

“ Lord Proprietary, by himself, or his Deputy, ought to be present, and have a casting Voice: And that, as Governor, he had not any Power to confirm Laws, made by the Burgeses, for any longer Time, than until his Lordship, or his Heirs, should declare their Dissent. But he did believe, the Intent of the King in his Lordship's Patent, was, that the Freemen by Writ assembled, either by themselves, or their Deputies, should make and enact Laws, and those Laws, so made, were to be published in his Lordship's Name, and then to be in full Force. Provided they be agreeable to Reason, and in no case repugnant to the Laws of England.” In which he was joined by Mr. Gerrard and Col. Utye, his Confederates in the Council. In the Afternoon of the same Day, came the Speaker and Lower House, and intimated, that they could not allow this House to be an Upper House; but that if the Governor and Council pleased, they might come and take Place, in Behalf of his Lordship and themselves, as a Part of this Assembly, sitting by themselves. But being informed, that in such Case, the Speaker must leave his Place to the Governor, who then would be President of the Assembly, the Speaker, with the House, took Time to consider.

On the 14th, the Lower House demanded a further Conference, and being met, the Speaker declared, that they were content the Governor should sit as President, but they would continue their Speaker still in the House also, and reserve to themselves the Power of Adjourning and Dissolving the Assembly. And upon Debate, the Governor being willing to sit with them upon these Terms, *viz.* to leave the Power of Dissolving the House to the Speaker of the Lower House, and to reserve to himself, as representing his Lordship, a double or casting Voice, as he expressed it. And accordingly (the Rest of the Upper House refusing) Mr. Fendall, with his two Associates, Gerrard and Utye, took their Places in the Lower House.

The Upper House being thus dissolved, Mr. Fendall surrendered the remaining Powers of Government, intrusted to him by his Lordship's Commission, into the Hands of the Delegates, and in order to abolish his Lordship's Dominion over the Province, accepting and acting as Governor under a Commission from them (Messrs. Gerrard and Utye, together with the Speaker, Mr. Slye, being appointed his Council) he gave his Assent to several Laws, particularly one entitled, *An Act for repealing all former Acts*; and another entitled, *An Act providing against any Disturbance in the present Government*; whereby they made it Felony, for any Person to disturb the Government, so as they had thought fit to establish it: And among other Acts of supreme Power, such as Granting Commissions Civil and Military, Mustering and Training of Forces, &c. did, with the Concurrence of his before mentioned Councillors, on the 15th September following, publish a Declaration, “ Commanding all Persons, to own no Authority, but what came immediately from his Majesty, or the Grand Assembly of this Province,” *Thereby colourably sheltering* (as the Grand Jury expressed it) *their Rebellion, under a Pretence of his Sacred Majesty's Name, to the great Derogation from the just Power of his Lordship, and the Subversion of the Government of this Province, and contrary to the Peace of his said Lordship, his Rule and Dominion.*

The Honourable Philip Calvert, Esq; being appointed Governor, by his Lordship's Commission, bearing Date the 24th June 1660, and sworn in at the Provincial Court, held at Patuxent, the 11th December 1660, Capt. Fendall, and Mr. Gerrard, surrendered themselves, and being indicted by the Grand Jury, at the Provincial Court, on the 22d February, were tried, and found Guilty, receiving Sentence of Banishment, and Confiscation of their Estates, real and personal. But upon their humble Petition to the Governor and Council, the said Sentence was mitigated, and they received his Lordship's Pardon, on paying each a moderate Fine, and being made incapable of bearing any Office within this Province, or having Voice in electing, or of being elected Burgeses, in any future Assembly, and giving sufficient Security for their good Behaviour towards his Lordship, and his Government. Their respective Pardons, under the Great Seal, are dated the 28th February 1660. The Rest of their Accomplices, most of which had been, with much Art, drawn into a Participation of their Guilt, upon their timely Submission and Application to his Lordship's Governor and Council, received a full and free Pardon, without Trial or Prosecution.

Together with his Lordship's Commission for the Government, was sent in his Majesty's Letter, bearing Date the 3d July, in the 12th Year of his Reign, *Commanding all Magistrates and Officers, and all other his Subjects, in these Parts, to be aiding and assisting to the Re-establishment of his Lordship's just Rights and Jurisdictions, within this Province, &c.*

1661. Acts made at a GENERAL ASSEMBLY, held at St. John's, in St. Mary's County, beginning the 17th Day of April, and ended the 1st May, Anno Domini 1661.

PHILIP CALVERT, Esq; Governor.

C H A P. I.

Passed 1st of May 1661. *An Act for Encouragement of such Soldiers as shall adventure in the Defence of the Country.* Lib. C and WH. fol. 139. Lib. WH. fol. 152. and Lib. WH and L. fol. 20. REP.

Confirmed among the perpetual Laws, 1676, ch. 2. By this Law, Persons maimed, or hurt in War, in the Defence of the Country, were, according to their Place and Quality, to receive Maintinance from the Country, according to their Disability to maintain themselves.

C H A P.