

Neck cases, which involved land that had been twice escheated to the Lord Proprietary for the rebellion of two different owners, throw light upon events of considerable interest to students of the first two decades of Maryland history. The record includes a deposition by Captain Robert Vaughan, one of the first settlers and conspicuous in many ways in matters pertaining to the Province and more especially to Kent County, who gave evidence at the February, 1667/8, court in which he described the forfeiture in 1638 of Beaver Neck after the death of its owner, Thomas Smyth, executed for his part in the Claiborne "rebellion" on Kent Island. Vaughan deposed that he went with a party of men headed by Governor Leonard Calvert "to reduce the island of Kent . . . being then in actual rebellion the said Governo<sup>r</sup> att that time Caused One Thomas Smyth to be put to death One of the Inhabitants of the said Island and that after he was executed the said Governo<sup>r</sup> caused this deponant to make Seizure of his Estate for the use of the Lord Proprietary which was accordingly done but within a few dayes after the said Governo<sup>r</sup> Comanded this Deponant to deliver the aforesaid Estate unto Jane Smyth the Relict of the said Thomas Smyth into her possession for the proper use of two young female children of the aforesaid Thomas Smyth". It would appear, however, that legal possession of Beaver Neck was not in this way restored to the Smyths, for a few years later it was in the possession of a certain John Gresham, who was later also guilty of rebellion and forfeited it for this reason. The date of this second forfeiture is not disclosed by the record, but it very possibly may have occurred at the time of the Ingle rebellion, 1645-1646, as it was afterwards patented by special grant in January, 1651, to Francis Brooke. The record shows that in 1667 it was in the possession of John Woollcott who acquired his title from John Salter by the assignment of the Brooke patent. At the February, 1667/8 court there was heard the suit of John Anderton and his wife Gertrude to eject John Woollcott then in possession of the plantation. This Gertrude, the wife of Anderton, was the child of Thomas Smyth who had been executed in 1638 for his part in the Claiborne rebellion, and was one of the two daughters to whom Leonard Calvert had ordered possession be restored. The point was raised whether, or not, it was within the power of Governor Leonard Calvert to "give away to the said Relict [Mrs. Thomas Smyth] any land or estates which is once forfeited to the Lord Pror<sup>r</sup> . . . w<sup>th</sup>out special Ord<sup>r</sup> or warr<sup>t</sup> from und<sup>r</sup> the hand and Seale of the said Lord Proprietary" (pp. 246, 249, 381). The court declared that whether or not it was in the power of the Governor to give away the land to the Smyths, it would still stand forfeited from John Gresham, who had a good title, for his part in the rebellion, which latter forfeiture was the ground for passing the land to Francis Brooke, by "his said speciall warr<sup>t</sup> as alsoe by his Grant in Confirmacon thereof under the Great Seale of this Province". At a subsequent session held in December, 1668, the court declared that John Woollcott was the lawful owner of Beaver Neck, again rejecting the contention of Anderton that the plantation had been legally restored in 1638 to the ownership of his wife and her mother by Governor Leonard Calvert (pp. 246, 249, 381).