

discussed the Governor's suggestion about the criminal law needing attention. In reply they told him that in their opinion there was no necessity "for going into a Revisal of the whole Criminal Law either Common or Statute Law." However, the Delegates informed Eden that if he would point out to them any particular defects in the laws, they would try to remedy them (pp. 94, 123, 124).

In answer to this message, the Governor said that the reason he wanted a revision of the criminal law was that there was not "any precise, invariable Rule established by which the Extent of the Penal Statutes of England may be ascertained. . . ." Eden added that it was unwise to give colonial judges the power to decide what English penal statutes applied in Maryland on the basis of their being "suitable to the Circumstances of the Country. . . ." The Governor thought that it would be more prudent and expedient after an examination of their propriety and fitness to determine by Act of Assembly what penal statutes should have the force of laws in the colony rather than leave this important decision "to the varying Construction, Descretion, or Opinion of others" (pp. 125-127).

The Lower House, however, did nothing to carry out Eden's wishes and on the closing day of the session the Governor expressed his regret that this had been the case (p. 236).

As to the question of the condition of the public roads to which Eden had also referred to in his opening address to the General Assembly, the Lower House, on October 9, appointed a committee to inquire into what provision was made by statute for the construction and maintenance of public roads and what additional laws may be necessary (p. 94). Apparently the only roads which received attention were those in Baltimore County (pp. 250-251).

In his message to the members of the Lower House on the opening day of the session the Governor said that at the last session of the General Assembly nothing had been done to carry out the Governor of Virginia's wish for a contribution from Maryland in order to defray the expence of erecting and maintaining a lighthouse at Cape Henry. Carrying out the request of the Delegates of the last General Assembly Eden said that he had directed the Maryland Naval Officers to furnish him "an Account of the Tonnage" which he would submit to the present members of the Lower House, as well as a letter from the Speaker of the Virginia House of Burgesses giving a similar account of the tonnage of that province (pp. 4, 77; *Arch. Md.* LXII, xxvi-xxvii).

Although this letter from Virginia was laid before the House on October 4, the Delegates decided to take no action until they had the information from the Maryland Naval Officers before them (pp. 84, 94). This data was contained in two papers which the Governor delivered to the Lower House on October 16, with a message in which he said he was laying before them the amount of tonnage of all vessels "as well foreign as free Bottoms" entered in Maryland the last two years, ships from Virginia excepted. Eden added that he would be glad to do anything he could "to advance the Erection of the proposed Light House on Cape Henry, in which the Trade of Maryland is equally interested with that of her Sister Virginia" (p. 107; for the account of Maryland tonnage, see Appendix II).