

Liber H. H.

[Proceedings in Fendall's Case.]

At a Councell held at Saint Maryes the 29th of Nouem. 1660
Present

Philip Calvert Esquier Gouvernor, Henry Coursey Secretary,
Robert Clarke and Baker Brooke Esquiers

Then Came Josias Fendall and submitted himselfe to the
Gouernment of the Lord Proprietary, and professed to doe for
the future what lay in his power for the settlment of the
Countrey in Peace.

Whereupon he being Ordered to withdraw the Gouvernor
produced his lo^{ps} letter of the 24th of August, and out of it
read his directions for the proceeding of the Gouvernor &
Councill ag^t the said ffendall and his Complices (vizt)

p. 80 Touching your proceeding with ffendall and his Complices
J would haue yow proceede against such of them as yow shall
not thinke fitt to pardon, by inflicting upon them paines of
death or any other punishment as the Prouinciall Court shall
adiudge, yea, if there be neede yow may proceede against
them by Martiall lawe, and in a Court Martiall, and upon no
tearmes to pardon ffendall so much as for life, nor if yow can
doe it (without hazarding the regaineing of the Province, to
pardon so much as for life any of those that sate in the Councell
of warr at An Arundell, and Concurred to the Sentence of
death against M^r Eltonhead, or other of my honest freinds then
and there murdered, and haue now againe engaged against
me in this Second Rebellion, but to doe Justice upon them,
and J shall iustify yow in it, And if yow shall thinke fitt to
pardon Gerrard or Hatch for life or Member, yet not to pardon
either of them for loss of Estate or bannishment out of the Pro-
vince vnless yow find it necessary for the Resettlment of my
Right, and the publick peace there, And this J hope is a posi-
tiue directions, and such J haue bene allwaies carefull to giue
as nere as J could Soe as J knowe not what they meane that
Say J use to leaue my selfe a hole to gett out at, for in direc-
tions at this distance something wilbe allwaies fitt to be left to
the discession of them upon the place, and the way which
upon such reasons is at any tyme left by me to their discessions
is left to them not to myselfe. Jf yow cannott otherwise reduce
ffendall I thinke yow may do well by proclamation to giue a
considerable reward to any that shall bring him aliue, or his
head to yow to be paid out of his Estate, or rather then faile
out of my Revenue there, And the like for Gerrard or others
as yow shall see Cause, But for the Gennerallity of the People
excepting the persons abouementioned I thinke yow shall do
well and I will haue yow to proclaime a Gennerall Pardon to
all of them that shall submit to my Jurisdiction there forthwith