

# ARCHIVES OF MARYLAND

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PROCEEDINGS

OF THE

## COUNCIL OF MARYLAND

1636-1667

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WILLIAM HAND BROWNE

*Editor*



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desire it, and to their heirs ten acres of Land within the platts assigned or to be assigned for the Town and fields of S<sup>t</sup> Maries, for every person that any of the Said Adventurors transported or brought into Maryland, according to their Conditions first published, and five acres of Land, to every other Adventuror for every other person which he hath or Shall transport thither Since that time of the first plantation untill the thirtieth day of August which Shall be in the year of our Lord 1638, And for Soe doing this Shall be your warrant Given under my hand and Seal at Warder-castle in the Realm of England, the 29<sup>th</sup> August 1636

Liber F.

Signed Cecilius Baltemore

To my Dear brother M<sup>r</sup> Leonard Calvert Esq  
my Lieuten<sup>t</sup> Gen<sup>l</sup> of the Province of Marland

[Commission to Governor Leonard Calvert and Council.]

Cæcilius by the Grant and Donation of our Sovereign Lord Charles, by the Grace of God of England Scotland France and Ireland King Defender of the ffaith etc. Absolute Lord and Proprietor of the Province and Country of Maryland in the parts of America. Lord Baron of Baltimore etc To all and Singular persons to whome this present writeing Shall come Greeting, Know ye that Wee taking into our Serious Consideraçon the necessity of makeing a Governor appointing a Council and other Officers and Establishing of Laws proper and convenient for preservation of the peace and Support of the Common Weale of our Province of Maryland, and likewise calling to mind the faithfull and Laudable Service done by our Dear Brother Leonard Calvert Esq. as well in the Adventure of his person in the first discent and Settleing our Colony there as in the Ordering and Advanceing the Same by his personal residence within the Same our Said Province, wherein he hath manifested to the Satisfaction of ourself and of our Colony there, Such wisdom, ffidelity, Industry, and other virtues, as Render him Capable and worthy of Trust hereby by us intended to be reposed in him, And for divers others good causes and consideraçons us thereunto especially moveing, Have nominated constituted Ordained Authorised and Established, And by these presents Doe nominate constitute Ordain Authorise and Establish the Said Leonard Calvert in the Absence of us and our heirs our Lieutenant Generall, Admirall, Chief Captain and Commander As well by Sea as Land of our Said Province of Maryland and the Islands to the Same belonging, And Doe by these presents give unto him the Chief Commandment and absolute Authority above and in all matters of warfare by Sea and Land, to execute and Administer the Same to the Resistance

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Liber F. of the Enemy, or, Suppression of Mutinies and Insolencies, as our s<sup>d</sup> Lieutenant Shall think most Commodious for the preservation of our Said Province, And to doe all Such things as doe belong or appertain, to the Office of a Generall, Admirall, Captain or Commander To have hold Execute and Administer the Same with Such power and Authority as any other, Lieutenant, Governor General Admiral, Captain and Commander, of any other Province may might or ought, by the Law of Arms to doe, untill we Shall Signifie our pleasure to the Contrary And therefore We doe hereby further Ordain and Command All Captains and Soldiers, as well by Sea as by Land whome it may concern, and all Such as are and Shall of our Councill, within our Said Province, All our Officers Receivers, Bailiffs, Marshalls, Magistrates, Gentlemen, and all other Inhabitants of our Said Province, of what quality or Condition Soever, That they and every of them doe acknowledge the Said Leonard Calvert in the quality of Lieutenant General, Admiral, Chief Captain and Commander, of all our fforesaid Province and the Islands and members of the Same, And doe honour respect and obey him as they ought to doe, upon pain of Such punishment to be inflicted upon them and every of them, as Such a high contempt shall deserve And to the end p. 10 that no man there Shall pretend Ignorance, We doe Command this our Ordinance to be proclaimed and published within our Said Province, at the places accustomed to proclaim and publish our Edicts or Ordinances, Commanding him our Said Lieutenant to proceed with rigour against all Contemners and Neglecters of the Same, according to the Order of punishment before mençoned without favour or

And We doe further by these p'sents make constitute and Ordain and Establish the Said Leonard Calvert to be our Chancellor, Chief Justice, and Chief Magistrate within our Said Province, untill We or our heirs Shall Signifie the Contrary under our hand and Seal, and from time to time to appoint and Constitute Officers and Ministers, for the preservation of the peace, Administraçon and Execuçon of Justice, and for doeing and Executing of all other things whatsoever, w<sup>ch</sup> belong to the Establishing and Govern of a good and happy Coñonwealth within our Said Province, And We doe further give and Grant to him our Said Lieutenant, Chancellor, Chief Justice, and Chief Magistrate, full and absolute power and Authority to Assemble the ffreemen of our Said Province or their Deputies, at S<sup>t</sup> Maries within our Said Province upon the five and twentieth day of January next ensueing the date hereof, and then and there to Signifie to them that We doe dissassent unto all the Laws by them heretofore or at any time made within our Said Province, as We doe hereby declare

them to be voyd, And further to Shew unto them the draught, Liber F.  
or Coppy of all Such Laws and Ordinances for the good  
Government of our Said Province, as We Shall before that  
time transmitt to him our Said Lieutenant under our hand and  
Seal, with our Assent for Enacting of the Same And Likewise  
if the Said ffreemen or their Deputies Soe Assembled Shall  
approve of and consent unto all the Said Draughts or Coppies p. 11  
of the Said Laws and Ordinances, in manner as We Send the  
Same over, to publish the Same as Laws under the Great Seal  
of our Province, That the people and Inhabitants of our Said  
Province may take the better notice thereof, And We Doe  
further by these presents Give and Grant unto him our Said  
Lieutenant like absolute power and Authority after the Said  
Assembly Soe called as aforesaid, Shall be by him dissolved,  
att all or any other time or times, when and as often as he  
Shall think fitt, to call and Summon one or more General  
Assembly or Assemblys of the ffreemen within our Said  
Province, And to propond and prepare other wholesome Laws  
and Ordinances, for the Government and well ordering of the  
Said Province, and People within the Same, To be by us  
assented to and Confirmed if upon view and mature Con-  
sideraçon had of the Same We Shall in our Judgment approve  
thereof, And We Doe by these presents Give and Grant full  
power and Authority unto our Said Lieutenant to adjourn and  
dissolve the Said Assembly Soe authorised to be called on the  
five and twentieth day of January next Ensueing the date  
hereof as afores<sup>d</sup> And all other Assemblys by him hereafter  
to be called at his pleasure And fforasmuch as the calling of a  
Generall Assembly of the Said ffreemen and the Consulting  
about, and Enacting of Laws, will require long time and much  
Consultation, and many times Sudden, and other necessary  
Occasions may happen or fall out which require a Speedy  
remedy, We Doe therefore Give and Grant unto our Said  
Lieutenant full power and Authority to make Constitute ordain  
and publish in our name Such reasonable and profitable  
Ordinances Edicts and Proclamations w<sup>th</sup> reasonable pains and p. 12  
penalties therein to be expressed To be duly inflicted on all  
Offenders against the Same as he our Said Lieutenant in his  
discretion Shall think fitt, Provided that Such penalties doe not  
extend, to the takeing away the Right or Interest of any person  
or persons of or in their life Members ffreeholds goods or,  
Chattells, All which Ordinances Edicts and proclamations Shall  
Stand in fforce only and untill We or our heirs Shall Signifie  
the contrary to him our Said Lieutenant General and the  
people thereof, or that he our Said Lieutenant Shall in his  
discretion think fit to Repeale the Same And further We  
Doe hereby Give and Grant full power and Authority unto

Liber F. him our Said Lieutenant, to appoint fit places for Publick Ports for Ladeing, Shipping, Unladeing, and dischargeing all goods and Merchandises, to be Imported or Exported into or out of our Said Province, And to prohibit the Shipping or dischargeing of any goods or Merchandises whatsoever in all other places or Ports within our Said Province, and appoint Officers and Ministers in the Same places, and ports, And also to erect and Establish Convenient places, for the holding and keeping of ffairs and Marketts, and to establish Marketts and ffairs there to be held upon certain days for that purpose to be by him appointed, And We doe further by these presents Give full power and Authority, to our Said Lieutenant if he See cause to pardon and remitt in part or in whole All pains fforfeitures and penalties which any person or persons within our Said Province Shall incurr, for any misdemeanor or offence against any of our Laws Ordinances or Orders whatsoever made or to be made for the good Government of our Said Province, And to Grant Pardons to all and every Such Delinquents in our name under our Great Seal of our Said Province Soe that Such pardon or pardons extend not to the pardoning of high Treason, And further We Doe by these presents

p. 13 Comitt the Custody and keeping of our Great Seal of our Said Province unto him our Said Lieuten<sup>t</sup> And Doe hereby Give and Grant unto him our Said Lieutenant Absolute power and Lawfull Authority for us and in our name to pass and Grant under the Same our Great Seal, All writts and processes, All Comissions for the Execution of Justice and for dividing and bounding of Lands, All pardons Lycences, and All publick Acts and Deeds whatsoever w<sup>ch</sup> Shall at any time pass within our Said Province, And We Doe further hereby Give full power and Authority unto him our Said Lieutenant for us and in our name to pass any Grant under our Said Great Seal to Such person or persons Such quantity of Land within our Said Province for Such Estate and Interest, and with Such priviledges and Imunities as We have or from time to time Shall give him our Said Lieutenant warrant for under our hand and Seal All which Grants Soe to be made passed and granted after the Same grants and the Said Warrants under our hand and Seal for the passing thereof, Shall be enrolled by our Secretary of our Said Province, for the time being and not before, We Will and Doe hereby declare Shall be effectual in Law against us, and Shall bind us and our heirs as firmly as if We our Selves had been present and had Affixed our, our Great Seal to Such Grant or Grants in proper person, And for the better assurance of him our Lieutenant in the Execution of the premisses, and of the charge by us Comitted to him, We have appointed and

Ordained, And by these presents Doe appoint and Ordain our Well beloved Jerome Hawley Esq, Thomas Cornwallis and John Lewger Gent, to be of our Councell of and within our Said Province with whome our Said Lieutenant Shall from time to time advise as he Shall See cause upon all occasions concerning the good of our Said Province and of the the people there, And We doe hereby give and Grant full power and Lawfull Authority unto him our Said Lieutenant to enquire hear determine and finally to Judge of and upon all Causes criminall whatsoever of what nature kind quality, degree or Condiçon Soever the Same Shall be w<sup>ch</sup> may or arise within our Said Province as fully and absolutely as if We our Selves were personally present to give Sentence or Judgment in or upon the Same (excepting only where the life or member of any person Shall or may be inquired of or determine) And to Award Execution upon every Such Sentence or Judgment And also to and determine all Civill Causes actions Suits and demands both in Law and Equity of or concerning any goods Chattells contracts debts demands or other personall or mixt Action or Actions Suit or Suits whatsoever in the most Summary and equall way that he may according, according to the Orders Laws and Statutes of that our Said Province, already made and established or hereafter to be made or Established, And in default of Such Laws established or to be established within our Said Province, then according to the Laws and Statutes of the Realm of England, as near as he may or can Judge and determine thereof And Where the life member or ffreehold of any person or persons Shall happen to come into question within our Said Province, We Doe hereby Give and Grant to him our Said Lieuten<sup>t</sup> or to Such persons as We Shall from time to time by our Letters or any other warrant under our hand and Seal nominate and appoint to be of our Councell within the Said Province or to any three of them whereof our Said Lieutenant always to be one, full power and authority to inquire and determine thereof according, to the Laws of our Said Province, Established or To be Established, And finally to give Sentence and Judgment thereupon and to award Execution accordingly, And We doe hereby for the better Execution of the premisses, and preservation of the Records of all proceedings in the premisses, appoint constitute and Ordain the Said John Lewger as well to be our Secretary and Keeper of the Acts and proceedings of our Lieuten<sup>t</sup> and Councell for the time being, And for the doing and recording of all Grants by us or our heirs to be made of any Lands or Offices within our Said Province, And of all other matters and acts which by any Instructions Laws or Ordinances made or given or to be made or given

Liber F.

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Liber F. for or concerning our Said Province Shall or ought by the appointment of us and our heirs or by the appointment of our Lieutenant or other chief Governor for the time being or otherwise to be Recorded, As also our Collector and Receiver of all our Rents Revenues profits and Customes from time to time to be due or payable within the Said Province, And Lastly Whereas our S<sup>d</sup> Lieutenant may hereafter by absence out of our Said Province not attend the Said charge and trust hereby in him by us reposed, We Doe hereby Give and Grant unto him our Said Lieutenant full power and authority from time to time in Such case of absence to nominate Elect and appoint Such an able person Inhabiting and residing within our Said Province, as he in his discretion Shall make choice of and think fit, to be our Lieutenant Gen<sup>l</sup> Admiral Chief Captain and Commander as well by Sea as by Land of our Said Province and of the Islands thereunto belonging And in Case our Said Lieutenant Should happen to dye or be absent out of our Said Province and Shall fail to make choice of nominate and appoint Some person to be our Lieutenant Gen<sup>l</sup> Admiral Chief Captain and Commander of our Said p. 16 Province as well by Sea as by Land We Doe hereby give and Grant to our Councillors there for the time being or the Greater part of them full power and Authority from time to time in every Such Case to nominate elect and appoint Such an able person Inhabiting within our Said Province as they or the greater part of them Shall make choice off and think fitt to be our Lieutenant General, Admiral Chief Captain and Commander as well by Sea as by Land of our Said Province and of the Islands to the same belonging, which person to be chosen and appointed in either of the Cases aforesaid We Doe hereby declare Shall be our Lieutenant General, Admiral Chief Captain and Commander during the absence of our Said Brother our present Lieutenant, or untill We or our heirs, Shall Constitute and appoint another Lieutenant or Governor of our Said Province or otherwise determine the Same, To which Lieutenant General Admiral Chief Captain and Commander, to be Elected nominated and appointed as aforesaid, We doe hereby Give and Grant the like power and Authority in all Causes and things, As Wee have by these presence given and Granted unto our Said Brother Willing and Commanding all our Council Captains, Soldiers Officers Ministers and People of our Said Province, and all others whome it may concern to be Obedient unto him in all things matters and causes, As We have herein and by these presence Commanded them to be Obedient unto our Said Brother our present Lieutenant General, Admiral Chief Captain and Commander upon pain of Such punishment to be inflicted upon them and every

of them as Such a high Contempt Shall deserve. Given under our hand and Seal at London in the Realm of England the fifteenth day of April in the year of our Lord God one thousand Six hundred thirty and Seven. Liber F.

locus + Magni  
Sigilli

Signed J. Lewger

Endorsed

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These are to Authorize You to put our Great Seal for the Province of Maryland to this our Comission for the Government there.

15<sup>th</sup> of Aprill 1637.

To our Secretary for the  
Province of Maryland.

Signed: C. Baltemore

The King to the Comm<sup>rs</sup> for Foreign Plantations

May 1637.

P. R. O.  
Colonial  
Papers. Vol.  
IX, No. 55.

Whereas our deere Father King James of blessed memory did by his Letters Pattents, bearing date the 7<sup>th</sup> day of Aprill in the 21 yeare of his raigne, grant unto the late Lord Baltimore, by the name of Sir George Calvert knight, (then Principall Secretary of State) and to his heires a certain Region in Newfoundland, called in the said Letters Pattents, by the name of the Province of Avalon, with divers powers and privileges requisite and necessary for the better government of such as should transport themselves to plant and inhabit the said Province: and for the better encouragement of the said Lord Baltimore, who thereupon did at his owne charge first transport an ample Colony thither, and afterwards adventured thither his person, and family together with the greatest part of his fortune. And whereas wee our selfe by our Letters Pattents bearing date the 20<sup>th</sup> day of June in the 8<sup>th</sup> yeare of our raigne, have granted unto our right trusty and welbeloved Cecilius now Lord Baltemore (sonne and heire of the said late Lord Baltemore) and his heires, a certain region joyning upon Virginia (called in our said Letters Pattents by the name of the Province of Maryland) together with such like power and privileges. Whereupon the said now Lord Baltemore hath also at his great charge transported an ample Colony to plant and inhabit the said Province. And whereas both the aforesaid Letters Pattents were granted upon mature deliberation first had of the severall clauses priviledges therein granted, and after many references thereupon made to severall of the Lords of the Councill both of our Father and of our selfe for the due consideration thereof. Now forasmuch as, We are informed by the said now Lord Baltemore, that some Grants concerning forreine Plantations may passe our seales, which may be preju-