

Lib. C. B. after some Consultation they offered that I might send any Witnesses to the Grand Jury to Prove the Fact to be Committed in Maryland, I told them that I was obliged to them for their offer, but that I could not accept of it or Refer the Lord Proprietors Right of Jurisdiction to a Jury of Pensilvania and under the influence of their Government, that I was confined by my Instructions to insist that the Prisoner be delivered over to us, and was prepared to give the Court any reasonable Satisfaction to Satisfie them of the Justice and Equity of Our demand. This they alledged was a matter of fact Properly enquirable by a Jury and therefore they Refused to hear it, and Said they would not deliver over the Prisoner

Whereupon I told them, my Commission was ended. The Attorney General desired my assistance in the Prosecution, I told him that as I had denied their Right of Jurisdiction he must excuse my doing any Act which would Shew the least Submission to it, and I conceived that my appearing on the Tryal would in Some measure do So, & therefore waived it

After this I did not think it Proper to be present at the Trial least Some Sinister constructions might be made of my behaviour there

I told them that the Government of Maryland was not in
p. 519 the least concerned for the life or death of Kitzmiller, that was a matter of Great indifference to them, but that they could not Stand indifferent Spectators when his Lordships Right of Jurisdiction was so openly & Violently Attacked

Upon the whole I flatter myself that I have Acted Agreeable to my instructions & your Sentiments

I am Sir

Your Most Obedient humble Servant

To the Honourable Benjamin Tasker Esq^r H Darnall
President of Maryland

12 Nov^r 1752

A Petition from Henry Darnall Esq^r Attorney General of the Province of Maryland Presented to the Honourable the Justices of Oyer & Terminer & Jail delivery now Sitting at York Town in the County of York in the Province of Pensilvania Sheweth that

The Attorney General of Maryland has Orders from the Honble the President and Council of that Province, to declare to this Honourable Court, that the Government of Maryland well hoped that the laudable endeavours of their Government to Preserve Peace and Good Order amongst all his Majestys Subjects Settled on the Borders of the two Provinces, would have answered effectually the desirable purposes of his Majestys most Gracious Order in Council dated at Kensington