OLD KENT

SEC. 60. To all the free subjects of the Commonwealth of England dwelling in the Province of Maryland our lovinge friends and neighbors.

WHEREAS by the supreme AUTHORITY of the Commonwealth of England this PROVINCE is reduced to the obedience of the sayd Commonwealth, by a special power Committed to the Honowrable RICHARD BENNETT Esquire Governor of Virginia and Colonell WM. CLAIBORNE and CAPT. Edmund Curtis Commaunder of the Ginney frigate a man of Warre sett forth by the Commonwealth, for that purpose as is aparantly knowne, to all the people of this Province and an engagaement taken by the sayd people to bee obedient thereunto, WHICH power of the sayd Commissioners and Reducement of this PROVINCE thereunto hath been Confirmed by the aforesayd supreme AUTHORITIE under theire hand and sealles to the sayd Commisiosers of State, and nothinge hath appeared nor doth yet appear for the Countermaundinge or Alteringe the acte of Reducement in this PROVINCE either by his Highness the LORD PROTECTOR or Parliament of England, yet some persons formerly by instruction from the Lord Baltimore undertook to work an alteration in the Government,settled in Maryland by the Authority aforesaid; which occasioned the Commissioners of the Commonwealth of England the second time to appear for the setlinge thereof in the obedience of the sayd Commonwealth and in special expression to his Highness the LORD PROTECTOR, by a Commission graunted to Capt. WM. FULLER, Mr. RITCHARD PRESTON and others in the sayd Commissions nominated, for the orderinge, directinge and overninge the people asd Affayrs of MARYLAND, which hath CONTINUED in Peace untill this time.

NOW againe uppon what ground or pretence wee know not the sayd power is Contradicted, the Acts of a lawfull and full Assembly violated the records taken away by force, the peace of the Province disturbed, the Administration of Justice obstructed and hindred, the hearts and minds of the people distracted and amazed; yet no power, Commission or graunt from his Highness the Lord Protector is showen or published.

THEREFORE in Obedience to his Highness the LORD PROTECTOR, who by his Proclamation hath Confirmed the magistracy Established by the Parliament and Councel of State: until his Highness shall signifie his pleasure to the contrary: WEE does by these presents publish, declare and proclaim to all the free subjects of Esgland, Inhabitants of the Province of Maryland, THAT they continue in that Ingagement which they have taken in that Reducement which they gave, owned and Acknowledged by their representatives in a lawful orderly and full Assembly of the Province, untill an express power and Commission from his Highness is published to the Contrary.

WHICH we doe by this our ACTE and declaration publish to all for the discharge of our CONTIENCE to the SUPREME GLORIOUS MAJESTY OF HEAVEN the LORD OF HOSTS HIMSELF,—the Trust Committed to us, the Honor of his Highness the LORD HIMSELF,—the Trust Committed to us, the Honor of his Highness the LORD PROTECTOR, the peace and wellfare of the Province, and the satisfaction of all the free subjects of England that are in this Province: SOE GOD help us as wee speake and intend Really what wee declare.

WILL FULLER
WILLIAM DURAND
LEO STRONG
RI: EWEN.
Liber A. Fol. 98.

SEC. 60. A. The above proclamation is without date and was issued under circumstances which the following statement will explain. It will be recollected that in July 1654 Gov. William Stone had been forced to resign his office and yield to the Puritan Commissioners, Richard Bennett and William Claiborne; who by Proclamation, dated 22d of July 1654, committed the conservation of the peace and the public administration of Justice within the Province of Maryland into the keeping of William Fuller and others.

It appears that the authority of the Puritans was unquestioned until the ship Golden Fortune, commanded by Captain Tilman arrived in Oct. 1654, bringing William Eltonhead as special messenger from Lord Baltimore with a severe rebuke to Gov. Stone for "resigning up his government into the hands of the lord protector and Commonwealth of England, without striking one stroke,—taxing him in effect with cowardice, etc."

Capt. Stone determined to attempt the recovery of the Proprietary Government, and reassumed the office of Governor under his former commission.

1655-1656.

Gov. Stone proceeded to issue military commissions to officers and to organize an armed force in the county of St. Mary's, and dispatched a small body of men to the house of Mr. Richard Preston,on the Patuxent river, and recovered the Provincial records and restored them to St. Mary's. As soon as intelligence of this seizure reached Providence, now Annapolis, the Commissioners, "in a way of peace and love," desired an explanation." Gov. Stone, curtly, replied that he "acted by a power from Lord Baltimore, and that the lord Protector had confirmed the Lord Baltimore's power." Gov. Stone in order to quiet the minds of the people issued a Proclamation, and as a precautionary measure sent an armed body of twenty men under the command of William Eltonhead and Josias Fendal to Mr. Preston's house and took possesson of all the arms therein stored by the Puritans. The houses in the neighborhood were also despoiled of arms, and Mr. John Sutton, deputy clerk and Lt. Peter Johnson were made prisoners.

Having completed his organization Gov. Stone on or about the 20th of March 1654 O. S., with his little gallant band of volunters, the yoemanry of St. Mary's county, and about a dozen small bay-craft, set out to reduce the Puritans at Providence. Gov. Stone gave strict command, "that if they met any of the Ann Arundel men, they should not fire the first gun, nor upon point of death plunder any." Before they reached Herring Creek, they were met by messengers desiring to know whether Stone was "resolved to come to no parley or treaty, protesting, that by the help of God, they were resolved to commit themselves into the hand of God, and rather die like men, than live like slaves."

The battle was fought on the 25th of March 1655: the Puritans shouting "In the name of God fall on; God is our strength," and the men of Stone. "Hey for St. Mary's." The Puritans only lost four men. The Marylanders were utterly routed. Gov. Stone, Col. Price, Maj. Chandler and Captains Gerard, Lewis, Kendall and Guither were captured. Thomas Hatton, the Secretary of the Province was killed. The Puritans stained the laurels of their victory with cruelty and bloodshed. The Governor, several of his council and others, ten in number, were condemned to death. Mr. William Eltonhead, Lt. William Lewis, Mr. Leggat and a German servant were shot in cold blood, murdered. All would have been shot but "the incessant petitioning and begging of some good women saved some, and the souldiers others, the governor himselfe being condemned by them, and since beg'd by the souldiers; some being saved just as they were leading out to execution."

It appears that Captain Josias Fendal was among the prisoners and was afterwards rewarded for his zeal, by Lord Baltimore, who on the 10th of July, 1656, commissioned him to be Governor of Maryland "in as ample and large manner to all intents and purposes as was formerly granted by us unto Captain William Stone our late lieutenant there." In the same commission "Capt. William Stone, Mr. Thomas Gerard, Col. John Price, Mr. Job Chandler and Mr. Luke Barber, and such other person or persons not exceeding three in number, as the said Josias Fendal should nominate," were constituted his "lordship's counsell in the said province." The Puritans arrested Fendal upon suspicion "of his dangerousness to the public peace,' and committed him to prison on the 13th of August, 1656. Subsequently on the 24th day of September, 1656, Capt. Josias Fendal in open Court took the oath, "in the presence of God and before the face of the whole court, that, he will neither directly nor indirectly by any disturber to this present government till there be a full determination ended in England of all matters relating to this government."

SEC. 61. At a Court holden for Kent the 15th day of Aprl 1655, at the house of Lieutenant Hinson, high sheriff for ye Countie. Folio 99.

Present Capt. Jos. Wickes
Mr. Philip Conier
Mr. Tho. Ringgold
Mr. William Eliot
Mr. Hen. Carline.

(1.) Whereas Mr. NICHOLAS BROWNE desired of ye Provincial Court a Reference to ye Court at Kent, Concerninge an Action of slander wherein ye sayd Mr. Browne is defendant, & John Deane plaintife: And it hath appeared by three sufficient witnesses that ye sayd Mr. Nicolas Browne hath slandered ye said John Deane, in sayinge that he was a Thieffe, & that he had stolen Mr. Littleton's plate:

The Court doth therefore order that ye sayd Mr. Nicolas Browne shall in open Court, ask ye sayd Deane forgiveness, & shall pay towards ye reparation of ye plaintiff's Credit, five hundred pounds of tob. and cask, & for a fine five hundred pounds of tobacco & cask for publick uses, as ye Court shall think fit, and sayd tobacco to bee payd upon all demands with Court Charges, and he remain in ye sheriff's hands till he performs ye Order.

(2.) JOHN DEANE by his Attorney Lieutenant Hinson complains against Mr. Nicolas Browne in an action of slander against his Wiffe, havinge proved by three witnesses that the slander is evident and apparent.

The Court in Consideration of ye sayd slander hath Ordered that ye sayd Mr. Nicolas Browne shall in open Court ask forgiveness of ye sd Deane's wife & acknowledge his Offense & shall pay a fine of three hundred pounds of tobacco in Cask towards ye reparation of ye plaintiff's Credit with Court Charges els Execution.

Whereas Mr. Nicolas Browne hath been Cast in Court in two actions of defamation, ye one against John Deane & the other agst his Wfie, both beinge proved by sufficient witnesses, yet not withstandinge, ye sayd Mr. Browne refuses to obey ye sd Order of Court, and desires, an Appeall to ye Provincial Court, pretendisg his further testimony, to make his slander appear there: Therefore ye Court is pleased to Ansr. his desire, and graunt him an Appeall to ye next Provinciall Court, provided hee put in sufficient Securitie to ye Sheriffe for treble damages, if hee bee Cast in ye suit, & till hee give securitie, to remain in ye sheriff's hands.

(3.) Mr. MORGAN (Attorney for Doctor Knight) Complains agst Mr. Conier in an action of debt, due to ye sd Knight, by bill under hand from Robert Short deceased, ye sd Mr. Conier, beinge Administrator of ye Defendant's Estate, the bill beinge disowned by ye said Admisistrator&no more but one witness to the bill, It is therefore ye judgment of ye Court that ye sd. bill is not Authentic.

(4.) Mr. ISAAC ILIVE Complains against Jno. Salter, that he hath molested him upon his plantation, having a bill of sale under Brooke his hand & possession given him by Brooke, as in Court hee hath acknowledged & upon this accoumpt kept possession, & made use of some part of ye first.

The Court doth therefore Order, that ye sd Jno. Salter shall according to an Order frem ye Provincial Court dated October 18th 1654 and therein exprest that whosoever shall be found to dispossess Isaac Ilive of the quiet enjoyment of his plantation should pay ye Charges of ye suit occasioned by ye sd dispossession, which now ye Court hath found to bee Johs Salter; And therfore doth order that ye sd Jno. Salter shall pay unto Mr. Ilive upon all demaunds, seven hundred fortie seven pounds of Tobacco in Cask, which is ye whole Charges, of ye suit now, at this Court, & formerly at ye Provinciall Court Expended.

(5.) Mr. HENRY MORGAN, in behalf of Mrs. Bradnox, & by her request hath desired a Reference, to ye next Court, in an Action of Slander, wherein Jno. Salter is plaintiff; The Court therefore graunt ye same.

(6.) Whereas MATHEW READE, JNO. SALTER, WM. PRICE, HENRY TELIER, HENRY CLAY & MARIE CROUTCH (for misbehavior in deboist drinkinge prophaning ye Sabbath and some of them shootinge of, or dischardinge gunes, unseasonable; all which, hath been made sufficiently appeare, benge summoned to this ourt & doth deserve punishment; upon theire promise of Amendment, and beeing their first Offence, after Admonition, theire Offence is remitted, paying Court Charges els Execution.

(7.) The deposition of Mr. THOS. SOUTH, aged 36 years or thereabouts taken in Court this 25th of April 1655 Sworne, Examined & saith.

That about ye midle of July last past from his Broockes of Maryland Came to ye place where your deponent lived; & tould him that hee had given Jno. Salter possession of Beareeneek, and upon that possession given, your deponent came there to live as Copartner in the plantation, with the said Salter and further saith not.

Ibid Folio 99.

SEC. 62. Bee it known unto all men by these presents, That whereas my husband HENRY CARLINE is indebted to Mr. Henry Morgan a certaine summe of tobacco, I RACHEL CARLINE doe by virtue hereof for securinge of the sd tobacco to Mr. Henry Morgan bynd over foure head of cattell, vid. one cow, one two yeare ould all marked with a * * * * in the left eare and cropt on the Right eare, I do also bind over all oure stocke of hoggs marked as aforesayd & all the sayd goods for to rest and remaine for securitie to the sd Mr. Henry Morgan his Heirs, Executors, Administrators and Assigns till such time as the sayd tobacco bee satisfied and payd & for confirmation hereof I have hereunto put my hand this of June 1655.
Liber A. C. P. folio 100.

SEC. 63. Know all persons by these presents, that I WILLIAM CLAPHAM doe hereby give full power and authoritie, un to my well-beloved Friends, Mr. HENRY CARLINE, and Mr. WILLIAM ELIOTT, to apprehend and take into their custodie, the bodies of James Boothward, and Marie his wife, John a Dutchman, and Elizabeth Ganere, beinge runaway servants, and havinge feloniously taken away the particulars within specified, firmly ingaginge myselfe, by these presents, to save harmlesse & indamnifie the sayd Carline and Eliott or either of them in what one or both shall doe, in or concerninge the servants.

In witness hereof I have set my hand this 28th of June 1655.

Signed WM. CLAPHAM.
Test. Thomas Madeslard
John Carroll.

Copia vera testis
Me Clar Com.
Kent. Tho. Hill.
Liber A. C. P. Fol. 100. (21)
(continued next week)

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JOHN D. URIE, Atty.
Attorney at Law
Chestertown, Maryland

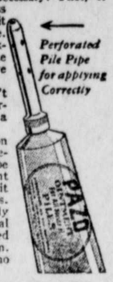
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HERBERT E. PERKINS, Attorney

Ratification Nisi

In Re: Trust Estate of Mary E. Watts, dec'd.

In The Circuit Court for Kent County In Equity, No 2233

Ordered, this 28th day of July, 1933, by the Circuit Court for Kent County in Equity, that the Auditor's Account and Report, stated and reported by S. Scott Beck, Auditor, in the above entitled cause, be Ratified and Confirmed, unless cause to the contrary thereof be shown within three weeks from the date of the first publication of said natice, viz: August 19th, 1933; Provided, a copy of this Order be inserted in some newspaper printed and published in Kent County, once in each of two successive weeks before the 7th day of August next.

True Coy.
ROBERT A. SHALLCROSS, Clerk.
True Copy.
ROBERT A. SHALLCROSS, Clerk.

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NOTICE TO CREDITORS

NOTICE is hereby given that the undersigned has obtained from the Orphans' Court for Kent County letters of Administration on the personal estate of

JOHN SCHAUBER

late of said county, deceased. All persons having claims against said de, ceased's estate are hereby warned to exhibit the same, with the proper vouchers thereof, to the undersigned on or before the 8th day of January, 1934, otherwise they may by law be excluded from all benefit of said deceased's personal estate.

All persons indebted to this estate must settle at once.

Given under our hands this 6th day of July, 1933.

MARY A. SCHAUBER,
RICHARD F. SCHAUBER,
jy8. Administrators.

Subscription to the Transcript $1.50 per annum.

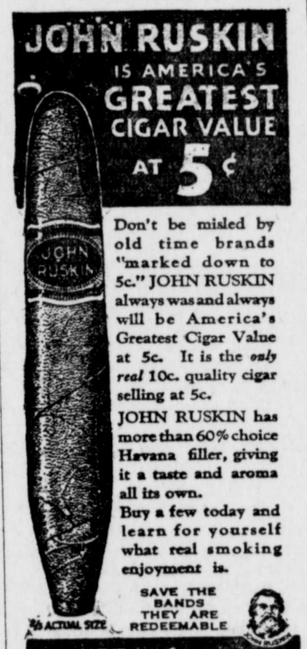
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Effective June 20, 1933
STANDARD TIME
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*6.15 a. m., 11.30 a. m. and 4.30 p. m.
Leaves Tolchester (Eastern Shore)
Daily and Sunday 8.30 a. m., 2.00 p. m. and 7.30 p. m.
Schedule Subject to Change Without Notice

EXCURSION SCHEDULE
Baltimore To Tolchester
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Effective June 20, 1933
Steamer
(AUTOS CARRIED)
Leaves Baltimore, Pier 16 Light St.
Daily and Sunday, 8.45 a. m. and 2.15 p. m.
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