

a felon of himself and therefore a murderer. Accordingly, all his goods and chattels, though not his land, were forfeited to the Proprietary. The Court answered Browne's petition by ordering a legal trial of the rights of the Proprietary, and suggested that the father employ Christopher Rousby, George Parker, Charles Boteler or Nehemiah Blakiston to bring the case into court (*Archives* LXVII, 245). That was in April 13, 1678: nearly three years later, February 18, 1681, Brown was still trying, and still unsuccessful. On that day he told the Court that he had "a Cause depending in this Hon^{ble} Court against his Lopp the Lord Prop^{ty}, and all the Attorneys of this Court refusing to be your Peticoners Attorney . . . [he] humbly prayes this Court that hee may have Councill and Attorney or Attorneys assigned to him to Plead in his behalfe . . . Which being Read and heard &c^a Itt is ordered by the Court here this day. . . that Robert Ridgely and George Parker gentl Attorneys of this Court be . . . Assigned Cuncello^{rs} to the said John Browne to prosecute for him the aforesaid ac^{on} against the Lord Prop^{ty} . . . (*post*, 411). It is not known at this point why the attorneys all declined to prosecute for Browne, nor what the attorney now directed to take the case did for him.

Garret VanSweringen, who kept ordinary in St. Mary's County, sued Josias Fendall in the Charles County Court for accommodations received between April 1676 and November 15, 1677, for which Fendall had refused to pay (*post*, 198). Fendall got a nonsuit because of the statute of limitations. Thereupon, VanSweringen obtained from the Chancellor a writ of error, which came to a hearing in the Provincial Court on October 7, 1679. Fendall prayed time to answer until next court, May 15, 1680. At that time the justices "diligently examined" the errors alleged by VanSweringen against Fendall's nonsuit and "Considered that the Judgment aforesaid for the Errors in the Record and processe aforesaid be Revoaked Adnulled and altogether held for nothing, and that . . . Vanswearingen unto all things w^{ch} by occasion of the Judgment aforesaid hee had Lost be Restored, And that the said Garret Vanswearingen Recover against . . . Fendall the sume of . . . [1809] pounds of tobacco for his Costs". (*post*, 202). Fendall did not pay, and Van Sweringen got out a warrant for his arrest. To this, the sheriff of Charles County returned November 23, 1680 that he had taken Fendall "but Cannot bring his body downe as . . . he was Commanded". (*post*, 313).

Sheriff Chandler had arrested him but could not bring him down! Most unusual!! And why could he not? Fendall was an active, self-centred rogue, whose biography has never been written. Though he was at one time governor of the Province, by the appointment of the Proprietary, he was no sooner in office than he tried to undermine his benefactor. Later he was put on trial for treason, and he was spared the death penalty after his conviction. He got off with a fine and a prohibition against his voting or holding office (*Archives* III, 408). Yet on at least two other occasions, the people of Charles County either chose him a delegate or were "obstinately inclined to elect him", and the Council of the Province had to warn them that they would only lack one of their due number of delegates (*Archives* XV, 192-193) if they persisted. This was