James Chestor

Under the Penalty of five Pounds for each Neglect But of the making or Passing of which Act those Appearants have not received any Positive or Authenticated Information And those Appearants Did further Alledge and Say that they have heard and believe it to be true That the Province of Maryland is a Proprietary Vested in the Right Honourable Frederick Baron Baltimore having been by his late Majesty King Charles the first ~~" " " " " " " " " "~~ Granted by Letters Patent under the Great Seal of Great Britain to some of his Lordships Ancestors And that they Appere Hond by the Custom of the Province every Act of Assembly from and immediately after the Passing thereof should and of right ought to be Transmitted by the Governor for the time being of the said Province to the said Proprietor for his Assent or Dissent thereto as in the Case of the Money Bill passed in the same Sessions of the said Assembly And they have also been Informed and believe it to be true That the Governor of the Province of Maryland hath not as yet sent or Transmitted any such Act of Assembly to England to the said Frederick Baron Baltimore for his Assent Yet they are also Informed and Advised that if any such Act hath passed the same will take Effect and be in full force from the Month of October in the said Act mentioned for want of the said Proprietors Pleasure being known thereon and untill the same shall be Confirmed by him Though those Appearants also Say that they have been Informed and verily Believe if the said Governor had Transmitted the said Act of the Assembly to his Lordship the same would have met with his Disapprobation and Dissent as being very Prejudicial and Injurious to all Persons who now have or who may have after Contract for Transporting Convicts to the said Province and contrary to the said Act of Parliament of the fourth of his said late Majesty King George the first and all other Laws made in Great Britain " " "

With respect to the Transportation of Convicts Sent those Appearants say that in order to Comply as much as Possible with the said Act of Assembly of the said Province till the particulars thereof and the Pleasure of the said Frederick Baron Baltimore should Lawfully known those Appearants have lately as they have frequently before done on behalf of themselves and their said Partner Applied to most of the Persons with whom they those Appearants and their said Partner are now under Contract for Transporting of Convicts for such Transcripts and Proceedings as are by the said Act of Assembly Directed in order to forward the same with such Convicts but that they have not been able to procure the same having received as an answer to such " Applications from some of such Persons That neither they those Appearants or any other Contractor for Transporting Convicts have or hath any Right to Apply for such Transcript and proceedings and that they would not be Granted and from others that in the Acts of Parliament of Great Britain are prescribed the proper Methods to be pursued by Contractors And that any Act of Assembly of the Colonies or Provinces in America to the Effect of the before Stated Act cannot as being Contradictory to the above Stated Act of Parliament of the fourth Year of his said Majesty King George the first Affect such Contractors And particularly that upon Application by Letter made by them upon the Sixth Day of the Month of March last to Mr. Thomas Kow of the Town of Warwick the Person with whom they Contract for all Felons ordered for Transportation from that County they received by Letter dated the Twenty Sixth of the: March the following Answer (to wit) "Gent.: yours Rec.d dated the Sixth of this Month the contents of which "I Acquainted our Clerk of Assize with who Informed me the Paragraph "you want to have Inserted in the Conviction will not be Complyed "with He tells me all the Clerks of Assize have had a Meeting upon the "Occasion and have Consulted the Judges upon it and their Opinion is "by no means to Submitt to it" And also upon the Application by Letter to Mr. John Davill of Monmouth the Person with whom they also Contract for all Felons ordered for Transportation from that County they received by Letter dated the first of this present Month of April the following Answer "Gent.: as I wrote before I cant have a full Transcript or Record of any "Felons Tryal under three or four Pounds Expence I can Certify that