

Calvert
Papers
No. 486
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A Copy of this Charter is in M.^r Pratt's hands with the rest of Lord Baltimore's Papers.

The Legislature of this Province consists of 3. Estates Viz.^t The Governor, And Upper House of Assembly, & a Lower House of Assembly To which may be added a 4.th Estate in the Person of the Lord Prop.^{ry} to whom all the Laws are from time to time transmitted after they have reced the Gov.^{rs} Assent for his Lordship to approve or disapprove as he shall think fit & his Lordships at Liberty if he thinks fit to Signify his Dissent to any Law or Right which has been frequently Exercised & the Proposed Law thereupon Laid aside

The Affairs of this Province are at present during the minority of the Lord Prop.^{ry} transacted under the care & direction of the Speaker & M.^r Sharpe his Lordships Guardians to whom several Acts of Assembly lately passed in the Province have been transmitted for the Lord Prop.^{rys} Assent or Dissent & amongst others the 3. Acts of Assembly herewith left under the following Titles Viz.^t

- 1.st " An Act to make the Testimony of Convicted Persons
" Legal ag.^t Convicted Persons."
- 2.^d " An Act for the more Effectual Punishm.^t of Negroes
" & other Slaves & for taking away the benefit of Clergy
" from certain Offenders; And a Supplementary Act to
" an Act Entitled "An Act to prevent the tumultuous
" Meeting & other Irregularitys of Negroes & other Slaves
" & directing the manner of Trying Slaves."
- 3.^d "An Act to aid the Title of Purchasers of Lots in
" Princess Anne Town in Somerset County."

As some doubts have arisen upon the Perusal of these 3. Acts with respect to the Propriety or Legality of some of the Provisions contained in each Act The Guard.^{ns} are desirous of your thoughts upon them Whether the s.^d Acts or any & which of them are proper to receive the Lord Prop.^{rys} Assent or Dissent & for what Reasons.

1.st Act With respect to the 1.st Act The Doubt extends to the whole Provision of the Bill which is fully described & Explained in the Title Viz.^t " The making the Testimony of Convicted Persons Legal ag.^t Convicted Persons."

The Charter requires the Laws of this Country not to Contravene but to preserve as near a Conformity as may be to the Laws & Customs of England.

Now by the Laws & Customs of England It is apprehended That no Convict/who whilst his Sentence remains in force is Considered as Dead in Law & the Commutation of that Sentence for transportation is only a Conditional Pardon not compleat till the Cond.ⁿ be performed/can be reced to give his Testimony in any matter Civil or Criminal