

The Governour acquainted the Board with the occasion of their Being Called, in these Words, vizt. :

The Justice of this Governmt. having been in some measure Retriev'd & vindicated by the Late Court of Oyer, & solemn Tryal at Chester, where two Criminals Convicted of murder, do Lie under Sentence of Death, to be Executed the ninth Instant.

And since by the Royal Charter the proprietor or his Lievtenant here may Grant Repreives in Cases of murder until his Majesties pleasure is known; I Desire to know what you'l advise me to Do on this occasion.

I for my part Gentlemen, am fully satisfied from the Judicial proceedings at the sd. Court, where I was myself present, that these persons not only had a most favourable & fair Tryal, according to the Course of the Common Law of England & acts of Assembly, which are in force here, & not Inconsistent with the sd. Common Law; but also do in my Conscience think that the Proofs were so Pregnant, & the Crime so Black, as most Justly did Infer the Punishment of Death to be Inflicted on the Guilty persons.

Wherefore, unless some good Reasons are offered at this Board, for Repreiving either one or Both of the sd. condemned persons, I cannot otherwise be Induced to Withstand or Delay the Execueon of that sentence, which the Law has pronounced.

There was at the same time Presented to the Board a Peticon to the Govr. from the Criminals accompanied with an appeal to the King, both in these words, vizt. :

The honble William Keith, Esqr., Lievt. Governr. of the Province of Pensilvania.

The Humble Peticon of Hugh Pugh, Milwright, & Lazarus Thomas, Labourer.
Sheweth :

That whereas your Peticoners now Lie under Sentence of Death, for the murder of one Jonathan Hayes, (altho' God is their witness they never had the Least design or Intention of Killing,) and the day of their Execueon, they are Inform'd, being appointed to be on fryday next; now forasmuch as your peticoners humbly conceived they have not been tryed according to Law, most of their Tryors, &c. being persons on their affirmacons, your peticoners, for this & other weighty reasons they have to offer, do with all submission Insist upon an appeal to the King, as their undoubted Right not only by the Constitucon of Great Brittain, but also of this province, and Do hereby appeal to his Majesty accordingly, Humbly beseeching your Honr. to cause the Execueon of the sd. sentence to be stay'd by Granting them a Reprieve, until his Majestys Pleasure be known therein.

And your petitioners as in duty Bound shall ever Pray, &c.

HUGH PUGH,
LAZARUS THOMAS.

To his most Excellent Majesty George, by the Grace of God, of Great Britain, France and Ireland, Defender of the faith & King.

The Peticon of Hugh Pugh, of Chester, in the province of pensilvania, Milwright, & Lazarus Thomas, of the same place, Labourer.
Humbly Sheweth :

That Whereas his Late Majesty King Charles the Second, by his Letters Patents, bearing date at Westminster, the fourth of March, in the twenty third year of his reign, did Grant unto William penn, Esqr., the Proprietorship & Government of the province of pensilvania; did Impower the sd. William penn, by Judges by him Delegated to award Process, hold pleas, & Determine in all the Courts & Tribunals of the sd. Province, all acccons., suits & Causes whatsoever, as well Criminal as Civil, but at the same time did save & reserve to himself, his heirs & Successors, the Receiving, having & Determining the appeal & appeals of all or any Person or persons of or belonging to the sd. province, as touching any Judgment to be there made or given; Your peticoners therefore Lying under Sentence of Death within the sd. province, as appears by the Record hereunto annexed, do appeal unto your most Excellent Majesty & for reasons of their their appeal shew unto your Majesty the reasons following :

1st. Because Seventeen of the Grand Inquest who found the Bill of Indictment Exhibited agt. them, & Eight of the petty Jury who found them Guilty, were Quakers, or Reputed Quakers, & were Qualified no otherwise than by an affirmacon or Declaration contrary to a statute made in the first year of your Maties Reign.

2ndly. Because the Act of Assembly of this Province by which Judges, Jury & Witnesses were pretended to be Qualified, was made & past the Twenty-Eighth Day of May, In the first year of your Majestie's Reign, which was after the sd. murder was supposed to be Committed; and after another act of Assembly of the same nature was Repealed by her Late Majesty, Queen Anne.

3dly. Because the sd. act of Assembly is not Consonant to Reason, but Repugnant & Contrary to the Laws, Statutes & Rights of your Majestie's Kingdom.

For these & other manifest Errors in the Record aforesaid, your Peticoners most humbly appeal to your most Sacred Majesty from the sd. Judgment, not Doubting but when the Record & Process thereupon have been Inspected, your Majesty will Cause to be done what of Right, & according to the Law & Customs of your Majestie's Kingdom of Great Britain, ought to be Done.

Hereupon one member delivered his Opinion to this Effect, That he did not Pretend to mollify or Lessen the notorious Crime of murder Committed by these Criminals, whom he thought in his Conscience justly deserved to Die, & in behalf of whom he had therefore nothing to move; but nevertheless he judged it would be Prudent to Grant these Condemned persons a Reprieve at this time, & that it was solely & purely his Great Regard to the Security of the Government here, which Induced him to be of this Opinion, to which one other member only adhered.

It was answered by the Governour, the Chief Justice, & all the other members present Vizt: That it was notorious how these very persons now under sentence of Death, had for several years appeared

at the head of a Lawless Gang of Loose fellows, Common Disturbers of the public peace.

That the horrid Crime for which they were now Condemned, had been Committed above three years agoe, And that through the indulgence of a former administration, which unhappily neglected to bring the Criminals sooner to Justice, they were so hardened & became so audacious as still to continue in their publick Rioting, Caballing & fighting, to the insupportable burthen, evill Example & manifest Prejudice of the whole people of this Province, & that even they spared not Impudently to Boast that they well knew it was not in the power of the Government to try any Capital Crime according to the Common & Statute Laws of England, which they would claim as their right. That nevertheless they had had a most favorable & fair Tryal, wherein the greatest Care Imaginable was taken to have the proceedings Exactly Conformable to the Laws of England, & those of this Province being perfectly consistent with each other.

That the Crown had granted unto the proprietor & his Lieutenants here, as full power of Governmt. has had been given any where else in America; and that if we neglected to make use of them in a Case of such Importance to the Quiet & future safety of all the Inhabitants of the Province, as this plainly appeared to be from the full Evidence of above twenty Witnesses, We wou'd not only thereby Expose ourselves in the opinion of all good men who duly considered the duty of those Intrusted with such Powers of Government, but also justly become Obnoxious to the Censure & blame of our Superiours; That even the petitions offered by the prisoners contain a full acknowledgement on their parts of the fact, for which they stand Condemned, and that though a right of appeal, when well founded, & offered according to the necessary form & Direction of the Law, doth lie in all the Governments of America immediately under the Crown, as well as in this Province; yet it was never known, & indeed would be absurd to suppose that a Condemned person could, without any Regard to fact or Circumstances, make use of that Right how & when he pleased, in order to Extort a Reprieve from the Execucon of that sentence which the Law had justly pronounced agst. him.

These Peticons therefore being both out of time & most Improperly offered in this Place, The Governour is Clearly of Opinion with the Chief Justice & other members, (saving to such of the Board as are of a different sentiment, the Priviledge of Extending their Opinion & the Reason of it upon the minutes of Council.) That the Constitucon of this Province, as it is Established by Law, must be maintained & supported, & that it is by no means Expedient or prudent in this Case for the Governr. to Interpose, or any way Interrupt the Execucon of that sentence, which the Law has so solemnly Pronounced agst. the Criminals.

At a Council held at Philada., y^e 27th May.

PRESENT:

The Honble WILLIAM KEITH, Esqr., Lievt. Govr.
James Logan,
Robert Assheton,
John French.

William Trent,
Samuel Preston,
Isaac Norris,

An act for the advancement of Justice & more Certain administration thereof; An act Impowering the Justices to settle the Prices of Liquors in Publick houses, & Provender for Horses in Stables; An act for Continuing the ferry from Bristol, in the County of Bucks, to Burlington, in the Western Division of the province of New Jersey; An act for Establishing a ferry over Delaware at the falls, as also an address from the Governr. & Assembly to the King, were Read at the Board, & a Committee of the Council were appointed to make such amendments to the sd. Bills & address as they thought proper, & Lay them before the Board at their next sitting.

Conestogoe, setting forth the Inhabitants of & near Road to T. } A Peticon of several of the Inhabitants of & near
Moore & Bran- } Road to be laid out from Conestogoe to Thomas
dywine. } Moores & Brandywine, was Read, & the Board
having taken the sd. peticon into Consideracon, appointed Isaac Taylor, John Taylor, John Cartledge, Ezekeil Harland, Thomas Moore, Joseph Cloud & William Marsh, to Lay out the sd. Road, & make Report thereof at this Board, in order to be Confirm'd.

At a Council held at Philada., the 29th May, 1718.

PRESENT:

The Honble WILLIAM KEITH, Esqr., Lievt. Govr.
James Logan,
Robt. Assheton.

The Comittee appointed by the Last Council to make amendments to several Laws then Read, Report that they had made several amendments and laid them before the Board, which amendments were read & Considered, and James Logan & Robert Assheton were ordered to carry the bills, with their amendments, to the House, & then the Council adjourned.

At a Council at Philada., the 30th May, 1718.

PRESENT.

The Honble WILLIAM KEITH, Esqr., Lievt. Govr.
James Logan,
Robert Assheton.

An act for supplying Defects in the Law for the Relief of the Poor, was read at the Board, & several amendments made, which were Ordered to be Carried to the House by the Secretary, and then the