd her and sent her to your Lordship, who, I hope, will use all means to condemn her before my Return, I being the Person that must stand to all Damages that shall accrue during her being detain'd, and not condemn'd; tho I see no reason why she should not, considering the Usage that the Gentlemen of *Jamaica* have receiv'd from the *Spaniards* since the late Peace. I have likewise sent in her a Man that was taken in her, who will take Oath, that the Governour of *Portobello* told him he could not condemn her, nor did not. I have taken out of her about forty nine thousand Pieces of Eight, twenty six Bags of Cochineal, eleven Cafes of Indigo, and several Pieces of Silk;
all

all which your Lordship shall have a more particular Account of at Meeting. I am

To his Excellency Lord
Archibald Hamilton,
Captain-General and
Governour of his Ma-
jesty's Island Jamaica.

Your Lordship's

Most Obedient,

Most Humble Servant,

Francis Fernando.

N^o VIII.

*Copy of a Letter wrote by Lord Hamilton's
Directions, by Mr. Cockburn, to Cap-
tain Fernando, which being likewise en-
ter'd, is as follows:*

Capt. Fernando,

Jamaica, 28 Feb. 17¹/₂.

AS soon as the *Kensington-Sloop* arriv'd, Measures were taken for libelling against her in the Court of Admiralty, in order that the right Owners might have restor'd to them again, and it is not doubted but that she will be condemn'd: however, I am directed to advise you to use your utmost Care and Diligence, that no Imbezelmments be made of any part of the Cargo taken out of her into your Sloop, or any Dividend made by your Men, that legal Proceedings may be had here thereupon; the contrary of which may prove not only your own utter Ruin, but that of your Family. Your honest Intentions are not question'd, but the Risk run by the Dangers of the Sea and other ways are great: so that it is expected you will

will use all possible Care and Vigilance in preventing any Inconveniences that may happen. I wish you a good Voyage and safe Return, and am

Your Friend,

Will. Cockburn.

N^o IX.

Receiv'd, 31st of *May*, 1716. of Mr. *Bendish*, by Direction of his Excellency the Lord *Archibald Hamilton*, five Bags of Silver, weighing as follows:

	<i>l.</i>	(Pound.
N ^o 1. 1 Bag weigh'd	120	Troy Wt. 12 Oz. to the
2. 1 ditto	100	ditto.
3. 1 ditto	100	ditto.
4. 1 ditto	79:1	oz. ditto.
5. 1 ditto	69:4	$\frac{1}{2}$ with a Sow of Silver.

468 5 $\frac{1}{2}$

In all four hundred sixty eight Pounds five Ounces and a half, besides the Bags, which weigh'd eight Pounds five Ounces; which Silver and Bags, by the Still-yards, weigh'd four hundred and sixteen Pounds Gross. I say receiv'd,

This is a true Copy,

T. Bendish.

Will. Cockburn.

N^o

Jamaica H.

N^o X.

The Deposition of Thomas Bendish, of the Parish of Kingston, Esq; aged forty Years, or thereabouts; who being duly sworn, deposeth and saith as follows.

THAT after *Francis Fernando* had taken his Prize, and sent her into Harbour, this Deponent was spoke to by Lord *Hamilton*, Mr. *John Warner*, Mr. *William Leaver*, and Mr. *Edwin Sandys*, the principal Owners of the Sloop *Bennet*, whereof the said *Francis Fernando* was Commander, to prosecute a legal Condemnation of the Sloop *Kensington*, otherwise call'd *Newstra Senora de Bellen*. Upon which this Deponent fee'd several Counsel; to wit, Mr. *Bowes*, Mr. *Lynch*, Mr. *Arsedeckne*, Mr. *Melling*, Mr. *Robert Goodwyn*, and Mr. *Henry Coleman*; and that he likewise fee'd Colonel *Broderick*, upon some certain Conditions, as appears by a Letter under this Deponent's hand on Thursday last, laid before this Board, dated the 23d of *February*, 1715. And the said Deponent saith, that his Counsel attended several Courts in order to the Condemnation of the said Sloop *Kensington*; and at last the Judg of the Admiralty pass'd a definitive Sentence, there being no Appeal, nor any Claim enter'd that he has heard of. That Mr. *Rolfe*, Proctor for the *Spaniards*, declar'd at the time of pronouncing the Sentence, that he had no Objection to make, nor had any thing to say, why Sentence should not pass, or words to that effect; and that Sentence pass'd accordingly. After which, this Deponent brought

brought up an attested Copy of the Condemnation of the said Sloop to Lord *Archibald Hamilton*, of which he seemed to approve; and to the best of this Deponent's remembrance, Colonel *Broderick* was present at the time he deliver'd it to his Lordship. And this Deponent also brought a Letter from some of the Owners to his Lordship, he being the chief Owner, intimating their Desire the Goods might be put into the possession of this Deponent and Mr. *Daws*, to be sold at publick Outcry, being perishable Goods. Whereupon his Lordship consulted Mr. *Broderick*, what Order was proper to give for the Delivery of those Goods; and thereupon Mr. *Broderick* desir'd, that the Question might be stated in Writing, that the Opinion he gave thereon might be under his hand: And thereupon Mr. *Broderick* assisted this Deponent, by dictating to him part of the words of the State of the Question; upon which he the said Mr. *Broderick* was to make a Report. And Colonel *Broderick* delivering his Opinion under his hand in Writing, his Lordship gave this Deponent an Order on Mr. *Hayman* and Mr. *Beswick*, to deliver the Goods to such Persons as should be authoriz'd by the Court of Admiralty to receive the same; to which Order, for greater Certainty, this Deponent refers himself. And this Deponent being ask'd, whether the Goods were put into *Hayman* and *Beswick*'s hands, by his Lordship's Order, as Governor or Owner, answer'd, as Governor; to which Order this Deponent refers himself: and by virtue of which Order, this Deponent took the Goods into his possession. And *Anthony Reese*, the Register of the Admiralty, took an account of the Sale of them at publick Outcry, with the Names of the Persons to whom sold, and at

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what

what Prices. And this Deponent chose to make use of the said *Anthony Reese*, that he might be an Evidence afterwards, if there was occasion. Some time after which, *Francis Fernando* arriv'd at this Island, and this Deponent acquainting Mr. *Cockburn*, his Lordship's Secretary, therewith, the said Mr. *Cockburn* immediately, his Lordship being then, to the best of this Deponent's remembrance, at the Windward Bath, gave this Deponent an Order to the said *Fernando*, to deliver one third part of the Mony, and the other Effects belonging to the Owners of the Sloop *Bennet*, that were then on board, to this Deponent. And the said *Fernando*, according to such Order, deliver'd from on board the Sloop *Bennet*, then lying at another Bay at the North-side of this Island, to *John Warner* and *William Leaver*, about four hundred and forty, or four hundred and sixty Pounds weight of Silver, and believes there was more Mony deliver'd to them at the same time ; but how much, this Deponent cannot set forth. Some time after which, this Deponent deliver'd to Mr. *Cockburn*, for the use of Lord *Hamilton*, four hundred and sixty eight Pounds Troy-Weight of Silver, to the best of this Deponent's remembrance, as appears by Mr. *Cockburn's* Receipt : And that afterwards, as this Deponent has been inform'd, *Fernando* landed several Sherroons of Cochineal, and Chests of Indigo, part or all of which was seiz'd by Mr. *Norris*, as this Deponent hath been also inform'd. And this Deponent saith, that there were several other Sherroons of Cochineal, and Chests of Indigo, besides Mony, on board the said Sloop *Bennet*, Captain *Fernando* Commander, but what Quantity this Deponent knows not : all or part of which, as this Deponent has been inform'd,

Fernando

Fernando went away with, or sent on shore, and has not since return'd. And the said Deponent being further examin'd, saith, That Mr. *Cockburn*, Secretary to Lord *Hamilton*, wrote to him twice or thrice, that his Lordship desir'd to speak with him; and thereupon this Deponent coming to his Lordship, and one time particularly his Lordship and this Deponent considering what was to be done with *Fernando* and his Sloop, at first his Lordship was of Opinion she might safely come in, because there had a lawful Condemnation pass'd upon the said Sloop *Kensington*, which the said *Fernando* so took from the *Spaniards*; but Mr. *Cockburn* giving several Reasons, his Lordship alter'd his Opinion. And when this Deponent departed from his Lordship, it was with Orders to direct *Fernando* not to come in. At the same time this Deponent, to the best of his remembrance, told his Lordship, that *Fernando* had a great desire to speak with him; his Lordship was very unwilling at first, but at last gave this Deponent leave to bring him in three or four days, according to this Deponent's Convenience, but in the Evening about nine at night, and he should be let in at the Gate on the North-side of the Garden; but before the said Deponent had an Opportunity to bring the said *Fernando*, he receiv'd a Letter from Mr. *Cockburn*, in which he desir'd this Deponent to let alone the Visit agreed upon, by which this Deponent believes he meant *Fernando's*: But this Deponent verily believes, his Lordship never saw *Fernando* after his taking the Sloop *Kensington*. And Mr. *Bernard* asking this Deponent, if he remembered any of the Reasons mention'd above; this Deponent declar'd, that one Reason offer'd by Mr. *Cockburn*, was, that his Lordship would be

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oblig'd

oblig'd to order criminal Prosecutions against him, meaning the said *Fernando*. And Mr. *Beckford* asking this Deponent, If at one of the Meetings his Lordship did not agree, that *Fernando* should be order'd not to come into the Harbour; the said Deponent saith, his Lordship did agree he should be order'd not to come into Harbour: and at parting, Mr. *Cockburn* said these words to this Deponent, Whatever you do, do not suffer him to come in. And Mr. Attorney General asking this Deponent, if he believ'd his Lordship heard the words last mention'd spoken by Mr. *Cockburn*; this Deponent answer'd, He could not swear his Lordship heard them: but this Deponent believ'd, had he sat in the Place where his Lordship did, he should have heard them. And further the said Deponent saith not.

*Sworn before his Excellency
in Council, this 14th Day
of August, 1716.*

T. Bendish.

Tha. Croose, Cl. Concil.

Nº

Jamaica ff.

N^o XI.

Some further Depositions of Thomas Bendish Esq; relating to Fernando; taken before his Excellency Peter Heywood, Esq; in Council, the 10th of September 1716.

THIS Deponent saith, that some short time before the Arrival of *Fernando*, this Deponent discoursing with my Lord *Hamilton* about where it was proper for the said *Fernando* to land the Money and Effects he had on board, which he took out of the *Kensington*; my Lord did agree that this Deponent, in conjunction with the rest of the Owners, should give Directions as we thought fit. This Deponent further saith, that some time in the beginning of the Month of *June* last, this Deponent told my Lord that *Fernando* was very desirous to come into the Harbour of *Port-Royal*; and desired me, this Deponent, to get my Lord's order or leave for him to come in. This Deponent did acquaint my Lord *Hamilton* accordingly, and my Lord made use of this Expression, viz. That he should be worried to death by these *Spaniards*; bid him have a little Patience, and I will give them their Dispatches as soon as possible I can. This Deponent further saith, that the Money and Silver landed at *North-side*, out of *Fernando*, weighed by a Pair of Stilliards nine hundred fifty four Pounds, Bags and all; and not a Pound more or less, to the best of this Deponent's knowledge and belief: out of which was deliver'd to my Lord *Hamilton*, between
four

four and five hundred weight, as appears by my Lord's Acknowledgment. This Deponent further saith, that he doth not know of, nor cannot swear to any more Mony or Plate landed out of *Fernando*, either at *North-side*, or at *South-side*.

This Deponent further saith, that the whole nine hundred and odd Pounds of Silver above, was put into the Custody of *John Warner* of *Kingston*; but how he disposed thereof, this Deponent cannot swear: but this Deponent doth believe, that the several Owners of *Fernando* therein concerned, had their Proportion thereof, as well as my Lord *Hamilton*. To confirm the Truth of the former part of this last Deposition, Mr. *Cockburn* knows he waited four or five Hours in *Kingston*, till I could meet with Mr. *Warner* to get my Lord's Share out of his Custody. And further this Deponent saith, that whereas some Persons have been so malicious as to report, that this Deponent did receive a greater Sum of Mony than is mentioned in these Depositions, this Deponent begs leave to refer himself to the Oath of Mr. *William Leaver*, Merchant in *Kingston*, and to the Receipts given to *Fernando* for the Truth of this Deposition. And further this Deponent saith not.

Sworn before his Excellency in Council.

T. Bendish.

Thomas Croose Cl. Concil.

Part

*Part of Lord Archibald Hamilton's
Examination, &c.*

THE Lord *Archibald Hamilton*, upon his Examination before the Governour and Council, held the 8th day of *September*, 1716. being asked how often Captain *Jennings*, after his having taken the Mony from on Shore, had waited on his Lordship; and how long the *Bersheba*, Capt. *Jennings* Commander, had staid in the Harbour of *Port-Royal*, after his first coming in, before she went out a second time; and whether, when she did go out, she had a Let-pass:

To the first part of the Question, his Lordship answer'd, That he did not remember he had seen Captain *Jennings* above twice after his return from his first Voyage. That as to that part of the Question that required his Lordship to give an account how long *Jennings* staid in *Port-Royal* Harbour after his first coming in, he said he could not charge his Memory therewith.

That as to the third and last part of the Question, he answer'd, that he knew not of *Jennings's* having any fresh Let-pass after his return from the Wrecks: That his Lordship did give Directions that a List of the commissioned Vessels should be lodged in the Secretary's Office, with Instructions not to clear any of those Vessels, till such time as their Commissions were delivered to himself; and that he did not know of any commission'd Vessels that had fresh Let-passes, since that Order, whose Commissions remain'd undelivered.

And

And being asked what * Date that Order to the Secretary bore, answer'd he could not charge his Memory as to that point,

*At a Council held at St. Jago de la Vega, the
Eleventh Day of October, 1716.*

IT appearing on the Records in the Secretary's Office, that Capt. Jennings, Commander of the Sloop Bersheba, had a Let-pais for that Sloop, on her second Voyage to the Wrecks, and Thomas Bendish was his Security; whereupon the Secretary was order'd to draw his Deposition relating thereto, in form, by to-morrow morning, which he did accordingly. It was sworn before his Excellency in Council, Oct. 12. 1716.

* It was some time after Mr. Page the Secretary, had left the Island.



F I N I S

