

U. H. J.

By the House of Delegates
May the 10th 1715

May It please your Excellency and Honours

This House taking notice of a Complaint of some of the Militia Officers of Charles County Referred to the House of Delegates by the honorable Council on the 6th of May 1712 against M^r Philemon Hemsley and Mary his wife lately called Mary Contee about Embezling some of the Arms and Ammunition of this Province delivered out of the publick Store at Annapolis in the year 1706 to Col John Contee dec^d thought fit to call the said Philemon and Mary before the Bar of this House to answer the same on Examination of whom It fully appears that the said Philemon & Mary his wife as she is Executrix of Col John Contee are still accountable to the publick for one Barrel of good Gunpowder con. 100^{lb} weight one Barrel of muskett shot 3 pair of Pistols, one Cutlace with Belt, two Drums, & two muskets they having produced no Receipt of the same being delivered by the said Col Contee in his Life time or themselves since to any Person qualified to discharge them and therefore pray your Excellency & Honours will order such effectual Care may be taken that the said Philemon and Mary his Wife may be Obliged to make Satisfaction for the said Deficiency that Embezlements of the Magazine may be discouraged for the future

Signed p order Tho^s Macnemara Cl Ho Del.

P. 54 Which being read and likewise the Petition of M^r Philemon Hemsley praying to be heard thereto

Resolved the said M^r Hemsley be admitted before this Board to offer what he has to say in his defence upon the said Representation

Who appeared and alledged that as to the powder Col Contee's Executrix had delivered 86^{lb} to the order of Col James Smallwood since her Husband's Death, and that there had been two General musters in which the rest of the powder that Col Contee had was Expended except what was fired away at his Burial, That as to the Drums they were in the county one of the Musketts were broke, and one other broke by two drunken Soldiers of the Militia And also one Cutlace so broken by a Drunkard. But as to the Pistols he having no proper discharge is willing to answer for them

Which not being wholly Satisfactory, Ordered That M^r Hemsley State & give this Board a fair account of the Arms and Ammunition Col Contee had delivered him And that he lay the said Account before this Board to morrow morning by nine of the Clock