

Agreeable to the state constitution of 1776, the General Assembly proceeded to elect a governor, and Thomas Johnson was unanimously selected for a second term. The following day, November 11, the Senate and House elected members of the Executive Council, reelecting Thomas Sim Lee, Joseph Sim, Edward Lloyd, John Rogers, and Josiah Polk. Sim, Rogers, and Polk declined to qualify for the office, so on November 25 the General Assembly selected James Brice, William Hemsley, and Daniel Carroll to fill their places.

The most important pieces of legislation passed during the month of November 1777 by the Maryland General Assembly concerned the recurrent problem of dissidents within the province and the immediate need to supply Maryland troops in the field. On November 17, the Assembly passed "An Act to punish certain crimes," which provided that anyone who attempted to "wilfully and maliciously burn or destroy, or attempt or conspire to burn or destroy, any magazine of provisions, or of military or naval stores, belonging to this state, or the United States...or voluntarily yield or deliver, or attempt or conspire to betray, yield or deliver to the enemy, any vessel belonging to the United States, or to this or any other of the United States...and shall be therof convicted in the general court...or shall stand mute, or preemptorily challenge above the number of twenty of the [jury] pannel, such person, his aider or abbetor, shall suffer death as a felon without benefit of clergy."

This act was undoubtedly introduced because of reports received from various persons concerning intercourse between citizens of Maryland--primarily residents of the lower Eastern Shore--and the British. One such letter, written by General Smallwood to the Executive Council on November 5, stated that a

Gentleman just from the British Fleet informs that Daniel Heath is now on board the Fleet and has supplied it with a Number of Cattle and offers with 500 Men to defeat 300 Militia Rebels which wou'd enable him to draw from the Eastern Shore 10,000 head of Cattle. The Gentleman has his information from James Frisby, who is also on board the Fleet and told the Gentleman, that he hoped and did not doubt but he shou'd soon have it in his Power to call Mr. [William] Paca to account for his rebellious proceedings in endeavouring to force him out with the Militia. Frisby also informed that Heath had invited his neighbours to drive their Cattle into his pastures for Protection and that Heath had sold them to the Fleet and had got for them a very large bagg [sic] of Gold. Frisby reviles Col. Lloyd as a Rebel and said he is a dam'd Villanous Rascall.

An even more important piece of legislation was passed on November 24, entitled "An Act to procure cloathing for the quota of the American army." General Smallwood had written to Governor Johnson on November 8: