

Munday October 15th 1694.

Original
Journal.

Councill Sate and were all present

Read the House of Burgesses Answer to the Petition of George Mason & William Burley prison^{rs} under the sentence of death, which said peticoⁿ & Answer Run in these following Words Viz^t

To his Ex^{ncie} the Gover^r & hon^{ble} Assembly of Maryland now sitting the 27th of 7^{br} 1694:

The Humble Peticoⁿ of the Distressed Prison^{rs} George Mason & Will^m Burley
Sheweth

That your Pet^{rs} for these many yeares last past have been confined tho more willing to dye than live to put the Countrey to so vast a Charge as our Eternall Imprisonm^t will create.

Wherefore humbly pray wee may be brought before this hon^{ble} house beseeching y^r Ex^{ncie} and this Great Assembly to Enquire into the Comission by which wee were tryed whether there were any or noe, or whither it was of Oyer & Terminer under that Seale, And as the Law directs & noe otherwise, & whether our present Circumstances may not admitt us to Bayle upon such Security as this hon^{ble} house shall think fit & we will Ever Pray &^{ca}

By the Assembly Octob^r 10th 1694.

p. 62

According to the pet^{rs} desire this house have Enquired into the Legality of the Comission by w^{ch} they were tryed, And say that upon the Death of M^r John Payne his Brother Doctor Payne of London peticoⁿed their Maj^{ties} that Justice might be done upon the persons accused of his Broth^{rs} Murther w^{ch} was the pet^{rs} & one Woodcock, that upon the same their Ma^{ts} sent their Lett^{rs} Mandatory, to the then present Governm^t of this province, the Convention lawfully appointed & Authorized by their Ma^{ts} who upon Receipt thereof Did Constitute Certaine Justices by a Legall Comission from their Maj^{ties} to be a prov^{ll} Court & to haue Cognizance of all pleas of the Crowne & civill Matters wth in this Province & that the said Justices soe Constituted & after verdict of twelve good & Legall men that the pet^{rs} wth the said Woodcock was Guilty, according to Law passed Sentence of Death upon them But after Tryall the s^d Woodcock Confessing the fact was done by him onely, & that the other two had noe other hand in it then being present on board the yat, when the said Payne was killed:

The said Convention reprevied the said prisoners and left them to their Ma^{ts} pleasure for a pardon, whoe soe Remained