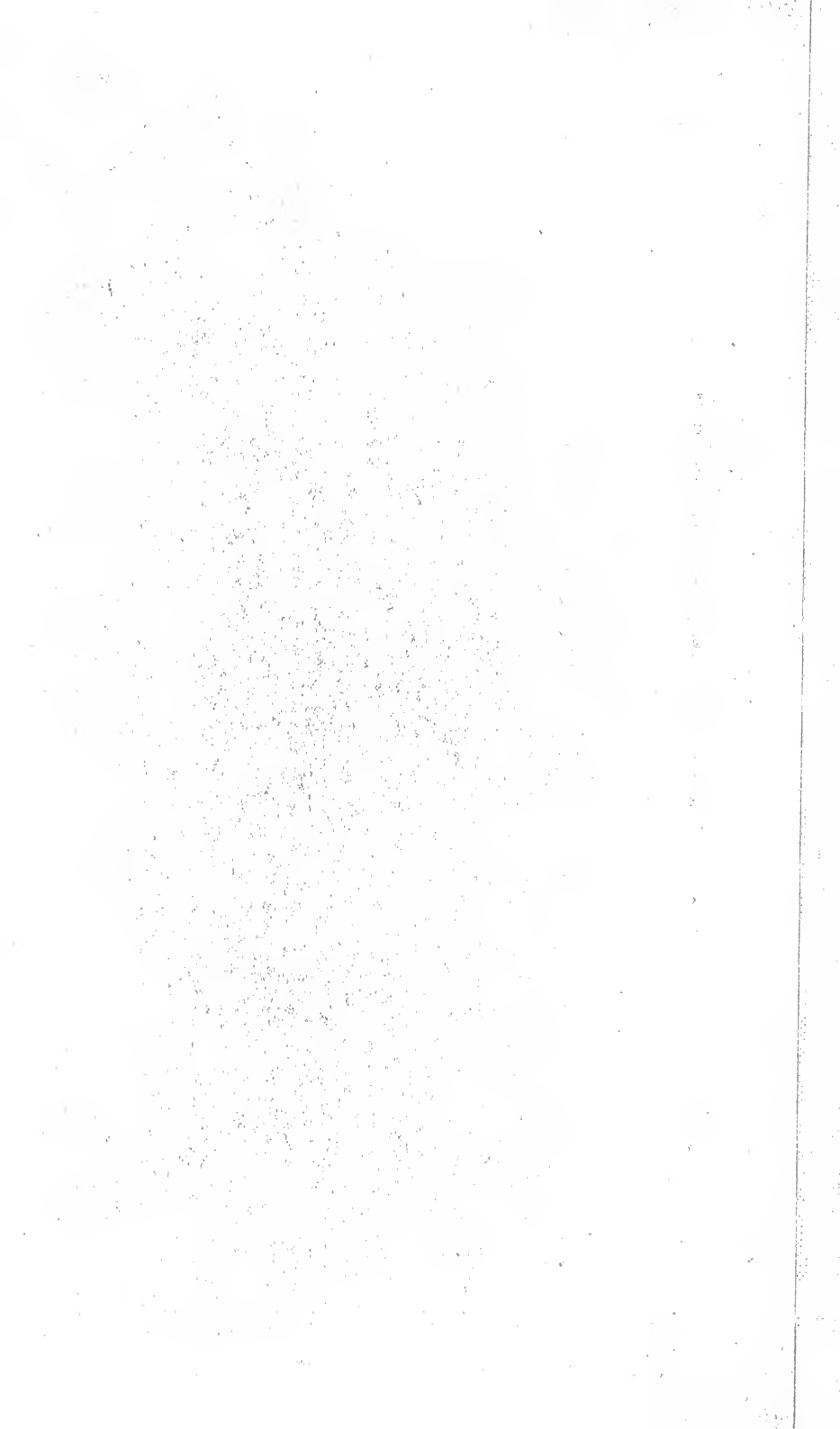


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159

Alexander



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INDEX

TO THE

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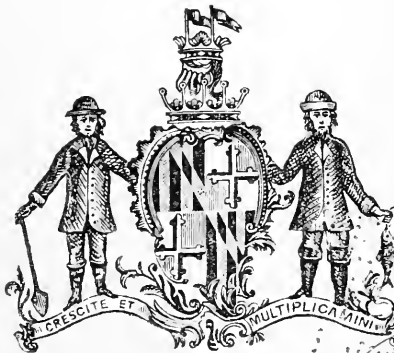
OF

MARYLAND STATE-PAPERS

COMPILED UNDER DIRECTION OF

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BALTIMORE:
JAMES S. WATERS.

1861.

1913

Legentium plerisque, primæ Origines proximaq. Originibus minus præbitura voluptatis sunt, festinantibus ad hæc nova quibus jampridem prævalentis Populi vires se ipsæ conficiunt. Tametsi hoc illud est præcipue salubre et frugiferum, omnis te exempli Documenta in illustri posita monumento intueri; inde tibi tuæq. Reipublicæ, quod imitere, capias: inde fœdum inceptu, fœdum exitu, quod vites.

P R E F A C E .

It can hardly be necessary to argue here the importance of Compilations like the present, or the propriety of multiplying copies of them, in a printed form. Their decided unattractiveness for both writer and reader, ought to be counterbalanced by some emphatic advantages of usefulness and application. And, in fact, it would not be difficult to justify the inducements in making them and in using them when made, upon weighty considerations connected as well with the condition they betoken and the influence they exert in Communities as with the convenience of individual inquirers or future historians. In this last aspect, for example, the present little Volume is the abstract and guide of more than six thousand folio pages of manuscript; every one of which would otherwise have to be perused by the person interested in obtaining information as to any single particular.

After all, however, it is perhaps more philosophical to regard the call for such things and the impulse to furnish them, as a sort of secular instinct, developing itself at certain fixed periods governed by general laws or at least influenced by general causes, in every civilized community. While yet young, for instance, each such community has no eyes for the Past (for the Past, to be practical, must always be subjective); it looks only to the Future, and to a Future that it surely deems will somehow be golden, though the Present be an age of iron. Like some youthful Heir, it hurries on, through the luxury of possession and the delights of mere animal vigor, to those new conditions which, as the Roman Historian says, are the limits to its achievements.

When it has reached these and found (as divers Heirs do find) that more has been wasted than won, or that at best all its belongings tend to be stationary, it has time to turn round; and, as it has now created a Past for itself, it yearns over the work of its hands and pleases itself in the pictures of its earlier doings. This is the epoch of History; and this, the period when that secular instinct which has been spoken of, begins to be developed.

Of course, this epoch varies in various communities; and its occurrence in any given case seems to be determined, among other things, by the relations of its origin and the circumstances under which its germ was produced. So, one coming into existence as a Colony more or less dependent upon an older society, carries it with it, however widely separate in space, the vitality and (as it appears) in some degree the maturity, even, of its parent stem; and the indications of its development start from a more advanced point on the scale, just as a graft fructifies earlier than a scion. The youth of such a Colony, then, might be expected to be more sedate than the similar term of another community, springing up beside it, composed of more independent materials, whether those materials be voluntary and pious exiles or outlaws.

These inductions are reasonably well sustained in the case of the Community concerned in the following pages,—that of MARYLAND. Its soil was Palatinate property; and its earliest settlers had been brought up among the traditions of a great Empire and amid a civilization that, if deficient in divers technical appliances with which we in the latter half of the nineteenth century have recently grown familiar until we may think them indispensable, was nevertheless as high as Europe knew in the beginning of the seventeenth. Nor, even with that qualification of comparative antiquity, can it be taken as of low grade. The World had already then been circumnavigated under English sails; and coffee and tobacco were domestic luxuries prized, although (and in various aspects, fortunately) not so wildly and indiscriminately consumed, as now. The euphuism of SIDNEY—itself a token of reflecting refinement—had long since given way to the loftier conceptions and more catholic phrase of SHAKSPEARE and to the purer taste of SPENSER; while the English Version of the BIBLE, (which is ours still, nor needs to be altered,) had, for nearly a generation, fixed the standard of the language. BACON, too, had some time

before recalled men to the true science of philosophizing about things, which the Schoolmen had for so long wrapped up in subtleties of words that the old method was nearly lost; and the first foundation of SAINT MARY'S was almost co-temporaneous with the birth of NEWTON. The intellectual and moral appreciation of the True and of the Beautiful had, then, been established upon the same bases which are accepted to this day; and, in so far as such appreciation is a test of Civilization, it would not be hard to maintain that the differences between our Maryland forefathers and ourselves, were more formal than substantial.

However this may be, the emigrants hither brought with them the habitudes to which they had been accustomed in GREAT BRITAIN; and among others was the copious furniture and careful preservation of written materials for the future History of the community. How far another adjunct of civilization—the assignment of fees and the love of receiving them—contributed to this abundance of manuscript, may be a question; but any one who will take the trouble of going over the Books out of which this Index has been compiled, and of observing the luxury of periphrasis and patience of repetition which reign there, will agree that if these old clerks took fees, they at least earned them.

Besides this original documentary and recorded mass, it was the habit to transmit to Lord BALTIMORE, (generally resident in London,) copies of every transaction in which he, as Proprietary, could be directly or indirectly concerned—proceedings of the Council, journal and acts of the Burgesses, cases before the Admiralty, questions in the Land Office, and even testimony in individual controversies which were likely to involve, at some time or other, Proprietary rights. Similar copies of divers of these transactions were also transmitted—sometimes with regularity, as during those periods when Lord BALTIMORE'S government was in abeyance, at other times in the nature of an appeal for Royal interference—to what is now known as the Foreign Office; as well as (in instances where it was necessary, and in others where the necessity is not so apparent) to the Commissioners of the Privy Council corresponding to the Lords Commissioners of Plantations and the present Board of Trade.

It is in this way that the documentary material for the History of MARYLAND came to be so copious—more so, indeed, than that of any other of the American Colonies, and sufficient to warrant the convic-

tion that such History might be now written with as much precision and more impartiality than would have been shewn had it been attempted co-temporaneously with the events themselves.

IN HER MAJESTY'S STATE-PAPER OFFICE at LONDON, for instance, these documents are found intermixed numerous through one hundred and eighty-five record-folio volumes and fifty-eight bundles, equivalent to at least fifteen more; while nine others contain exclusively matter from Maryland. It is true that as this Office is now, judiciously enough, a common limbo for Papers that formerly were distributed in different Departments, the documents occur not unfrequently, (but to an extent in bulk probably short of five per cent.) in duplicate and sometime even in triplicate. These last instances (which, however, are rare,) occurred in this wise. A particular document was transmitted to the Foreign Office; and because of some specialty in its topic, a duplicate was forwarded also to the Commissioners of Plantations for their consideration or decision. It took a good while for such Papers to reach their destination; and the Lords Commissioners of those days, whatever might have been their merits or defects in other regards, certainly ran no risk of unsound conclusions by having arrived at them speedily. In the interval between the arrival of the document and the happy period for action on it, the Paper itself would be mislaid—we have documentary authority for more than one case of this kind, and what is true of one will probably serve for all; application would be made (not to the Foreign Office, which perhaps had ideas of its own about its archives, but) to Lord BALTIMORE, who was always a party concerned, and whose business it was assumed to be to find the material to be acted on. If his Lordship was satisfied that the matter was going to be acted on rightly, i. e. in the way he desired, he immediately sent his own copy of the Paper in question, (as we know him to have done in one instance): if, on the contrary, he thought that the matter had better rest than be determined adversely to him, he replied (as he did also in one instance) that he would send over for a fresh copy from America, which of course came in due time. Now, none of these Papers were ever lost; and when the transfer was made, years later, from both of the Departments in question to the general depository of the STATE-PAPER OFFICE, of course they all turned up in the systematic handling there, and in this way they appear in triplicate.

In the BRITISH MUSEUM, also, there are collections of MARYLAND documents, some of them duplicates of what we have elsewhere, but the major part different from those in the STATE-PAPER OFFICE; and a portion of these, belonging to that turbulent decade preceding the Commonwealth, when the unhappy CHARLES had not always access to His archives at WESTMINSTER and probably deposited elsewhere what otherwise would have gone there. At least this is a term, in evidences of which the STATE-PAPER OFFICE is singularly scanty. Many years ago, these possessions of the BRITISH MUSEUM might have been increased; and with objects of great interest. In the autumn of 1839, there were lying in one of its rooms on the ground floor, two considerable chests marked CALVERT PAPERS, which I myself observed with much interest; but presuming that they were an acquisition of the Establishment and would be shortly examined and reported upon thoroughly, or at least be thereafter forever accessible, I made no particular enquiry about them, at the moment. It appears that this presumption was erroneous; and upon a diligent research instituted recently,—under the disadvantage to be sure of there being not a single person left now in the employment of the Institution, who was connected then with the particular branch of its Service to which belongs the receipt and custody of such things, until they are handed over to be placed in their proper receptacles,—no further intelligence could be obtained about them, and no other conclusion arrived at than that, when seen, they were merely *in transitu*, having been probably offered by some party possessing them, but at such a price as precluded their purchase. However this may have been, the mischance is very much to be regretted

In the archives of the See of London at FULHAM, and probably also in the Archbishopal palace at LAMBETH, as well as at SION College, are collections of MARYLAND Papers of another type from the preceding, and exhibiting the ecclesiastical aspect of the Province which was always kept under the jurisdiction of the Bishop of LONDON; which aspect, considering that the Church-Establishment was, for nearly a century and a half, part of the frame-work of society here, is not so much a complement as one of the essential features of the History of the province. At SION, the collection consists but of one large folio, from the papers of the Rev. Dr. BRAY whose name will be found in

the Index; its contents were calendared not long since by my own hand. The documents at FULHAM have been patiently examined and their substance used by the Rev. Dr. HAWKS for his published volumes of Ecclesiastical Contributions; and a copy of many of them was recently obtained for the archives of the Diocese of MARYLAND: but I am not certain whether there exists any Calendar or even Catalogue of them all.

Of the Collection in the STATE-PAPER OFFICE, to return to that topic for a moment, a Catalogue is in the possession of the MARYLAND HISTORICAL SOCIETY; which was prepared and presented to that Society several years since by the liberality of Mr. PEABODY. But the interest attaching to this, is lessened in the prosecution of a much more elaborate and detailed and at the same time comprehensive work which is now going on officially under the editorship of Mr. SAINSBURY; and one volume of which has been already delivered.

Some two years ago, when there had been published under the auspices of the STATE-PAPER OFFICE, four volumes of the so-called *Calendar of Domestic Papers* (a set of which was very obligingly placed at my disposal by the Authorities, and transferred by me to the STATE LIBRARY at ANNAPOLIS) seeing the irregularities that must always prevail in the attempt to discriminate between two topics so closely allied as the so-called Domestic and Colonial Correspondence, unless the two are treated at the same time and as far as may be by one person or at least according to one uniform system, and aware of the ill-economy in other respects of doing any work piece-meal, I took occasion to urge upon the Authorities and especially upon the Deputy Master of the Rolls, Sir FRANCIS PALGRAVE, the importance of calendaring both series of Documents, Domestic and Colonial, simultaneously; and, less as an inducement to the adoption of some plan covering this suggestion than as evidence of the interest I felt in the subject, I offered at once to contribute the proportionate share of expense which should accrue upon my being furnished with a manuscript extract containing the complete Calendar of the MARYLAND Documents in that Repository. The suggestion was not acted on at the time, without doubt for good reason: but the question does not appear to have slept; it seems to have been taken up under better auspices; and this labor of Mr. SAINSBURY is the first-fruits of the new decision

and a welcome omen of the ultimate result. I shall be well pleased if any thing which I may have said or done, shall have contributed to so desirable a consummation.

Such, then, is all that need be said in reference to Foreign repositories. Our own collections at home, are, as might be expected, still more rich and abundant. These, nevertheless, are only the remains of a much larger mass which various misfortunes have tended to diminish. Forcible and warlike seizure of the archives, as in the act of INGLE; purloining of papers, as in the alleged instance of LAWRENCE: a removal of the seat of Government from remote SAINT MARY'S to ANNAPOLIS—these are some of the incidents of an earlier day, not favorable to conservatism. At a later one, the occurrence of the Revolution by which the provincial character of the community was exchanged for an independent and sovereign condition, seems also to have borne the people back to a far earlier stage of social existence and to have obliterated, along with respect for traditions, a great part of any regard for the memorials which preserved them. I do not know exactly the condition of these Papers in the latter part of the last century; but certainly their state, shortly after the first quarter of the present one, went far to warrant the conclusion I have drawn. Exclusion of the atmosphere to a certain extent and an envelope of dust were, at this last period, the best safeguards upon which some of these unhappy documents had to rely; others had to endure imprisonment in cellars; and others again were consigned to lofts, or exiled to remote crypts. It was about this epoch that I made my first serious acquaintance with some of them; which were deposited in three large open boxes containing matter that, unfolded and arranged, would have filled fifteen or twenty volumes, and were left in the wood-house of the TREASURY OFFICE—itself at that time a recent adjunct; so that the Papers, in coming there, had to undergo the friction and abrasion of a removal which plainly appeared to have been managed with more regard to dispatch than to any other executive virtue. Under the domain of that instinct which was spoken of a while ago, I commenced for my own amusement, with the knowledge and consent of my elders and superiors, the unfolding and chronological arrangement of the documents; and, for a while, I thought an authoritative encouragement would be given to proceed. But, unfortunately, the sympathy which I

had solicited for my design in the beginning, outran my anticipations and wishes; a certain zeal, the re-action of earlier carelessness, was excited for it; it was taken under the patronage of (among others) a late eminent judicial functionary who contemplated its superintendence; and the value which he set upon his proposed labor, (to wit, Five thousand dollars, in coin of the realm) very effectually stopped then, as I have no doubt it would now, any further progress. I have long outgrown any disagreeable recollections of the painful disappointment I endured at the time; and, without any apprehension of being charged with egotism, I simply record these facts (as I have more right and reason than any one else to do) to take their place in our history.

This abortive attempt, however, was followed naturally enough by better success under other auspices; and the STATE-LIBRARY which was founded in the following year, 1829-30, became the depository of the particular Papers in question, and was intended as an Institution by which the materials for our early History should be preserved, arranged and utilized. To a certain extent, this good intention was realized; and a large volume now contains a number of transcripts of documents. It is to be regretted, however, that under some peculiar views entertained by the transcriber, the originals after having been copied, were destroyed. From this fact, and from the total disappearance of the considerable mass spoken of just now as having been removed from the TREASURY, it is probable that the same process of destruction was applied to many other originals which were supposed not to be (and possibly were not) worthy of preservation.

After all this, however, the remains still in possession are quite extensive. More than two hundred volumes attest the industry and care, and preserve the memorials of our ancestors; and with these and the resources of Foreign depositories, there is hardly any lack of material for an authentic and detailed History of Maryland.

After the spasmodic efforts which have been referred to, and which may be regarded as covering the period from 1827 to 1840, the question of our State-Papers was left to rest for a long time. It was only in 1858, after the incoming of a new and very memorable Administration,—that of Governor HICKS,—that the subject was again revived in the passage of an Act by the Legislature, (Jan. Sess. 1858, ch. 27.) authorizing a small appropriation (of five hundred dollars) for the

clerical expenses of copies of State-Papers to be procured from Foreign repositories, under the direction of a Commissioner whose appointment it authorized. This was, in motive though not in form, the re-enactment of a previous Resolution of the General Assembly, (Dec. Sess. 1836, No 56,) which I had myself caused to be passed, but which from non-user might have presumed to have expired. Absent from the country at and before the time of the passage of the Act in question, I had nothing more to do with it than to have suggested its appropriateness. The principal author of what I am convinced will hereafter be regarded as a very important and meritorious step, was, I believe, Mr. Secretary PARTRIDGE.

As there were no perquisites annexed to the Commission in question, the discretion of the Chief Executive in selecting the Agent was not hampered by any competition; and I accepted the charge under motives which had survived for thirty years, and which can be readily understood. In due time, I made myself familiar with the Foreign repositories in question: but as I had steadily in view a systematic attainment of the object aimed at, viz: a complete collection for the State of all existing Documents, original or transcribed, relating to the past History of MARYLAND and such a Calendar of these, manuscript or printed, as should make their contents available for any and every future historical Inquirer, I wasted very little in the premature copying of Documents. I only established in this respect an intelligent and reliable resort whenever needed; and advised, in a Report made to the Governor at the close of the year 1859, that the first suitable step was the enumeration and ascertainment of the Documents at present in our own possession. His EXCELLENCY approved of this suggestion; and I engaged the Rev. Doctor ALLEN, whose private researches had made him more familiar than any other person with the Documents in question, and whose advice had greatly helped the public measures about them, to compile an appropriate Calendar. This has in part been accomplished; and a foolseap folio of 408 pages constitutes the first volume of such a Calendar: of which the present publication is the Alphabetical Index.

The original Records which have been thus examined and calendared by Dr. ALLEN, are as follows:

- I. LIBER Z. Records from 1637 to 1642, of Proceedings of Council and of Assembly, of Land-grants, of Deceased Persons' Estates or Orphans' Court, and of some other Curial proceedings. This volume is in the possession of the Maryland Historical Society.
- II. LIBER F. Records from 1637 to 1642, of Council Proceedings and Documents.
- III. LIBER A. Records from 1647 to 1650, similar in character to those in the preceding No. I.
- IV. LIBER B. Records from 1648 to 1657, similar to the last. The original entries of the three preceding, are apparently not now in existence: but are found as ancient copies in Vols. 1, 2 and 3 of the Records of the Land Office, where the Books in question are at present deposited.
- V. LIBER —. Council Proceedings from 1636 to 1657.
- VI. LIBER —. Council Proceedings from 1637 to 1658. These are principally duplicates of parts of the preceding Nos. I.—IV.; though they contain also copies of many documents not found elsewhere. They are at present in the Council Chamber.
- VII. LIBER HH. Council Proceedings from 1656 to 1669.
- VIII. LIBER AM. Council Proceedings from 1669 to 1674. These two are in possession of the Historical Society.
- IX. LIBER K. Council Proceedings from 1692 to 1694. An intermediate volume, 1674—1692, has not yet been met with.
- X. LIBER HD. Council Proceedings from 1694 to 1698.
- XI. LIBER X. Council Proceedings from 1697 to 1703.
- XII. LIBER FF. Journals of the Upper House from 1658 to 1698. These four last are at present in the Council Chamber.
- XIII. LIBER Y. Proceedings of Assembly from 1649 to 1669. This is in possession of the Historical Society.
- XIV. LIBER —. Proceedings of Assembly from 1676 to 1702.
- XV. Miscellaneous Documents of various dates from 1682 to 1776; copied (as mentioned just now) by the Librarian of the State from the originals formerly in the Treasury. The two last are in the State-Library.

These cover, tolerably connectedly, the period between the first beginning of the Province and the commencement of the last century. And they were chosen judiciously, I have no doubt, as the most proper materials for the First Volume of the intended Calendar which follows them, with apparently sufficient minuteness, through nearly 6000 pages. The entire mass of the Documents we have, will probably require six more volumes like the one which has been executed.

The appropriation was not exhausted by what has been done; and my intention was to have gone on with a Second Volume of the Calendar, to have been prepared in the same manner as the First. But this good intention was somewhat dampened by the apparent want of interest manifested by the GENERAL ASSEMBLY of 1860, in not making any provision for continuing the work; and it was, of course, more satisfactory to pause at a point where a certain completeness had been attained, rather than to enter upon another stage without the certainty of means at disposal to finish it. I thought it, therefore, more judicious to render generally and practically useful, what had been already done; by the publication of a brief Alphabetical Index, which exposes and makes accessible a part of our Historical Documents, and which will, I hope, have the effect of stimulating a desire, on the part of those who are concerned, to have the whole made equally so.

In this view, as the occupations of the Rev. Dr. ALLEN did not allow of his preparing the Index to his work, I caused it to be compiled by Mr. JULIAN ALEXANDER; who has executed it, as far as I have been able to judge by sundry comparisons with the text, with accuracy and a certain skill. It must be recollected that a detached Index of this sort has, of necessity, to be more voluminous than if it was conjoined to the text to which it relates. In this last case, a simple numerical reference to the pages would be sufficient: in the actual condition of serving as a guide to Books which are not at hand, there must be some verbal indication of the particular topics which the respective references are intended to cover. Also, it will be found in the use of the Index, that by systematic repetitions of the same topic under different alphabetical heads—by which, each such head is made complete in itself, and the time of the Inquirer is spared from having to turn continually backwards and forwards to various heads in the

pursuit of what belongs more or less to all—a convenience has been provided, which has been cheaply acquired by the additional labor of the Compiler and of the Printer.

The numbers of this Index refer to the pages of the manuscript Calendar. I would have preferred, had it been suitable, to make them refer to the Volumes and pages of the original Records. But this would not only have vastly increased the labor of compilation, but would also have augmented the risk of error, clerical and intellectual, which always accumulates in every reduction of scale, and which in this case—the mass of the Records being one hundred fold that of the Index, and the result of the latter being a reduction from a reduction, i. e. worse than a copy from a copy—would have been quite serious. The use of the Index, then, is to find for any given head and topic under that head, the page of the Calendar where they are treated; the Calendar may or may not furnish sufficient information to satisfy the Inquirer; if the former, the object has been attained, and there is no need of looking further; if the latter, the Calendar itself will have furnished the indications of the volume and page of the Records themselves to be consulted.

It would undoubtedly be desirable to avoid, if possible, this contingency of a double reference; but such avoidance is hardly to be attained otherwise than by the publication of the Calendar itself with its own Index, or of an Index which should be nearly as copious as the Calendar. One or other of these steps will probably be justified hereafter. At this moment either of them would be premature; and the present result must stand upon its own merits to be an evidence of the interest that attaches to the Historical materials in our possession, and an incentive to their further exploration.

Finally, I hope that the judiciousness of plan and satisfactoriness of execution in this Index, may only equal the disinterestedness of my own motives in regard to it, and the gratuitousness of my own labor; in which event, with the sympathy and co-operation of scholarly persons like-disposed, it will certainly happen that either I, or some one better qualified, will be called on before long to consummate what is here begun.

I N D E X
TO THE
FIRST VOLUME OF THE CALENDAR.



INDEX.

A.

ABBOT.

Abbot, John, 13, 21, 26.
Abbreviations, 6.
Abhorreny against the Pretender, Oath of, 124.
Abington, John, 70, 133, 134; estate of, 140, 149; fees due to, 119.
Abridgment of Chancery Procs. 246.
Accidents in the Government, (Act concerning sudden,) 59, 303, 311, 312.
Accoceck, an Indian settlement, 195.
Accocike Indians, 191.
Accomack, 73, 75, 76.
Account, of duty on Arms sent to England, 138; of Fines, 187, 209; with the Governor, 188; of Levies on the Counties, 40, 116; of Remittances to New York, 136; thrown out, 241.
Accountants to Lord Baltimore, 401.
Accounts, of Assembly, 62, 63; of Estates, 22; Journal of, 325; Probate of, 130, 133, 142—144, 148, 156, 178, 188, 198, 258, 362, 374, 387, 391, 393, 394, 395; of the Province, 103, 121, 130, 133, 134, 139, 144, 157, 159, 160, 164, 172, 180, 181, 185, 187, 190, 198, 205, 206, 235, 236, 241, 289, 354, 360, 361, 369, 373, 383, 384, 393, 395, 396; Committee upon the Public, 241, 244, 249, 269, 271, 276, 286, 289, 290, 298, 304, 309, 312, 315, 321, 322, 333, 369, 370, 387, 392, 393, 396; exception to the Public, 325; statement of regular, 200, 392; transmission of regular, 202; without speciality, 40.
Acquittal contrary to Law, 216.
Act of Assembly of 1676, (petition for relief from, and liberty of defence prayed against,) 265.
Act from the Province of Carolina, agreed to, 79.

ADDRESSES.

Act of Trade, 142, 148, 153, 191, 313, 366.
Acts of Assembly, 15, 31, 32, 33, 38—40, 59—64, 109, 116, 147, 187, 202, 213, 215—230, 231, 235—237, 238, 238, 240—250, 252, 253—255, 257—260, 261, 262, 270, 271, 272—275, 276—280, 281, 282, 284, 285, 286—7, 288, 290—292, 294, 300, 302—316, 320—326, 328, 331—338, 342—344, 346—348, 350—361, 363—365, 371—374, 377—379, 383—386, 393—4, 396—7, 400—402; Messages concerning style of, 332, 342, 343.
Adam, Thomas, 55.
Adams, *Henry*, 215, 221, 230, 238, 245, 256, 258; *Thomas*, 21, 45.
Addison, *Col. John*, 94, 96, 98, 100, 101, 103, 104, 107, 108, 110—112, 114, 115, 118, 119—124, 127, 133, 136—138, 141, 146, 148, 149, 155—157, 160, 163, 165—167, 189, 192, 193, 197, 326, 328, 337, 343, 347, 351, 355, 365, 374, 380, 388, 390; *Thomas*, 138, 148.
Addition to Council, (asked,) 165.
Address, (Committee to present,) 351; for removal of Governor, 344; signers to an, 153.
Addresses, to the Archbishop of Canterbury, &c. 345; to the King, 97, 153, 175, 354, 359, 361, 363—365, 368, 372, 373, 375, 379, 387, 388; by the Assembly to Lord Baltimore, 307, 312; to the King and Queen, 331, 332, 337, 345; of the Justices of the Provincial Court to Gov. Nicholson, 161, 181, 387; by the Lower House to the Governor, 383, 384, and to Lord Baltimore, 263, 276, 291, 293; of Parliament to the King, 366.

- Adjourned Session, Journal of, 404.
- Adjournment of the Courts, 190.
- Administration, Bond, 20; of small estates, (ease asked in,) 232; by Non-jurors, 259, 261, and special security required for such parties, 261.
- Administration, of Justice, (Act concerning,) 222, 272, 274; of the Oaths of supremacy and allegiance to all officers except Lord Baltimore's Receiver, 184.
- Administrations, (Act concerning,) 40.
- Administrator, 52, 54, 55, 57.
- Admiral, 52.
- Admiralty, Lords of the, 152, 154, 161, and order by them, 365.
- Admiralty Commissioners, 127.
- Admiralty Court, 123, 127, 132, 150, 187; Fees in, 190; Judges of, 130, 132, 182, 188, 366; Marshal of, 132, 205, 366; Deputy Marshal of, 136; Officers of, 150, 157, 183; Register of, 132, 147, 182, 188, 366, in Pennsylvania, 157, 158, 188, in New Jersey, 157, 188.
- Admonition of the Clergy, 202.
- Adultery, (Acts to punish,) 32, 39; case of, 336.
- Advertisement, (notice of petitions to Assembly to be given by,) 394.
- Advice Boat, (the Royal.) the *Engle*. 199, 200, 203, 204.
- Advowson, 38.
- African Company, 161.
- Agent, Lord Baltimore's. 85, 187, 334, 336, 337, 342, 343; of the Country, (Mr. Paggen,) 105; to England for New York, (resolution against appointing an,) 353; of Maryland, (Mr. Povey,) 153, 365; from New York, (bad character of.) 351; for Prizes, 158, 161, 166.
- Agents, instructions respecting Lord Baltimore's, 85.
- Agreement, between Lord Baltimore and Richard Bennet, 67; about the Bounds of Maryland and Virginia, 87.
- Aid to New York, 112, 116, 120, 127, 131, 133, 139, 149, 152, 330, 333, 339, 346, 347, 348, 352, 356, 359, 364, 372.
- Albany, Fort, 285.
- Albany, in New York, 368.
- Alderman, 243.
- Aldern, William, 134, 144.
- Alexander, (the Ship.) 154.
- Alienage, 146.
- Alliance, 43, 124, 184, 189; oath of, (omitted to be taken by the Lower House,) 327; to the King, in the oath of Fealty, (saving of,) 217.
- Allen, *Capt.* 252, 254, 258; *John*, 80, 92; *Thomas*, 13, and order for redeeming his children, 33.
- Allen's Mill, 350.
- Allotments, 80, 218, 260.
- Allowances, 55, 100, 104, 106, 123, 124, 130, 132, 152, 188, 198, 228, 231, 293, 311, 362, 370, 371, 373, 385, 388, 396; by Committee on Accounts, Journal of, 387; for public services, (receipts for,) 343.
- Alphabet of Documents, 19, 152.
- All-Saints' Parish, Calvert, 133, 140.
- Alteration of Patent, (petition for,) 180; and Bill for the same, 393, 394.
- Althea, Mr. 171.
- Alvey, a felon, 247, 248.
- Amendment of the Laws, 95.
- Amerciaments, (Act for,) 222, 236.
- America, (preparations of the French to attack,) 153, 366.
- Ammunition, distribution of, 124, 129, 131, 132, 138, 145, 148, 150, 173, 190, 197, 200, 203, 227, 256, 345, 377; of the Public, 100, 106.
- Amustiack, Treaty with the King of, 70.
- Anacostank Indians, 226, 231; allotment to the, 80.
- Anacostia, King of, 123, 138, 363.
- Anderson, James, 198.
- Andros, Sir Edmund, commission to, (in case of the Governor's death,) 115; (opinion of Counsel touching assumption of Government by,) 129; Governor of Maryland, 118, 119, 121, 128, 129, 132, 338, 340, 343; Governor of Virginia, 158, 179, 186; delivery of Letters to, 183; Revenue taken by, 129, 356.
- Annapolis, 134, 136, 141, 149, 150, 161, 163, 171, 175, 177, 178, 193.

- 197, 198, 200, 350, 351, 360. 407: Church built in, 141, 146, 157, 160, 164, and contractors for the same, 139; Encouragement of, 137; half-yearly Fairs at, 357; Improvement of, 357; its Inhabitants petition, 355. and are privileged from Arrest and from County-levy, 357; Justices in, 205: Library, 369; Lots for building at, 134, 354; Market, 357, 375; Parsonage, 353, 354; Police, 205; Port of, 351, 353, 355; (Act for the advancement of its Port,) 364, 368, 369, 371, 376; Map of the same, 353, 374, 379, and Surveyor, 194; Residence of all holding general Office (required to be in,) 362: School, 164; Thanksgivings in, 391, which are to be observed on a different day from the rest of the Province, 205; Warehouses in, 357.
- Anne Arundel County, 35, 38, 39, 54, 56, 56, 68, 69, 70, 76, 97, 103, 106, 108, 114, 120, 127, 134, 167, 266, 271, 275, 401; (Acts concerning,) 33; Arms sent to, 369; Assemblies and Courts to be held in, 308; Burgesses, 303, their names, 212, 215, 225, 232, 237, 245, 258, 267, and certain of their seats contested. 238: Clerk of, 104, 177, 300; Colonel of, 193; Commander of, 55; Commissioners of, 68, 116, 135; and do. of the Peace in, 78, 79, 80; Conscription in, 80; Court, 68, 77, 177; Court House. 276, and its fall, 300; Election returns from, 78; Inhabitants of South side of Patapsco petition to be restored to, 315, 343; Justices in, 68, 69, 96, 104, 105, 112, 198, 202; Militia of, 98; Murders by Indians in, 33, 76; Notary of, 130; Poll Tax in, 345; the Ridge in, 97, 120, 192, 249, 299, 314, 407; Sheriff of, 54, 134, 135, 176, 206, 212, 267, 302, 329, 360, 401; Surveyor of, 96; Towns in, 303.
- Anne Arundel Town, 131, 132, 346, 347, 407; Act constituting it a Port, 345; Ditch around, 142; Governor authorized to take a lot for a Fort there, 344; Laying out of, 347; Removal of Records to, 131.
- Apoquinimink, 73.
- Appeal Bonds, 145.
- Appeals, 119, 128; (Act concerning,) 61, 277, 344, 352, 353; to the Council, 192; from County Courts, 241, 243; Court of, 166, its Clerk, 130, 184, 185, and its Sessions, 170, 180, 181, 184; to England from sentence of coudemnation of a Ship, 191; to Governor and Council, 128.
- Appellant, (costs paid by,) 67.
- Appointments of Officers, (Act concerning,) 217, 235, 402; right of Governor and Council as to, 224.
- Appomattox, 29.
- Apportionments for the Counties, 148, 149, 360.
- Appraisalment, 140, 182; (Act for,) 222.
- Appraisers forbidden to buy in their appraisements, 352, 353.
- Apprehension of persons refusing a passage to a Sheriff's officer over the River, (order for the,) 175.
- Appropriations, 388, 396.
- Approval by the King, 160.
- Approver, 194.
- Aquasceake, 33.
- Archbishop of Canterbury, 351, 354, 363, 382; Patronage of the Free School offered to him, 345.
- Arley, Thomas, 37.
- Arming of the Militia, 139.
- Arms, 48, 129, 130, 131, 133, 153, 154, 159, 180, 393; .account of those able to bear, 48, 190; Commission to view, 48, 145; for the Counties, 106, 111, 138, 154, 167, 170, 177, 188, 190, 227, 259, 345, 368; Deficiency of, made an objection to an appropriation for distribution of Books, 369; sent to England, 183; Public, 106—108, 129, 130, 133—135, 139, 141, 145, 154, 156, 157, 160, 172, 173, 180, 190, 193, 197, 199, 205, 259, 366, 368, 370, 372, 375—380; their cleaning, 199, their disposition, 368—370, 372, 381, 387, and their return, 148; (the Royal,) to be set

- up in the Courts, 369; prohibited from being sold to Indians, 49.
- Arnold, John, 76.
- Arrests, (Act concerning,) 222; privilege against, to inhabitants of Annapolis when in other Counties, 357; to visitors at Annapolis, *ib.*; to Members of the Lower House, 391; to Rangers, 142: on the Sabbath, (prohibited,) 332.
- Articles, of Agreement with the Indians, 70, 101; of Peace with the Indians, 70, 72, 73, 76, 80, 112, 128, 195, 198, 231, 339.
- Artificers' Wages, (Act touching the rating of,) 60.
- Ashcomb, John, 35.
- Ashman, *Mr.* 145, 390; *George*, 326.
- Assembly, General, 11, 14, 15, 24, 30, 31, 38, 115; accounts of, 62, 63; conflict of an order in Council with an Act of, 116; Acts of, [see *Acts*]; Advice asked of Col. Nicholson about, 190; Allotments to the Indians by, 80; Assent of, necessary to the revocation of laws, 232, 271, 272; Attendance on, by the Sheriffs, (petition for an allowance for,) 293; authorized to be held in the Governor's absence, 14; Lord Baltimore's dissent to an Act of, 79; Burgesses of, 212—215, 218, 220, 225, 232, 237, 238, 243, 245, 258, 326, 327, 339, 347, 390, 402; Call of, 114, 128, 138, 151, 401, 402; Charges of, 31, 62, 64, 225, 246, 257, 258, 275, 276, 278, 401; Clerk of, 151, 218, 311, 338; held under Commission from the Lord Protector, 63, 64; Committees of, 62, 197, 223, 243, 263, 270, 279, 294, 300, 307, 308, 312, 323, 342, 353, 356, 357, 369, 370, 373, 376, 381, 382; Confession of falsehood before, 225; Council in, 346, 347, 351, 355, 362, 365, 374, 379, 390; long Debates to be avoided in, (counselled by Ld. Baltimore,) 280; proclamation for choosing Deputies to, 86, 199; Dissolution of, 15, 116, 198, 199, 220, 225, 231, 237, 338, 379; Documents of, 400; Fees of Secretary referred to, 102; the First, 12; Act of, for settling Governor's salary, 191; Grand Committee of, 234, 235, 241, 281, 296, 312, 313, 314, 320, 321; Grievances of the Counties to be sent to, 182; Lower House of, [see *Lower*,]; Upper House of, [see *Upper*,]; the two Houses of, 400; Instructions about, 338; Journal of, 191, 270; the Last, (under Lord Baltimore's Government in 1689,) 326; Letter to Ld. Baltimore from, 62, and reply, 63; Meetings of, 63, 131, 139, 144, 194, 208, 212, 220, 225, 232, 237, 243, 245, 258, 262, 299, 311, 317, 326, 337—339, 346, 347, 351, 355, 358, 362, 365, 374, 379, 390, 402, 403; Messages of the Governor to, 163, 215, 216, 238, 246, 326, 338, 339, 346, 349, 350, 352, 355—359, 362, 364, 365, 368, 371, 373, 374, 380, 382, 389—392, 395—397; Mileage of, 258; Notice of, (to be given by the Sheriffs,) 181; Oath of Secresy by, 218; Opinions of Attornies of, 129; Order of Business in, 230; Orders of, 33, 38, 40; Papers about the Indians for, 163; Per diem of, 322, 323; Petition referred to, 95; notice by advertisement beforehand to be given of Petitions to, 394; Places for holding, 308; Privileges in contempt of, 218; Proclamations for, 30, 33, 60, 62, 86, 114, 262, 401; Prorogations of, [see *Prorogation*,]; Provision for holding future, 305, 306, 307; Raising of money without its consent, prohibited, 400; Recommendation of Acts to be passed by, 182, 199; References to, 105, 113, 117, 143, 144, 182, 190, 199, 201, 207, 216, 217, 224, 244, 250, 295, 325; Sentence of one Young to appear at every Session of, 305; Session in 1686, 317; Sessions of, 328, 329, 368; inquiry of the Lower House about the termination of a Session and tact reply of the Upper House, 229; Act for settling at St. Leonard's, 401; Summons for, 30, 59, 62, 67, 78, 80, 214, 403, 404; Trial before, 15, 216; Triennial, 38;

Warrants calling, 59, 60, 62, 80, 212, 218; Writs for, 67, 70, 128, 151, 220, 264—267, 401.

Assembly, House of, 337; Act establishing it, 59.

Assent to Laws, 213, 217, 220, 221, 229, 230, 248, 254, 257, 274, 279, 284, 290, 299, 313, 314, 316, 326, 337, 344, 346, 351, 355, 361, 365, 374, 390, 397; in Ld. Baltimore's absence, 276; vested in Governor, 59; Agents to procure the Royal, 365.

Assessments, 33, 45, 47, 48, 51; for accounts, 47; of Expenses, 61; of Levies by Governor and Council, 220; of Tobacco for building a Court House, 310; of Tytheables, 79.

Assigned Case, refusal of Council to change an, 112.

Assignment of Legacy, 14; of Recognizances, 13; of Sheriffs' Bonds, 184, 192, 206, 329.

Assistance, Warrant of, 165.

Association in England, 144, 366.

Atcherson, Susan, 38.

Attachment for Contempt, 172.

Attachments, 11, 28, 29, 37; Act regulating, 40, its extent, 236, 306, and repeal, 39.

Attainder, Bill of, 254, 255, 256, 257.

Attaints, 136, 138.

Attestation of Judicial Proceedings in England, 356.

Attestations, 154.

Attorney, 141, 148, 160, 169, 223, 377; Dismissal of one, for promoting a pretended marriage, 149; Dispensation from oaths refused to another, 106; of the Eastern Shore, 143; forbidden to practise till a judgment was released by him, 308; Letter of

one, to Governor Nicholson, 127; petitions for a License, 114, 117; Power of, 154, 159; Restoration of one, 164.

Attorneys, prohibition of Commissioners, Sheriffs, &c. against pleading as, 229, 244; Act concerning Fees of, 260, 261; Bill concerning malpractices of, 384, 386; opinions of "all in town" asked about an Indian, 128; opinion of King's Lawyers about, 382; Opinions of, 128, 129, 130, 131, 133, 134, 136, 137, 138, 140—142, 144, 145, 147, 149, 152, 340, 363, 365, 367, 370, 376, 382, 383, 397; in the Lower House, permitted to argue Writs of Error, 285, 286, 291; when pleading to wear a gown, 148; Act for Reform among, 249; forbidden to practice, if Roman Catholics, 106.

Attorney General, 69, 72, 95, 123, 128, 131, 137, 138, 140, 141, 164, 182, 183, 185—187, 201, 252, 311, 327, 332, 343, 353, 396; allowance refused to, 397; Bill of Exchange presented to, 397; Commission of, 184; Fees of, 185; Residence of, 139; Resignation of, 182, 201.

Attorney General, Assistant, 130.

Attorney General of England, 138.

Attorney General to the Lord Protector, 57, 69; Information filed by him, 69.

Atwood, William, (Ch. Justice of N.Y.) letter from New York asking that he be apprehended, 202.

Auditor General, 187, 340, 351.

Auditors, appointment of, 352, 353, 375, 376.

Augusta Carolina, a locality in S. Mary's, [1635,] 14.

B.

Back-rents, 67.

Bacon, the Rev. Thomas, 63, 64, 276, 280, 326, 337.

Badden, Edmund, 27.

Bagg, Mr. 308.

Bail to Sheriffs, (Act about,) 222, 373.

Bailable Offences, 109.

Bail-Bond, 18, 72, 178, 262.

Bailey, G. 213.

Bailey, (the Goldsmith,) petition from, 72.

Baker, Andrew, 19, 22; Elizabeth, 102, 104; John, (murdered,) 158; John, (an inn-keeper,) 252; J. 147, 208.

Baldrige, *James*, 16, 42; *John*, 43; and *Thomas*, 15, 16, 18, 20, 48.

Ball, Mineau, 104.

Balley, John, 247, 249.

Baltimore County, 96—98, 100, 103, 127, 132, 134, 141, 146—148, 157, 164, 168, 198, 200, 231, 274, 283, 284, 301, 385, 388; Burgesses of, 72, 259, and their names, 213, 215, 223, 225, 232, 237, 245, 258; Clerk, accused of bigamy, 140; Commission for the peace in, 77, 85; Commissioners of, 128, 156, 226; Conscription in, 80; Court House built on the Gunpowder River, 260; Election contested, 380; Election Returns, 78, 337; Ferry from Dorchester Co. to, 244; Field Officers of, 157; Frontiers of, 78, 146; Justices in, 132, 144, 147; Act concerning Lauds in, 222; Losses occasioned by the Indians, 250; Militia of, 98; Petition from South side of Patapsco, 315, 343; Petition of, (for provisions,) 226; Proceedings in, 403; Sheriff of, 77, 78, 100, 105, 135, 150, 163, 206, 212, 283, 284, 401.

Baltimore, Lord, 24, 27, 28, 42, 43, 46—49, 51, 55—57, 59, 63, 66, 67, 71, 79, 83, 85, 87, 95, 120, 121, 133, 143, 159, 171, 176, 184, 213, 214, 217, 250, 255, 256, 258, 263, 264, 267, 269, 271, 274, 275, 276, 278—280, 284, 287—289, 296, 299, 304, 305, 307, 309, 310, 311, 313, 318, 400; his Accountants, regulated by Act, 401; Acknowledgment to, 257; Addition of the Eastern Neck of Cecil Co. by, 288; Addresses of Assembly to the Crown, about, 337; Addresses to, 263, 276, 291, 293, 307, 312; Agents of, 85, 187, 334, 336, 337, 342, 343; his Agreement to divide the Land Office fees, 366; his Allowance of 2s per hhd. of tobacco during life, settled by Act, 309, and declined by him, 314; Aspersions upon, and his vindication of himself, 288; asked by Lower House to fix the place for holding Assemblies, 305, 306, 307, 308; Assent to laws by,

213, 248, 249, 254, 257, 258, 271, 276, 279, 288, 299, 307, 311, 316; Bills and Bonds of, 95; Counsel of, 186; Act for the speedy payment of Debts due to him, 400; Declaration by, 62, 63, 403; Defence of the Province given up to, 273, 275; his Departure for England, 315; his Dispute with the L. H. about the number of Delegates, 264, 265, 267; Dispensation from oaths by, 259, 260, 327; Dissent to laws by, 79, 232, 264, 316; Act concerning Dues to, 221; Act concerning the Freights of Goods for, 235; Grievances stated, but not in arraignment of, 234; his Guard, 289, 294, 298; articles of Impeachment against, 336; his Manor at Patuxent, 219; Messages from, 257, 262, 269, 272—277, 280, 288, 289, 293, 294, 300, 306, 311; Notoriously false reports by, 288; his Ordinance and property forbidden by Act to be transported or sold, 400; his Patent, 84; letter to him about the Penn'a line, 376; Petition against, 31; Pirates' attempt to seize him, 289; Present to, 257, 307, 310, but declined, 310; Act for Proclamation of, 40; his Receiver exempted from oaths, 184; his refusal to acknowledge the King's Government, 186; his Resumption of the Government, feared, 167, 382; Agents apply for permission to collect his Revenues, 334, 342, 343; his Rights over Maryland recognized by Act, 400; his Proprietary Seal, 120; Secretary of, 215; his Shipping dues restrained from being collected, 336; leaves his Son to accept the Act of Gratitude, 311; his Speeches to the Lower House, 306, 307, 316, 317; Act raising a Supply for him, 239; Act for his Support, 15, 31, 63, 240, 241, 313, 401; Thanks of Assembly to him, 256; sickness of Lady Baltimore, 267, 276; Writs of Election issued by, 266.

Baltimore Rangers, 166.

Banishment, 36.

- Bank, proposal for a levy for a Joint-Stock, 108.
- Banks, *Mr.* 53; *Lieutenant*, 36; *Richard*, 36, 56; *Thomas*, 274.
- Bar, dismissal from the, 146, 150.
- Barbadoes, Island of, 164; its Governor, 140, 153; its President, 153.
- Barber, Captain, 357.
- Barber, Dr. Luke, 66, 67, 69—71, 89, 212, 223, 224, 402; becomes Lieut. Governor, 66.
- Barkstead, John, 102.
- Bartlett, Mr. a preacher, 148, 150.
- Barton, *Mr.* 71; *Captain*, 132, 186; *E.* 184; *William*, 66, 147, 174, 212, 213, 377, 390.
- Bastards, 383; Act concerning those borne by Servants, 401, 403.
- Bass, C. 179.
- Bateman, *Edward*, 20, 21; *John*, 68, 71, 73, 214, 220, 223.
- Bates, Captain, 203.
- Bathurst, E. 186.
- Batson, Edward, 96, 159, 171, 185.
- Battle Creek Town in Calvert Co. 284: and warrant for laying out, 283.
- Battletown, Calvert Co. 119, 122, 150, 151; erected into a Port, 313; survey and plat of, 152, 292.
- Baxter, *John*, 21, 22; *Roger*, 26.
- Bayne, *Captain John*, 123, 128; *Mr. Sheriff*, 183.
- Beale, Thomas, 390.
- Beall, *Col. N.* 97, 129, 130, 137, 138, 148, 167, 169, 192, 193, 271, 290, 291, 331, 362; *Ninian*, 390.
- Beane, Ralph, 14.
- Beard, Richard, 144, 160, 176, 177, 199, 205, 225, 393, 394.
- Beaver, loan of, 11; skins presented by the Indians, 195; Trade, 14, 68, 78.
- Beckler, Edward, 11.
- Beckwith, George, 91.
- Bedlo, Isaac, 226.
- Beeson, Mr. 225.
- Belcher, Thomas, 56.
- Bellamont, Earl of, 170, 187.
- Benedict-Leonard Town, 131, 350.
- Benefit of Clergy, 15.
- Bennett, *D.* 84: *Richard*, 28, 67, 206; one, 53.
- Benton, Richard, 335.
- Benum Annum, 12, 13.
- Berkeley, Sir William, 27, 50, 75.
- Bermudas, Governor of, 155.
- Berry, *James*, 36, 245, 258, 284; *William*, 271, 272.
- Bert, Mr. 324, 325.
- Beverley, Henry, (of Va.) 134.
- Bibles distributed to the people at the Cool Springs, 170
- Bigamy, Clerk of Balt. Co. accused of, 140; Geo. Tubman accused of, 182.
- Bigger, *Capt. James*, 120, 122; *Col. John*, 114, 326.
- Bill confirming sentence of death, 15.
- Bills and Bonds of Lord Baltimore, 95.
- Bills from England, Act touching, 247.
- Bills, of Exchange, 143, 183, 190, 348, 391; presented to Atty. Gen. 397; Damages upon, 279; protested, 131, 132, and letter from N. York about, 119; remitted to England, 142; sent to N. York, 120; Exchequer Bills, 129.
- Births, Registry of. 349: Act concerning the same. 39, 401.
- Bishop, *Henry*. 13, 20, 46; *Richard*, 325; *William*. 237, 238, 245, 258.
- Bishop of London. 158, 161, 351, 364, 370, 382, 388; Books from, 131; his Commissary. 161; his Enquiry as to the Act of Religion, 349.
- Bishops in England. addresses to. 345.
- Bishops. Suffragan. 345.
- Blackenstein, William, 313, 328.
- Blackmore, John, 159.
- Bladen. *H.* 151, 152, 168, 169; *William*, 159, 161, 168, 182, 189, 194, 198, 201, 208, 348, 378, 381.
- Blains, Captain. 205 *ib.*
- Blaithwaite, William, 127, 139, 173, 202, 340, 365, 366.
- Blake, Landgrave, (of Carolina.) 134.
- Blake, Thomas, 192.
- Blakiston, *Capt. E.* 185: *Modam Elizabeth*, 128, 130, 131, 133, 144, 149; *Governor Nathaniel*. 161, 188, 189; his Inauguration, 188, 189; oaths taken by him, 189, 194; his reception, 183; and return to England for his health, 201, 202; *Capt. Nehemiah*, 94—101, 103, 104, 105, 107, 108.

- 110—118, 120, 128, 149, 326, 327, 328, 330; one, 155.
- Bland, Thomas, 297, 303; petition to be licensed as an Attorney, 114, 117.
- Blanks in Bills, 303, 304, 305.
- Blanks, printing of, 118, 138.
- Blasphemy, clause of Act against, 177; of Cood, 140, 177; dismissal from office for, 140; instructions concerning 339.
- Blay, Edward, 370.
- Blissard, William, 11, 16.
- Bloomfield, John, 84, 85, 89.
- Blount, William, 45.
- Blunt, Mr. 225.
- Board of Trade, 144, 375.
- Boarman, Capt. 79, 88, 237, 245, 256, 258, 277.
- Boats, 148; seizure of, 49.
- Bohemia Manor, 130.
- Bond, Squire, 144.
- Bond, of Exile, 309, 311, 313; against pre-contract of marriage, 16; for provisions, required of the Captain of the Advice Boat, 204; for building the Statehouse, 250.
- Bonding of Ship, form of Certificate for, 154.
- Bonds, 13, 122, 123, 133, 139, 140, 153, 154, 157—160, 183, 200, 208, 361, 386; assignment of Sheriff's do. 184, 192, 206, 329
- Bonner, Henry, 104, 112, 183.
- Book of Criminal Records, taken. 117.
- Book of Laws in force, 220, 240, 264, 268, 269, 289, 297, 304, 309, 319; lodged in the Secretary's office, 108, 117, 220, 240; the old, 297.
- Book of Rates, 142, 158.
- Booker, Thomas, 336 ib.
- Books, of the Bishop of London, 131; Custody of 52; delivery of order for the, 183; against Drunkenness and Swearing. proposed to be purchased for distribution, 368, 369; Military, 368, 369; in the several Offices, lists of, 131, 156, 368; for the Parishes, 366; of Government for the Parishes, 368, 369; appropriation for the Purchase of. 396. and Vestries authorized by Act to lay a tax for procuring, 187; for the Rangers, 131: Revenue, 130.
- Boothby, Edward, 128, 137, 146, 156, 326, 367.
- Boreland, John, 134.
- Boreman, William, 36, 272, 273.
- Bostock, (or Bostwick,) William, 158, 159, 200, 203—206; contempt by, and committal of, 206; credit of Council refused to, 202; bond for provisions, to be given by, 204.
- Boston, (N. Eng.) Agent for prizes for, 166; intelligence from, 135.
- Boteler, *Major Charles*, 264, 284, 300; *John*, 18, 43, 59.
- Boundaries, Ancient, 356; prevention of suits about, 375, 376; of Worcester County, 90.
- Boundary, between Maryland and Pennsylvania, 84, 160, 203, 375, 376, 380, 408, and Virginia, 87.
- Bounds, of the Parishes, 154; recommendations about those of Lands, 349; preservation of those of the Province, 66, 186.
- Bowen, Elizab. 130, 133, 391, 393, 394.
- Bowles, Mr. 232, 238, 245, 258.
- Boyden, William, 253.
- Boys, Thomas, 44.
- Bozman, *John*, 160, 179; *Thomas*, 390.
- Bradley, *Captain*, 134; *Richard*, 17.
- Bradnox, *Thomas*, 29, 33; *William*, 31.
- Brains, Captain, 182, 183.
- Braithwaite, *Captain*, 48, 49; *Thomas*, 44; *William*, 14, 20, 42, 43, 44, appointed Governor, 49.
- Bramhall, William, 36.
- Brand, Randolph, 336.
- Branding Iron for Malefactors, 222.
- Brass, half cwt. ordered for testing the County standards, 351.
- Bray, Dr. Thomas, 161, 376, 382; his expenses, 375; gratuity for sending out Libraries, proposed for him, 372, 395, and opposed, 396.
- Brayne, *Benjamin*, 159; *John*, 159.
- Breach of Privilege, 257, 318.
- Breband, Charles, 145.
- Brechin, Rev. Mr. 143, 147, 152.
- Brent, *Capt.* 156; *E.* 59; *George*, 48; *Giles*, 21, 27, 29, 43—49, 59, ap-

- pointed Lieut. Gov. and sworn, 47; *Margaret*, 26, 27, 50; *Mary*, 50.
- Brent, Miss, asks opinion of Court, 52.
- Bretton, William, 28, 30, 45, 49, 51, 52, 218, 225; his authority to issue writs, recalled, 50, 51.
- Brewer, John, 215.
- Bribery, impeachment for, 233.
- Bridewell, proposed, 137, 356, 360.
- Bridge at Leonardtown, 124.
- Bridgman, Mr. 152, 366.
- Brightwell, Capt. 140, 155, 157, 331.
- Briscoe, Mr. 130, 133, 309, 355.
- Broadbent, Joshua, 137.
- Broadhurst, *Mr.* 23, 175; *John*, 175.
- Broad Seal, 134, 137, 347, 374; custody of, offered to any Counsellor who would reside in town, 145.
- Brock, Edward, 277.
- Brooke, *Mr.* 68—71, 78, 221; *Dr. Baker*, 68, 71, 73, 83, 87, 212, 214, 220, 223, 225, 232, 237, 243, 245, 250, 258, 402; "our well beloved cousin," 90, 251; *Charles*, 118, 238; *Francis*, 26, 38; *J.* 163, 166; *Dr. John*, 94, 327, 331; *Michael*, 56, 69, 212; *Nicholas*, 239, 242; *Robert*, 33, 35, 38, 40, 52, 53, 55, 56, Government left in his hands, 54; *Thomas*, 68, 71, 94, 96, 104, 105, 107, 108, 114, 115, 118—121, 123, 127, 192, 196, 197, 199, 201, 225, 245, 258, 327, 337, 347, 351, 355, 362, 374, 380, 390; *William*, 84.
- Brooks, *Captain*, 152; *Francis*, 50.
- Broughton, Richard, 78, 79, 232, 245, 258, 300.
- Brown, *Mr.* 163; *Abel*, 96, 108, 329; the *Captain*, 327; *Daniel*, 90; *Col. David*, 110, 115, 116, 118, 121, 122, 127, 128, 136, 141, 145, 165, 169, 326, 337, 347, 351, 355, 362, 365; *James*, 335; *Madam*, 133; *Richard*, 19; *Robert*, 136; *Samuel*, 328; *Capt. Thomas*, 168.
- Bryant, John, 13, 15, 16, 17.
- Burford, Thomas, 289, 317.
- Bullion brought into the Province, 403; paid for sowing Grain, 236.
- Bunton, John, 336.
- Burgess, *Capt.* 106; *Edward*, 102; *William*, a non-juror, 69, 72, 212, 232, 237, 245, 258, 288, 299, 312.
- Burgess, disqualification of a, 72; election of one, while in England, 212.
- Burgesses, 33, 72, 78, 80, 92, 139, 145, 151, 212, 213, 329, 363, 378, 401; Accusation of a drunkard by the, 217; Act concerning, 291, 292; 294, 295; Charges of, 220, 231, 403, Declaration of rights by, 213; ordinance for their Election, 300; Leave of absence granted during the Session to several, 223; their letter to Gov. Nicholson on his retirement, 161; a paper voted a Libel by them, 218; ask an Act for Liberty of Speech, 215; Number of, in each County, 264, 265, 293; Thanks by, 339; House of, 96, 128, 131, 132, 134—136, 139, 212, 213.
- Burial of Gov. Copley and Wife, 128.
- Burials, Act for registering, 39, 349, 401, and repeal, 40.
- Burle, Robert, (a libeller of the Assembly,) 218, 225.
- Burley, William, 94, 139, 153, 345, 365, 374.
- Bushell, Thomas, 27.
- Butler, *Cecil*, 336; *John*, 11, 21, 45.

C.

- Cage for Malefactors, 382.
- Cager, Robert, his real estate settled on the Mayor of S. Mary's, 257.
- Caines, Eleanor, 89.
- Calvert, *Cecilius*, 43; *Charles*, 214, 223, 225, 232, 243, 258, appointed Lieut. Gov. 73, 77, 90; *Madam Elizabeth*, 105; *George*, 24; the *Governor*, 14, 16—19, 24, 26—28, 33, 43, 46, 47, 49, 51, 59, oath of Allegiance taken by, 43, and testimony about appointing a successor by, 27; *Leonard*, 11, 24, 27, 32, 35, 46, 47, 50, and claim on his estate, 27; *Philip*, 66, 67, 71—73, 75, 79, 83, 84, 212, 214, 223, 225, 232, 243, 250, 258, 262,

- 280, 288, 401, appointed Chancellor, 73, Commander-in-Chief on E. S. 79, Commissioner to Virginia, 75, 76, 78, and Governor, 71, 72, 214, grant of land to, 66; *William*, 74, 88, 221, 225, 226, 232, 237, 245, 250, 258, 262, 280, Lord Baltimore's nephew, 83, 84.
- Calvert County, 104, 105, 108, 119, 120, 127, 133, 136, 150, 151, 164, 166-7, 174, 175, 177, 184, 266, 277, 283, 290, 347; Burgesses of, 92, elected in, 359, their names, 212, 215, 225, 232, 237, 245, 258, 338, and certain seats contested, 238; Clerk, 79, 134, 169; Commission of the peace in, 86; Commissioners of, 151, 292; Conscription in, 80; Ch. Justice of its Court, 192; dispute about the title of the site of its Court-House, 283; Dividing line of, 350; Election returns from, 337; Ferry in, 91; Justices in, 60, 96, 124, 147, 169, 198; non-juring Justices in, 69, and their prosecution, 178; Militia, 98; Order constituting it, 56; Parishes in, 108; Prison of, 283; Sheriff of, 71, 77, 97, 119, 177, 192, 205, 206, 212, 238, 401; Surveyor of, 96.
- Campbell, John, 327.
- Canada, intelligence from, 131; prohibition against Trade with the French there, 207.
- Canady, C. difficulty with his wife, 38.
- Capital Offences, (Act for the punishment of,) 61.
- Captive Indians to be sold, 54.
- Carberry, J. B. 170.
- Carleton, Thomas, 90.
- Carolina, Governor of, 139; Landgrave of, 134; Act of that Province agreed to, 79.
- Carpenters, encouragement of, 381.
- Carriage of Arms, 177.
- Carrington, John, 53.
- Carroll, Charles, 29, 109-111, 132, 148, 186, 203, 205, 346, 348, 349, 384, Counsel of Lord Baltimore, 186.
- Carter, John, (of Va.) 75.
- Cartwright, James, 11.
- Carville, *John*, 390; *Robert*, (a non-juring Attorney,) 106, 114, 237, 238, 245, 251, 258, 289.
- Castine, Monsr. 107, 109, 111.
- Catalogue of Books, 368.
- Catchpole, Judith. examined by a Jury of Matrons, 37.
- Catechising of Children, 356.
- Cattle in the Isle of Kent, 26, 33, 50.
- Cattle Marks, 31-33, 35, 37; (Act concerning,) 31, 63, 401, 403.
- Causin Ignatius, 238, 240, 245, 258.
- Causin, Nicholas, 26.
- Cauther, *Capt.* 48; *James*, 12, 13, 14, 20.
- Caveat, 247.
- Cawood, Anne, 251.
- Caysey, Thomas, 296.
- Cecil County, 127, 134, 136, 144, 146, 147, 149, 150, 152, 334; Addition of the Eastern Neck of, 288; Burgesses of, 303, their appearance, 259, inquiry about their election, 259, their names, 258, 329, 334, 370, and their neglect to ask for returns, 343; Clerk of, 38, and charges against him, 169; Colonel of, 208; Commission for, 166, 201; Coroner of, 92; Court, (Act to revive the process of,) 381, 383; Division lines of, 152; Elect'n Returns of, 339, 340; strange Indians in, 107; Militia officers of, 146; Naval officer of, 133, 146; Notary of, 159; Parishes in, 108; Sheriff of, 136, 206, 252, 255, 342, blank commission for him, 201, and proceedings against him for not making returns of election, 341; Towns in, 303.
- Cedar Point, 68.
- Census, Constables on each hundred to take, 181; details of, 181.
- Certificates, 27, 28, 89, 256; alteration of, 242; return of neglected, 54.
- Chancellor, the, 73, 78, 79, 83, 88, 163, 165, 212, 220, 222, 234, 237, 243, 245, 379, 401; Act concerning the charges of, 241; Philip Calvert appointed, 73; direction of State House repairs given to, 286; fees of, 80; his house blown up, 134; oath of, 81; his Office at S. Mary's, 77;

- originals of laws deposited with, 299; pay of, 143; his refusal to draught a form without a fee, 235; his Salary, 386, and Act allowing 20,000 lbs. of Tobacco therefor, 281.
- Chancery Commission, 130, 132, 375; Commissioners, 132.
- Chancery Court, 98, 142, 187; its Records, 98, and their state 117; Register of, 120, 132.
- Chancery Procdgs. abridgment of, 246.
- Chandler, Job, 53, 55, 57, 67, 69, 70.
- Chandler, Col. William, 273, 290.
- Chapel, Romish, charge against Gov. Nicholson for allowing one in S. Mary's, 391.
- Chapels, 150; liberty to erect, 38.
- Chappel, Andrew, 16, 20, 21, 22, 43, 44; one, 11.
- Chaptico Indians, 112, 138, 147, 218, 231, 253, 328, 377; allotment to them, 80, 218; and their King, 101, 112, 328, 329, 330, 363.
- Charenton, Thomas, 12, 13, 22.
- Charges of Assembly, 31, 62, 64, 225, 246, 257, 258, 275, 276, 278, 401; vote by the Lower House that those of the Upper ought not to be borne by the Public, 296.
- Charges against the Governor investigated and disproved, 151; against Sir T. Lawrence, 109, copy of, denied him, 110; against Gov. Nicholson, 169, 180; against one Slye, 173.
- Charges to the Justices, 141.
- Charitable Uses, estates given to, 74.
- Charity, Public, to a sufferer from the Indians, 259.
- Charles II. Proclamation of, 32, 57, 71; (the Ship,) 153.
- Charles County, 79, 118, 123, 124, 127, 135, 137, 149, 172, 177, 225, 257, 273, 290, 314, 328, 355; Arms for, 106; Burgesses of, 131, and their names, 212, 215, 225, 232, 238, 245, 258, 267, 317; Clerk of, 79; Commission of the peace for, 176; Commissioners of, 79, 85, 176; Conscription in, 80; Court, 77; Dividing lines of, 350; Election Returns from, 337; Establishment of, 68; Militia in, 98, 128; illegal acquittal of Mutineers in, 216; Negro disturbances in, 322; Royal Pardon to inhabitants of, 71; Sheriff of, 92, 123, 132, 175, 183, 206, 212, 230, 401; Surveyor of, 96.
- Charlet, Richard, 119, 122, 136.
- Charter, Lord Baltimore's, 186; affected by the representation of the Counties in the L. H. 265, 266, 293; Copy of, asked by the L. H. 232, 238.
- Chertisson, William, 267.
- Cherywawateick Indians, the, 231.
- Chesapeake Bay, 33, 38, 54, 70, 72, 76, 107, 108, 130, 143, 203, 221, 357, 366, 392.
- Cheseldyne, Kenelm, 117, 128, 129, 134, 139, 146, 158, 170, 297, 298, 338, 353, 367; appointed to conduct Young's defence and declines, 297; Attorney General, 95; Speaker of the Lower House, 326.
- Cheshire, Capt. 137.
- Chester River, petition from the inhabitants on the North side of, 336; Ferry over, 244.
- Chew, *Benjamin*, 103; *Caleb*, 103; *John*, 103; *Samuel*, 83, 85, 103, 160, 165, 215, 217, 240, 243, 245, 250, 258; and *William*, 103.
- Chicacoen, 29.
- Chicely, Sir Henry, 37.
- Chief-Justice of the Provincial Court, 201, 380, 390; directed to wear a gown, 148.
- Chiefs, Speech of the Piscataway, 85.
- Child Murder, 95.
- Children kidnapped by the Indians, 252. and demand for, 252.
- Chiles, J. 146.
- Chimnies, for the Court Houses, 382; in the State House, prohibited by resolution, 359.
- Chingwawatuucks, allotment to the, 80.
- Choateck, an Indian Orator, 226.
- Cholike, one, 229; *Mrs.* 267.
- Choptank Indians, 112, 132, 148, 174, 179, 237; their King, 100, 174.
- Choptank River, 70, 73, 75, 76, 237; Ferry over, 244; Indian lands near, 148, 237.

- Christ-Church Parish, Calvert, 204.
- Church, Account, 160, 381, 382; at Annapolis, 141, 146, 157, 160, 164, 353, 361, 372, 373, and contractors for, 189; Lands, titles to. 374. 377, 378; Liberties, 59; Protestant servants of Romish masters permitted to attend, 382; Report on the. 385; State of the, 189; the old State House fitted up as a Court House and, 350; Subscriptions to, 168, 375; public Tobacco for the use of the, 369, 370, 377; Welfare of the, (recommended to Gov. Blakiston,) 189; at Williamstadt, 135; Yards to be fenced in, 369, 370.
- Church of England, Ministers of, 127.
- Churches, building of, 133, 138, 141, 156, 347, 355, 370, 372. 373. 391; Confirmation of the Act of Religion read in all, 207; fitted up as Court Houses, 354; inside work on, 135; materials for, 142; Proclamation against profanity read in all, 172; Publication of an Ordinance of peace and one of quiet in all, 150, 373; Repairs of, 142, 187.
- Church, William, 179
- Cider, forbidden to be sold to the Garrison, 148.
- Ciniquo Indians, aid of the Susquehannahs against, 215, 216.
- Claiborne, Col. Wm. 16, 18, 24, 28, 30—32, 38, 39, 42, 44.
- Claims, 139, 149.
- Clark, *C.* 149; *Daniel*, inhuman crimes, &c. committed on his wife by, 319; *Gilbert*, 105, 170, 172; *Philip*, 120, 121, 128, 142, 151, 155, 156, 160, 169, 170, 171, 173—178, 181, 182, 326, 367, 391, 393, 397, fined, 185, 187, prison-guard for, 184, and his clients' suits continued, 181; *Robert*, 14, 20, 28, 36, 37, 51, 54, 67, 69—71, 214, 223, 227, 232, made Surveyor-General, 71, 73; *Thomas*, 298, 390; *William*, 105; *J.r.* 133, 226, 238, 245.
- Clarkson, Robert, 212.
- Clay, for Bricks in Annapolis, 353; visit of the Assembly to see, 347.
- Clayland, Mr. 138.
- Clayton, Wm. 31.
- Clearances, 75, 136, 140, 143, 144, 165, 204, 207, 304, 305, 353, 354, 357, 370, 373, 386.
- Clements' Island, 328.
- Clemson, Capt. 146.
- Clergy, admonition of, 202; representation by, 207.
- Clerical error in writ, 239.
- Clerk, 103, 107; allowances to, 388; of Appeals, 130: Chief, (S. Mary's.) 84, 85, 86, 88; of Commission of Review, 137, 138, 139; of Committee on Accounts, 233; of Council, 94, 95, 100, 103, 116, 118, 121, 127, 130, 180, 184, 189, 200, 208, 327, 352, his Deputy, 134, his Fees settled, 294, his oath, 124, 127, 161, and his Salary, 118; of County Court, 124, 127, 134, 140, 229, 244, 363, Fees, 260, and returns of, 181, 187, 200, 363; of Court, 28, 79, 84, 90, 102, 112, 113, 227, 300, Fees, 40, 138, 139, 148, 229, and oath, 33; of Court of Appeals, 184, 185; Deputy, 89, and his Displacement by the Secretary, 103, 169; of the House of Assembly, 151, 218, 311, 317; of the Lower House, 168, 169, 184, 218, 237, 238, 242, 243, 245, 258, 262, 300, 314, 317, 318, 326, 327, 337, 338, 347, 348, 381, 391, 395, his committal by the Governor complained about, 375, his oath of office, 280, 390, 391, and of secrecy, 218, 391; of the Upper House, 236, 237, 242, 245, 258, 262, 296, 300, 317, 336; of Indictments, 127, 134—136, 185; imperfect returns by, 171; inefficiency of, 176; of the Parish, 356; of the Privy Council, 366; of Provincial Court, 102, 127, 133, 153, 187.
- Clerks, instructions to certain, 184; slender pay of, 176; rules for, 176.
- Cliffs, the, (in Calvert,) 38, 69, 120, 266.
- Clifton, Jas. a traitor, 85.
- Cloberry, *Richard*, 13; *William*, 11, 17.
- Clofton, James, 14.
- Clothing, purchase of furs, in scarce years, from the Indians for, 284.

- Cloths, Act for the manufacture of, 282, 286, 287, 320, 322.
- Cloud, Capt. R. 171, 172, 177.
- Clouds, Nicholas, 100.
- Cloughton, James, 16, 18, 43.
- Coade, John, 252.
- Coasting Trade, 140.
- Cockshott, *Jane*, 21; *John*, 21, 22.
- Cockshutt, the Rev. Mr. 156.
- Codd, St. Leger, 326, 329, 334.
- Codrington, Col. 155.
- Coins, 349, 358, 362, 375; Act concerning, 323; foreign, 238.
- Colburn, William, 92.
- Cole, a seducer of the people, 68, ordered to leave the Province, 69.
- Coleman, Capt. 163.
- Collections, 142.
- Collectors, 90, 94, 99, 116, 119, 121, 127, 129, 130, 133, 140, 145, 146, 148, 151, 153, 156, 164—166, 168, 169, 194, 206, 305, 362; Committee appointed to audit accounts of, 342.
- College, Message of the L. H. about an Act for founding a, 242; William and Mary, 132, 377, and its Rector, 128.
- Collet, Richard, 71; banished, 35.
- Collier, *Mr.* 133, 134, 142; *Capt.* 74; *Thomas*, 122, 137, 139, 143, 159.
- Collins, *Samuel*, 390; *Thomas*, 160, 207; *ouc*, 309.
- Colors of each County, 130.
- Colton, Anthony, 14, 19.
- Comegys, 137.
- Command, petition to be discharged from, (on account of old age,) 170.
- Commander, (a County authority,) 11, 35, 36, 42—44, 46, 47, 49, 55, 56, 76, 77, 190.
- Commander-in-Chief, oath of, 124.
- Commissary, of the Bishop of London, 161; of the Custom House, 128; to the Governor, 134; of the Prerogative Office, 124, 129, and his oath, 124.
- Commissary General, 127, 132, 146, 147, 180, 196; his Deputy, 127, 129; his Clerk, 127; Library at Annapolis to be kept in his office, 369; Records of, 131, 132.
- Commission for the trial of the King of Anacostia, 123.
- Commissioners, 47, 244.
- Commissioners of the Admiralty, 127; of the Council of State, 54; of the Court House, (names of,) 310; of Customs, 145, 146, 152, 153—155, 158, 159, 161, 166, 207, 339, 366, 375, 380; on the dividing lines of the new Counties, 358; to the Dutch, 70; to treat with the Indians, 17, 46, 161, 197, 224, 265; to New York, 354, 355; of Parliament, 54, 56, of the Peace, 36; of the Prerogative Office, 117; of Prizes for the Colonies, 166; for the Revision of the Laws, 95; to Treat with Virginia, 67, 75, 76, 78, 114, 252.
- Commissions, 11—14, 16—18, 24, 26, 27, 31, 35, 38, 42—52, 56, 64, 66, 68, 72—80, 83, 89, 92, 94, 98, 102—104, 107, 123, 124, 130—136, 139—141, 145—158, 160, 161, 179, 184, 188, 198, 201, 206, 326, 338, 339, 371, 380; of Sir E. Andros, 115, 118; of Lord Baltimore's Governor and Council, annulled, 54; of Gov. Blakiston, 188, 189; of Gov. Calvert proclaimed, 71; of Gov. Copley as Vice-Admiral, 127; of County Courts, 76, 133; of Gov. Fendall and Council, revoked, 71; to Judges of Special Courts, 120, 131; in Latin, 127, 154, 155, 157, 161; Military, 72, 74—76, 78, 114; of Gov. Nicholson, 98, 127; from the Lord Protector, 63, 64; for the Provincial Court, 94, 99, 198; Recording of, 127, 388; for Sheriffs, issued in blanks, 201; Teste of, 201.
- Committee of the Two Houses, Grand, 234, 235, 241, 281, 296, 312—314, 320, 321.
- Committees, 150, 221, 222, 235, 240, 243, 244, 246, 247, 251, 252, 280, 379, 381, 383, 396; on the Public Accounts, (Joint,) 241, 244, 249, 254, 269, 271, 276, 286, 289, 290, 298, 304, 309, 312, 315, 321, 322, 333, 369, 370, 387, 392, 393, 396, and their Clerk, 323; on Apportionment of the public levies, 149, 388, 397; of Conference, 384, 386; of cooperation in Congress, 408; on Elec-

- tions and Privileges, 300; of the General Assembly, 62, 197, 223, 243, 263, 270, 279, 294, 300, 307, 308, 312, 323, 342, 353, 356, 357, 369, 370, 373, 376, 381, 382; on Grievances, 168, 169, 233, 321, 385; on Indian Affairs, 147; 148, 197, 215, 221, 227, 265, 270, 272, 377, 381; on Laws, their preparation and engrossment, 168, 248, 270, 283, 284, 289, 292, 307, 312—314, 319, 320, 327, 328, 340, 368, 369, 374, 376, 383; of Plantations, 138, 160, 170, 171, 173, 174, 379, 382; to question persons appointed to office, 40; on Records, 117, 386, and their report, 117; on Repairs, 323, 324; on the Revenue, 391, 396; of Safety of the Eastern Shore, 408; on the State House, 256, 356, 357, 369, 370, 374, 379; of Trade, 67, 160, and a decision of, 67; for the transmission of certain laws to the Lords of Trade, 393, 394; to Virginia, 147, 148, 149; of the Whole in Lower House, 318.
- Commodore, 143, 154, 349; in Virginia, 143.
- Commons, House of, 153.
- Communion, (Holy,) question about Act of Parliament concerning, 371.
- Communion Plate for S. Anne's Ch. 189.
- Commutation of Corn for a gun, with servants, 190.
- Comptroller, 105, 130.
- Computation of the Revenue, 139.
- Condemnation and Appraisement of a Ship, 106; appeal to England from sentence of, 191.
- Condition of the Counties, (Burgesses to inform themselves of,) 151.
- Conditions of Plantation, 24, 46, 119; oath annexed to, 51; commission annexed to, 52.
- Conestoga Indians, 203.
- Coney, Rev. Mr. 158, 171, 184; requested to print a Sermon, 360.
- Conference of the Two Houses of Assembly, 214—218, 222, 224, 227, 230, 233, 234, 236, 240, 248, 249, 258, 263, 273, 276, 277, 279, 292, 297, 302, 303, 310, 325, 330, 333, 336, 338, 342—344, 377; at Wicomico, Va. between Commissioners of Maryland and Virginia, 75.
- Confirmation of the Act of Religion read in the Churches, 207; of laws by Lord Baltimore, 250, and in behalf of the King and Queen, 345.
- Confiscations, 26, 50, 122, 143, 150, 151.
- Conflict of Laws, 142: with order in Council, 116.
- Congress Committee of Co-operation, letter from, 408.
- Conner, Philip, 68.
- Conservators of the Peace, 11, 13, 42, 44.
- Conscriptions, 54, 80.
- Conspiracy against the King, 138, 152, 162, 362.
- Constable, Henry, 96.
- Constables, 54, 86, 90, 139, 144, 235: grievance in the appointment of poor men as, 376; High Constable, 11, 13, 42, 44, 45; to take the Census in their hundreds, 181; to whip disturbers from County to County, 70.
- Contempt, attachment of, 172; imprisonment of Col. Darnall for, 334.
- Continuance of Suits, 180; for clients of P. Clark, 181.
- Continuation of all Officers, 115, 127, 150.
- Contractors for the Church and Free School, 189; for the State House, 250.
- Contract for building the new Court House, 350.
- Contracts, money made the measure of, 320.
- Convention, the, 407.
- Conversion of Indians and Negroes, directions for the, 190, 339.
- Conveyances, Enrolment of, (Act concerning,) 241, 332.
- Convicts, (Felons,) Act against the importation of, 253.
- Conviction for political offences, 35.
- Convoy, 143; the King's, 95, 117; for the Maryland Fleet, 200, 204, 206—208, 357, 378.
- Cood, *Capt.* 130, 133, 134, 137, 139, 140—143, 149, 150, 154, 158, 165, 168; *John*, 131, 170—173, 176—178, 180, 181, 189, 192, 374, 391, blas-

- phemy of, 140, 177; Col. Holland's account against, 205; gross contempt of S. Mary's Court by, 268; declaration of L. Baltimore against his being permitted to sit as a member of Assembly, 262, 263, 268, but his seat allowed, 269; a defaulter, 177; dispute about his disqualification as an ex-priest from being a member of Assembly, 366—368; his draught of articles against Gov. Nicholson, 180; allowed to retain his seat, 269; ill attempts of, 171; indictment of, 179; pardon of, advised by the Council, 193, and granted, 198; presentment of, 177; reformation of, expected, 193; report of King's Counsel about, 172; statement of the profane and seditious conduct of, 268; surrender and bail of, 191; suspension of punishment of, by the Governor, 193, 198.
- Cood, Capt. Peter, 199.
- Cook, Capt. 89.
- Cooksey, one, 173; *Samuel*, 133.
- Cool Springs at S. Mary's, 392; cures effected at, 149, 170; distribution of Bibles to people at, 190; environs laid out by the Governor, 187; provisions for the people at, 170; purchase of lands at, Act for the, 394; a Reader and Homilies provided for the people at, 170; appropriation for tenements at, 396, and Governor's contribution, 391; Trustees of, 187.
- Coopers, encouragement of, 242, 381.
- Cooper, *Capt.* 151; *Randall Revell*, 16; *Robert*, 20; *Thomas*, 20, 22.
- Cope, William, 11.
- Copeley, *George*, 354; *Thomas*, 14, 17—19, 27, 30, 31, 51, 52.
- Copley, Gov. 94, 100, 104, 115, 116, 121, 127, 129, 130, 131, 136, 149, 153, 170, 179, 326, 343; his charges against Col. Nicholson, 115; children of, 358; indebtedness of his estate, 359; his sickness and death, 116, 128; and burial, 129.
- Copner, Philip, 51.
- Coppage, John, 144.
- Cordea, Mark, relief of his Creditors, 371, 372.
- Corn, Act regulating executions upon, 61; its exportation from the Province forbidden, 29, 51, 54, 60, 73, 135, 353, 354, 359, 362, license therefor, 74, 368, 369, and recall of proclamation there anent, 140; planting of, (Act concerning,) 31, 39, 60, 61, 63, 400; poll tax of, 33; sent to Virginia, 149; want of at the Fort and warrant of the Governor to levy, 27.
- Cornbury, Lord, (Gov. of N. Y. 207.)
- Cornellinson, Harman, 91.
- Cornwallis, Capt. Thomas, 11, 12, 13, 14, 15, 17, 22, 24, 37, 42, 47, 48, 59, 67, 70, 220, 222, 404; his Commission in the Governor's absence, 44; Lieut. Governor, 18; refuses to be a Councillor, 46.
- Coroman, John, a Sorcerer, condemned, &c. 259.
- Coroners, 42—44, 88, 92, 96, 127, 131, 138, 140, 142, 144, 227; Inquest, 13, 16.
- Correspondence (intercepted) of Governor Eden, 408.
- Cosby, Henry, 75.
- Cosey, Thomas, 314.
- Costs, 251; issue by Council of execution for, 296, 309.
- Cotton, Edward, 75.
- Council, 24, 42, 46, 49, 51, 52, 54—57, 59, 66, 67, 69, 71—73, 77—80, 83, 86, 89, 94, 95, 97, 117, 127, 128, 130, 133, 136, 143, 147, 150, 151, 165—170, 173, 175—178, 189, 190, 192—194, 196, 197, 199, 201, 202, 205, 206, 208, 289 327—330, 337—339, 344, 345, 351, 356, 372, 374, 380, 384, 392, 397; addition to its number asked, 165; its advice to the Governor about Slye, 179; allowances for attendance on, 385; appeals to, 192; approval of security by, 200; asked to manage a case before them, 283; contempt of, 206; contributions of, to a Free School, 342, 345; Clerk of, 94, 95, 100, 103, 116, 118, 121, 127, 130, 180, 184, 189, 200, 208, 327, 352, and his oath, 124, 127, 161; its Committee, 233; its Debate on the King's veto of the Act of religion,

- 194, 196; delay in hearing errors before, 298, 299; dismissal of Sir T. Lawrence from, 109; excuses of Absentees from, 145; Journal of, 129, 191, and transcript, 184; the King's instructions about, 338; Letter to Council of N. Y. 132, 135, and to Gov. Nicholson on his retirement from office, 161; Meeting of, 143, 150; nominations to, 167, 199; orders and papers of, 117, 118; oaths of, 43, 94; President of, 122, 201, 202, 206, 208, 317—319, 321—323, 326, 335, 343, 371; Records of, negligently kept, 116, reported on, 117, and catalogued, 131; reflected on by the Lower House, 388; its reply to P. Stuyvesant, 70; its resentment at dismissal of Clerks by Sir T. Lawrence, 103, and at an interference by the Lower House, 330; summons to, 191, accompanied by reasons for, 168; surrender of the Government in presence of, 183; transubstantiation-test signed by, 124; vacancies in 165, 185, and embarrassment therefrom, 198.
- Council in Assembly, 346, 347, 351, 355, 362, 365, 374, 379, 390.
- Council-Chamber, 381: Lower House prefers to attend the Govr. there, 381.
- Council Office Chamber, at S. Mary's, 79, 107, 115, 121, 332, 339, 397; allowance for, 188; Archives, 202; Clerks fees at, 278, claimed by the Secretary, 101; Tariff of, 100, 103.
- Councillor, 27, 46, 47, 51, 52, 55, 68, 76, 77, 128, 199, 251, 267, 313, 326, 327, 328; attendance of, insisted on, 190; Broad Seal offered to any, who would reside in town, 145; dismissed for deserting his place, 105; excused, 140, 167, 182, by Lords in Council, 200; oath of, 81, 124, 191, 199; protests and leaves Assembly, 214; Salary of, 373, 378, 396, and inquiry about its payment, whether in money or tobacco, 396, and message of the Governor about, 396, 397; Senior, appointed President in the Governor's absence, 201; suspended, 115, 118.
- Councillors, list of, given to Sir E. Andros, 115; number of, reduced, 397; pay of, 118; per diem, 344, assessed in their respective Counties, 345; summons to Assembly of, 78, 80, 212, 218, 220, 262, 401, 402.
- Council of Plantations, Lords of the, 176.
- Council, Privy, [see *Privy Council*.]
- Council of Safety of the Eastern Shore, 408.
- Council of State, 51; Commissiours of, 54.
- Council of Trade, 145, 150, 155, 157, 159, 161.
- Counsel of Lord Baltimore, 186.
- Counterfeiters, 31, 63.
- Counterfeiting the Great Seal, 400.
- Country House, the, petition concerning, 346.
- Counties, the, commissions for, 145; division of the Lower, 350, and Commis'rs Report, 358; Flags of the, 130; Grievances of, to be brought by Delegates to the Assembly, 182; MS. Copies of Laws furnished to, 130; Mileage of Delegates to be paid by the, 258; the new, 136, 139.
- Counties, Councillors' pay assessed in their respective, 345.
- County Clerks, 124, 127, 134, 140; charges to be levied for by County Courts, respectively, 241; Commissioners, 68, 77; their expenses, 374; jurisdiction of, 145, and its limitations, 282, 304; Courts, [see *Courts, County*]; Durham constituted, 84; Grievances, 182; new, constituted but not named, 84; petition of Isle of Kent to be restored as a, 335, 336, 337, 358; Seals, 101, 141, 332; Surveyors, 182.
- Coursey, *Henry*, 66, 69, 71, 73, 75, 78, 214, 215, 220, 223, 225, 232, 262, 280, 288, 293, 299, 311, 394; gratuity granted to, 290, 291, 298; Secretary, 71; *Mr.* 68, 132, 225; *Mrs.* 179; *William*, 71.
- Court, 14, 15, 17, 26, 28—33, 35—37, 43, 51, 52, 53, 56, 57; Lower House declares itself the Highest, 213, 214.

Court of Appeals, [see *Appeals*.]
 Court of Chancery, 98, 142, 187; for the Eastern Shore, its term-days, 142.
 Court, the General, 55.
 Court, Business, 139; Charges, 26.
 Court Days, 61, and for the Provincial Court, 78, 94.
 Courts of Delegates, jurisdiction of, 134.
 Court Houses, 141, 149, 310; Building of, in the Counties, 260, 308, and assessment of Tobacco for, 310; with chimnies, 383; Churches to be fitted up for, 354; Commissioners named for, 310; contract for building new, 350; ordinaries required at, 261, 382, 384; publication of an ordinance of quiet in. 373; repairs of, 149, 323, 324, 325.
 Court Martial, 73.
 Courtney, Thomas, 333.
 Courts, Provincial, 35, 37, 38, 52—54, 56, 67, 69, 72—75, 78, 89, 94, 95, 97—100, 111, 113, 115—117, 124, 132, 134, 135, 144, 145, 147, 149—151, 160, 164, 169, 176, 178—180, 192, 198, 218, 268, 329, 332, 333, 336; Addresses to Gov. Nicholson by, 397; Articles against Gov. Nicholson from Justices of, 169; Attornies of, 169; Chief-Justice of, 148, 380, his resignation, 201, and his salary increased, 201, 390; Clerks of, 102, 127, 133, 153, 187; Court days of, 78, 94; Commendation of Mr. Hemsly's MS. by, 179; Crier of, 127, 150, 151, 184, 185, 335; dismissal of a Justice of, 142; Expenses of, asked to be paid, 78; Grand Jury of, 153, 160, 169; petition for delay of Judgment by, until the boundaries of Maryland and Pennsylvania are settled, 203; Justices of, 94, 127, 128, 130, 141, 146, 148, 149, 153, 160, 167, 169, 198, 208, 189, fined for non-attendance, 78, and required to wear their ribands and medals, 78; in the Upper House, 277; Letter of, to Gov. Nicholson on his retirement, 161, 181; Records of, 98, 117, 136; Representation by Justices and Jury of, 149, 160; Rules of, 122; Writs from, 260.

Courts, Special, ordered, 75, 120, 122, 128, 131, 141, 192, 261, 291, 336, 348, 363, and commissions to Judges thereof, 120, 131.
 Court, Records, 35; Room used by the Lower House, 305.
 Courts, County, 35, 74, 76, 128, 141, 142, 187, 235, 340, 377; appeals from, 241, 243; arms of the King set up in, 369; authority given to, to levy for County charges, 241; their Chief Justices to wear gowns, 369; Clerks of, 363; forms of Commissions, 270; Justices of, 128; purchase of lands for, 378; Sessions of, 363, to be returned by the Clerks, 363; Terms of Act concerning, 235, 247, 274, 315, 383.
 Courts, holding of, 207, 276, 308; to be opened with prayer. 378; Ordinaries prohibited except at, 261, and security required from keepers of such, 260; Proceedings in Criminal Cases at, 247.
 Courts, *Col. Henry*, 94, 96, 98, 100, 101, 104, 105, 107, 108, 110, 115, 118, 138, 163, 188, 189, 197, 327, 337, 377; the *Hon. John*, 119, 121, 122, 123, 127, 166, 347, 351, 355, 374, 390; *Thomas*, 343.
 Coventry Parish, (Somerset,) 138.
 Covington, N. 75.
 Coxe, William, 13.
 Craney Point, lease of. 26.
 Crawford, *Mr.* 383, 384, 387, 390; *James*, 134, 146, 147, 148, 149, 164, 167, 169, rebuked, 149; *John*, turned out from office, 132.
 Crawley, Henry, 20—22.
 Crayeroft, John, 115, 116.
 Credit of the Country refused to Capt. Bostock, 202.
 Creek, at Annapolis, 200; by Col. Dorsey's, 357.
 Crier, of Court, 127, 150, 151, 184, 185, 335; of the Upper House, 263, and his oath, 124.
 Criminal, Cases, proceedings of Courts in, 247; Fees, Act concerning, 224, 235, 403, and payment of the same by an exile, 309, 311; Laws, adoption of such English ones as are

- necessary, 246, and dangerous consequences therefrom, 248; Records, abstraction of book of, 117.
- Crofts, M. 189.
- Cromwell, Oliver, 67, and Act for recognizing, 38.
- Crook, Robert, 334.
- Crookshank, Andrew, 336.
- Crops, gathering of, 46.
- Cruisers, 158, 370, 372, 375.
- Cullamore, Thomas, 16, 18, 21, 22.
- Currency, Paper, 408.
- Curry, John, 113.
- Cursing, Act to punish, 32.
- Custom, Lower House informed by mes-

sage that they have no rights contrary to the laws of England, therefrom, 385.

Custom House, 165, and Commissaries, 128.

Customs, 101, 131, 188, 213, 342, 362; Act concerning, 117, 212, 213, conference thereant, 215, and its repeal, 402; Committee of, (in Eng.) 144, 146; Commissioners of, 145, 146, 152—155, 158, 159, 161, 166, 207, 339, 366, 375, 380; on Penna. trade, 387; Surveyor of, 151; on Tobacco, 69, 137, 138, 152; Surveyor General (in America) of, 128.

D.

- Dacosta, Mr. 238, 244.
- Dacres, Robert, 151.
- Damages on Bills of Exchange, 279.
- Daniel, Capt. 153, 154, 370.
- Dandy, John, 16, 17, 27, 32, 36, 45, 50; accused of murder, and hung, 38.
- Dansey, John, 152, 194.
- Darbey, John, 242.
- Dare, William, 326, 334.
- Darien, prohibition of sale of arms, &c. to Scots' settlement at, 192, 194, 197.
- Darnall, *Col. Henry*, 95, 119, 121, 129, 132, 133, 135, 142, 143, 154, 184, 186, 203, 205, 207, 245, 262, 280, 288, 291, 299, 305, 311, 317, 334, 342, 343, 349; *John*, 300, 311.
- Davis, *Jno.* 109; *Robert*, 158; *Saml.* 152.
- Dawson, Thomas, 108.
- Day, Thomas, 220.
- Dayly, Bryan, 88.
- Debt, the Public, 198, 382.
- Debtors carried off in Ships of War, 196.
- Debts, 230, 247, 260, 371, 377, 403; due *Ld. Baltimore*, 400; of the Eastern Shore, (payment of certain,) 397.
- Declarations, 11, 33; by Lord Baltimore, 62, 63, 403; of Rights by the Lower House, 213, 296, 333, 361, 384, 389, 395; as to representation, 266, 291.
- Deer, employment of Indians to kill, 32, 53, 382.
- Defamation, 14, 27.
- Defaulters, military, 70.
- Defence of the Province, 31, 45, 62, 63, 249, 252, 253, 255, 259, 270—273, 275, 285; committed to Lord Baltimore, 273, 275.
- De la brooke, (*Calvert*.) 75.
- Delaroché, Elizabeth, 251.
- Delaware Bay, 55, 72, 73, 84, 90, 243; instructions to the Dutch on, 70; settlement of Eastern Shore on, 83, 84.
- Delaware Indians, 140, 144, 161, 180, 377, and their Kings, 73, 76.
- Delegates to the Assembly, election and summoning of, 199, 304—306; dispute between Lord Baltimore and the Lower House about number of, 264—267, 293, 294; two from each County proposed to lessen the expense, 289; four demanded by the L. H. 291.
- Demand for Lands, by Indians, 28.
- Demibel, Simon, 120.
- Denization, patents of, 79, 80.
- Dent, *Mr.* 112, 135, 141, 142, 146, 149, 154, 164; *Peter*, 134; *William*, 117, 119, 128, 130, 133, 158, 160, 169, 177, 183, 184, 185, 188, 189, 197, 201, 232, 245, 258, 317, 327, 396; Attorney General, 182; Judge Advocate, 182.
- Denton, *Mr.* report of Surgeon about death of, 159, 176, and the wife required to testify as to its cause, 178; *Henry*, 107, 116, 127, 130, 132, 135,

- 137—139, 141, 148—150, 154—157, 168, 327, 343.
- Deodands, 13.
- Depositions, ordered to be written out by witnesses, 170, 173, 175.
- Deputations, 147, 158, 159; from Commissioners of Customs, 145.
- Deputy Governor, 32, and Lieutenant Governor, 83, 85.
- Deserted Plantations, Act concerning, 33, 39, 246, 247, 248.
- Deserters, 146, 156, 157, 171, 175.
- Devises to superstitious uses, 180.
- Devonish, Charles, 324.
- Dhinagossa, Governor, (Gov. Calvert's demand on,) 72; answer of, 72, 73.
- Differences between Ld. Baltimore and the people, settlement of, 67; between the English and Indians, (magistrates appointed to settle,) 174; with the Indians, (Act for settling,) 378.
- Digest of the Laws proposed to be made in England, 354, 375, 376.
- Diggs, William, 67, 262, 280, 288, 291, 293, 301, 303, 311, 317, 319, 321, 325.
- Dilke, Commodore, 156.
- Dillon, Thomas, 170.
- Disabilities of Members of Assembly, 329, 335, 342; in the case of Cood, a priest, 366—368.
- Disaffection to the Government, 194; of the Lower House in refusing a salary to the Upper, 396.
- Disarming of the Roman Catholics, proposed, 364.
- Disbandment of Soldiers, 80.
- Discoveries beyond the Mountains, proposed expedition to make, 375, 376.
- Discounting, (Act concerning,) 39.
- Disease among Cattle & Hogs, 131, 156.
- Disfranchisements, 72, 255, 263.
- Dismissals from office, 141, 167, 169, 174; of Cood for blasphemy, 140; of a Justice of the Provincial Court, 142.
- Dispensation from oaths, 261; by Lord Baltimore, 259, 260, 327.
- Displacement of Clerks by Sir T. Lawrence, 103, 169.
- Disposition of the Surplus Revenue, 102.
- Disputes of the two Houses of Assembly, 213, 214.
- Disqualifications from office, 72; of officers under Act of Parliament, 181.
- Dissent of Lord Baltimore from Acts of Assembly, 79, 232, 264; from all laws passed under Notley's administration, 316.
- Dissenting Ministers, 127.
- Dissolution of the General Assembly, 116, 198, 199, 220, 225, 231, 237, 338, 379.
- Distribution of Prayer Books and pious books, 368, and objection that the supply of arms was deficient, 369.
- Districts, survey of Collectors', 146.
- Disturbances, 167, 322; reward for discovering, 142.
- Ditch around Anne Arundel-town, 142.
- Division of the Lower Counties, 350; of Parishes, 368, 369, 370, 375.
- Division-line of Cecil and Kent Counties, 152.
- Division-lines of the New Counties, return of Commissioners on the, 358.
- Divulgers of False News, (Act concerning,) 240, 241, 271.
- Doag Indians, 231; allotment to, 80.
- Dockets, Court, for the Co's, 352, 353.
- Doctor, petition of a sick man for a, 150.
- Doctors' inspection of R. Mason returned *languidus* by the Sheriff, 175; discovery and report of Mason's dissembling, 177.
- Documents, alphabet of, 152; of Assembly, 400.
- Dod, John, 161.
- Doe-skins, a master ordered to pay, 50; for his servant's breaking into an Indian Cabin, 206.
- Dolphin, the Ship, 178.
- Door-keeper, 123, 237, 276, 289, 291.
- Dorchester County, 88; (Dorset,) 118, 124, 183; (Dorset,) 204, 254, 364; Burgesses of, 302, 386; their names, 232, 238, 243, 245, 258, 267, 319, and certain seats contested, 238; Clerk of, 137, 329, 331; Commission for the peace in, 83, 88; Commissioners, of, 320; Coroner of, 96, 169; Election returns of, 337; Ferry to Baltimore Co. from, 244; Indians in, 370; survey of Indian lands in, 372; Justices

- of prosecution for, 178; Parishes in, 122; Sheriff of, 141, 145, 164, 206.
- Dorsey, *Mr.* 326; *Col. Edward*, 100, 134, 137, 144, 147, 152, 154, 164, 347, 357, 368; *John*, 161.
- Douglas, Capt. John, 145, 155, 267.
- Dover, seizure of Ship William of, 87.
- Doyne, Joshua, 293, 294, 325.
- Dragoons, 271; arms sent for, 129.
- Draper, Lawrence, 97.
- Draughting of Laws, 287, 293, 305, 360, 369, 394; Committee on the, 248, 270, 292, 307, 314, 319, 320, 368, 374, 376, 383.
- Driver, Mr. 189.
- Drummer, the Public, 150, 270, 316.
- Drunkard, conviction of a common. 38.
- Drunkenness, Act concerning, 38, 61, 401; Bill to punish the crime of, 321; distribution of books against, 368, 369; instructions concerning, 339.
- Drury, Robert, 107, 119
- Dryer, *Samuel*, 112; *Susan*, 130.
- Dues, 64, 97; Lord Baltimore's, (Act concerning;) Governor's, 141; Master-master General's, 56; Payment of order about, 40; application of Lord Baltimore's agent for the collection of Shipping, 334, and restraint of collection thereof, 336.
- Duke, Richard. 19.
- Dumar, N. 167.
- Dunn, *Pascoe*, 225; *Robert*, 225, 332.
- Durand, *Mr.* 56; *William*, 35, 37.
- Durdan, William, 283.
- Durham County constituted, 84; Parish, (Charles,) 294.
- Dutch, the, 73; Commissioners to, 70; Instructions to those on Delaware Bay, 70; naturalization of, 73; Plantations, 69; stoves for State House, 356.
- Dutchland, 70.
- Duties levied upon Negroes and Tobacco, 358, 360; on Negroes and Servants for a Fund for the defence of New York, 349; on Earthenware from New England, 349; on trade through Virginia and Pennsylvania, 352.
- Duvall, Maren, 137.

E.

- Eager, George, 112.
- Eagle, the Advice Boat, 203.
- Eagle, Robert, 112.
- Earl of *Bellamont*, (Gov. of N. York,) 170, 188; *Nottingham*, 110, 189, 202, 207; *Romney*, 154.
- Earthenware from New England, levying of duties upon, 349.
- East India ship. seized in N. York, 171.
- Easter-Eve, nothing in Assembly on, 226.
- Easter Monday, adjournment of Assembly to attend service on, 226.
- Eastern Branch, the, 146, 197; roads on, 148.
- Eastern Neck of Cecil Co. addition by Lord Baltimore of, 288.
- Eastern Shore, 75, 78, 87, 91; Judge of Admiralty Court for the, 132, 182, and Register, 147; Attorney of the, 143; Chancery Court for (terms of,) 142; Commander in Chief on, 79; Commissioners on, (next to Virginia,) 75; Council of safety of, 408; Debts (payment of certain,) 397; Indians on, 44, 48, 70, 91, 98, 271, 281, 283, 285, 297, 385, and their Kings. 237; Riding Surveyor of, 150; Surveyor General of, 184; Treasurer of, 207, 361, 387, 395.
- Eccleston, Hugh, 137, 329, 331.
- Edelin, Richard, 118.
- Eden, Gov. intercepted correspondence of, 408.
- Edlo, Jos. 12, 13, 55.
- Edmondson, John, (a Quaker,) 78, 102, 255, 327, 329, 335, 338, 358.
- Education, Act concerning, 397.
- Edwards, Mr. 15.
- Edwin, William, 12, 15, 16.
- Egerton, Thomas, 21, 22.
- Elections returns, 30, 33, 59, 60, 78, 212, 214, 273, 319, 335, 337, 339, 340—342, 360, 402.
- Elections, 33; (Act concerning,) 294, 295, 297, 300—306; of Burgesses,

- 78, 80, 92, 134, 199, 212, 213, 243, 264, 359, 401, 402, and ordinance for the same, 300; Committee on, 300; writs for, 213, 301, 317, 319.
- Eligibility to office, inquiry about residence as a qualification for, 394.
- Elk-ridge, 197.
- Ellis, Robert, 89.
- Eltonhead, 52; William, 218, 220.
- Ely, Capt. importation of negroes by, 391.
- Elzey, John, 73—76.
- Emancipation of white servants, 386.
- Embargo, 49, 122, 124, 128, 129.
- Embezzlements of ordnance, (Act to prevent,) 302, 311, 312; of prizes, 166; of Records, 109.
- Emeliane, the Rev. G. D., petition to be removed to another Parish, 204.
- Emigration, Report about, 353.
- Emperor of Nanticoke, 80, 101, 192, 335, 377; of Piscataway, 78, 101, 128, 138, 193, 195—197, 328, 339, 363; appointment of, 74; complaint that he cannot rule his young men, 354; death of, 69; Election by the Indians of a youth 11 years old as, 76; order appointing an, 69; present from, 328, 329, and apology for its smallness, 329; residence of, 195; siege by a northern enemy, 269.
- Encouragement of Annapolis and Williamstadt, 137; of Bridewells, 137; of Coopers, 242, 381; of shipbuilding, 270; of shipping, (Royal letter about,) 87.
- Encroachments of the English, complaint of the Indians about, 101, 192, 237, 330.
- End of the Session, hastened by the Governor, 235.
- Endorsements of Bills by an Administrator, 130; by the Lower House, 331.
- Engagement on Gunpowder River, 72.
- English, Edward, 302.
- English forbidden to settle within three miles of the Portoback, (Indians,) 76.
- English, Grain, payment of bullion for sowing, 236, 403; Statutes adopted where there was no Provincial Act, 219, 246, 247, 372; Criminal do. adopted, 246, and dangerous consequences therefrom, 248; Women, working as field-hands, to be taxables, 272—274.
- Engrossers, 24, 33, 39, 273, 278; Foreign do. 227, 331.
- Enlistment, 54; of slaves as volunteers, prohibited, 224.
- Ennals, Thomas, 174, 179, 326, 384, 390.
- Enrolment, 197; of conveyances, 241, 332; of Indians, 197.
- Entertainment by the Governor, 138, 353; of the Upper House by the Governor, 261.
- Enticement from the Province, 135, and law proposed against, 382, 386.
- Entry, of Judgments, 117, 154; of lands, (oath required of those making,) 77; of negroes by Capt. Ely, 391; into Port of Annapolis asked by a vessel driven there by stress of weather 163; of sloops, boats, &c. to be made by Collector, 87; of undecked vessels, 92; of vessels for trade, 165, 304, 305.
- Episcopal ordinations, 138.
- Erberry, Edward, contempt of the L. House by, 231; his excuse, drunkenness, and his punishment, whipping and payment of costs, 231.
- Error in the Public Levy, 101, 204; writ of, 37, 128, 223, 224, 247, 277, 279, 285, 291, 311.
- Errors, argument of, 294; assignment of, before Council, 223, 224, 225, 226, 238, 255, and hearing, 299, 308, 336; in proceedings, (Act concerning,) 331.
- Escheats, 103, 143, 186.
- Escheated lands, 87, 92.
- Establishment of the Protestant Religion, (Act for the) 331; of Religious worship, (proposed Act for the) 199.
- Estates, delinquent, 36; Orphans', (Act concerning,) 40, 222, 243, 244, 255, 270, 284, 285, 287, 319, 323, 324, 401.
- Estimate for defence of New York, 339.
- European goods, 353; to Virginia, 369.
- Evans, *Mr.* 35; *J.* 165; *Col. William*, 68, 76—78, 212—214, 225, 226, 322.

- Evelyn, *Capt. George*, 11, 14, 16—18, 42; *John*, 11; *Robert*, 18, 45.
- Everdine, Thomas, a Quaker, 327, 329.
- Everett, John, a deserter, 73, 74; his excuse, 73; imprisoned in chains, 73.
- Evidence, Act concerning, 222; do. of Foreign debts, 247, 260.
- Evlinton, (seat of Capt. Evelyn,) 18.
- Ewen, *Mr.* 36; *Richard*, 212.
- Examiner General, 133.
- Exception from General Pardon, 56.
- Exchequer Bills, 129.
- Execution, sentence of, 15, 38; of Smith, 222.
- Executioner, the Public, 27.
- Executions, 40, 61, 191, 378; for costs, issued by Council, 296, 309; delays in, (Act concerning,) 253, 254; stay of, 244; sales of Tobacco under, 313.
- Executive Chamber, 94.
- Executive Department, resentment at interference of the Lower House, 330.
- Executor, petition of negro against, 321.
- Exemption, from oaths of allegiance and supremacy granted to Lord Baltimore's Receiver, 184; from watching, warding, &c. 47.
- Expeditions against the Indians, 44, 47, 77, 251; to the Isle of Kent, 43; to make discoveries beyond the mountains, 375, 376; of Capt. Odbur, 73.
- Expenses, advance to the Commissioners to Virginia, of their, 149; of the Indian Commissioners, 161; of the Houses of Assembly to be distinguished, 278, 388; of ordinary-keepers, 169.
- Exportation, of ammunition, (prohibited,) 150; of corn, (do.) 29, 51, 54, 60, 73, 74, 135, 140, 353, 354, 359, 362, 368, 369; of hides, 327; of provisions (detrimental effect of prohibiting,) 149; of tobacco, (proclamation) 48, 140; of wool, 222.
- Expresses, 143, 170.
- Expunging of certain votes of the L. House, 233, 234.
- Extortion, act against, 255, [see *Usury.*]

F.

- Fairs at Annapolis, half-yearly, 357.
- Falls of the Patuxent, 123, 348; of the Potomac, 123, 173, 197, 260.
- False Petition to Governor of Va. 155.
- False Witness, Act against striking, 32.
- Fast, Proclamation for a, 338, 339; upon the Queen's death, 348.
- Faalty, oath of, 26, 28, 29, 35, 49, 51, 55, 67, 68, 88, 400, 401; pardon to all taking it, 26; refusal of the L. H. to take it, and disputes thereupon, 317, 318; saving in, 317; taken by the Lower House, 318.
- Fees, 33, 39, 40, 241, 402; of the Admiralty Court, 190; of the Attorney General, 185, 353; Attornies', (Act concerning,) 260, 261; Chancellor's, 80, 235; Clerk's, 40, 138, 139, 148, 229, 241, 269; do. (of Assembly,) 242, 364, settled by Lord Baltimore, 296; do. (of Council,) 278, 294; collection of, 53, 57, 104, 120; of the Council office, (Table of,) 100, 103, and claimed by the Secretary, 101; Crimi-
- inals'. (Act concerning,) 224, 235, 403, inquiry about Mason's receipt of certain, 179, payment of, on a commutation of sentence, 309, 311; for imprisonment of servants, 223; of Jurors, 229; Land office, 279, and order about Ld. Baltimore's agreement to divide the same, 366; for Marriages, 236; on Marriage licenses, 222, 404; of Muster-master General, 227; of Naval officers, 131, 353; Officers', 253, 363, 375, Acts regulating the same, 61, 251, 279, 378, and table of, 190; on Patents, 135; Release of J. Baker's Estate from, 147; Secretary's, 221, 223, 224, 231, 246, 247, 326, 404, referred to Assembly, 102, and specially for searching the Records, 217; Serjeants', 61; Sheriffs', 40, 383, and Act against their excess, 236; in Slye's case, 185; of Surveyor-General, 221, 222, 248; none to be imposed without consent of the Freemen, 333.

- Felks, Edward, 332.
- Felon's Goods, letter of Ld. Baltimore about, 71; their forfeiture remitted on terms, 200.
- Female Orphans to be of full age at sixteen years, 244.
- Fence Burners, 246, 332.
- Fences, (their height,) 332, 402.
- Fencing Ground, (Act,) 39, 60.
- Fendall, *Josius*, 36, 37, 56, 66, 67, 89; *Governor*, 40, 64, 66; declaration of Ld. Baltimore against, 217; excepted from pardon, 71; imprisoned, &c. 71, 72; sentence partly remitted, 72; warned to Court, 72; warrants for Assembly, issued by, 212.
- Fenwick, Cuthbert, 17, 43, 73, 400; report as to commission of, 17.
- Ferries, 91, 133, 134, 244, 274, 324, 340, 347, 357, 358, 373, 375.
- Ferries, 236, 244, 401; passage of, 356; vote for the discontinuance of Public, 385.
- Ferry, John, 390.
- Ferryman, keeping of Ordinaries by, 378, 381.
- F. F., Liber, 212.
- Fielder, Mr. 189.
- Field-Officers, 144, 157, 340.
- Fields, Edward, 170
- Filk, Edward, 100.
- Fine, of Gerard Slye, (injunction about,) 198; of John Cood, suspended by Governor, 193, 198.
- Fines, 26, 28, 36, 97, 99, 107, 111, 113, 131, 132, 134, 135, 137, 144, 163, 165, 168, 180, 187, 198, 204, 208, 224, 235, 240, 352; appropriated to the support of Government, 185; collected by prosecution, 185; of member of Assembly for striking another, 15; for non-attendance in General Assembly, 12, 239; of non-jurors, 69; of Roman Catholics, 36.
- Fines and Forfeitures, deficiency in making up a salary, 185; return of, since the King's Government, 200.
- Finley, Robert, 161.
- Finncy, William, 99, 326, 332.
- Fish, striking of, (Act repealed,) 364.
- Fisher, Edward, 29.
- Fitzherbert, Edward, 88, 91, 237, 243.
- Fitzhugh, Edward, 86.
- Five Nations, the, 143, 153, 353.
- Flags of each County, (colors of,) 130.
- Fleet, Convoy for the, 200; sailing of, 142, 143, 200, 203, 208, 327, 345, 349, and from Virginia, 129; Ships, 136, 200; stay of, 204, 349.
- Fleete, Henry, 11, 14, 18, 43.
- Fleets, *Capt.* 17, 18, 49; *Edward*, 14, 18.
- Fletcher, Gov. (of New York,) 133, 153, 342, 351, 359, 375.
- Flight of Indians to Virginia, 191.
- Forces on Indian Service discharged, 54; raising of, 243, 402.
- Ford, William, 258, 267.
- Foreign Coins, advanced in value by vote of the Lower House, 238.
- Foreign Debts, evidence of, 247, 260.
- Foreign Peddlers, 350.
- Foreign Service, (Act concerning,) 236.
- Foreigners, prohibited from hunting, 33, from trading with the Indians, 294, 295, and in the Province, 39.
- Foreman, R. 339.
- Forestallers, petition against, 273.
- Forfeited Bonds, process upon, 139.
- Forfeitures, 26; of Felon's goods remitted on terms, 200.
- Forms, 61, 81, 219, 366, 381.
- Forrest, Patrick, 225.
- Forster, James, 100.
- Fort, 27, 39, 50, 89, 108, 148; Albany, 285; at Anne Arundel Town, 344; manned by Indians, 107; deserted by the Indians, 374; on the Island above the Falls of Potomac, 197; Piscataway, 333; at Potomac, 180; at Rock Creek, (Indian,) 194; St. Inigoes, 33; Susquehannah, 78, 288; at Zachariah Swamp, 270.
- Foster, James, 357.
- Fouke, Mr. 225.
- France, Proclamation against persons in the service of the King of, 172; peace with, 150, 151, 163, 167; declaration of War against, 202.
- Francis, Lieut. 271, 274.
- Franck, Mr. 301.
- Franklin, *Mr.* 238, 245, 258; *Thomas*, 14, 17.

- Frauds by Ld. Baltimore's officers, 133.
 Frauds, Statute of, 153; do. of Pennsylvania, 171.
 Freedom, petition for, 321, 335, 336.
 Freeman, *Mr.* 144; *John*, 177, 375, 376.
 Freemen, of Hundreds, 59; of the Province, (declaration of certain rights,) 333; of S. Mary's, 33.
 Free School, 342, 396; Address to the King and Queen for a, 345, 364, 365; Agent to receive donations for, 143; building of, under the Justices, 372; collection of Gifts for, by the Sheriffs, 368, 369, 370; Contractors for building, 189; Council's contributions to, 342, 345; intended devise to, 360; patronage of the, (offered to the Archbp. of Canterbury,) 345; profits of Crier's office given to the, 151; report upon. 385; Salary of the Master, 373; Subscriptions to, 168, 345, 375, 376; Trustees of, 376.
 French, aid to New York against the, 127, 338; trade prohibited with them in Canada, 207; Ships to assist each other in case of invasion by, 369; thanksgiving for the defeat of their attempted Invasion of England, 143; preparations against America, 153, 366; prohibition against furnishing supplies to the, 207; soldiers, (letter about,) 188; victory over the, 100, and thanksgiving therefor, 100, 137; and Lower House invited by the Governor to drink the King's health in honor of a similar occasion, 353.
 Frenchmen, (suspected to be M. de Castine,) 107; banished, 140; caught in Indian apparel, 163.
 Frenchmen, 97, 101, 104, 111, 305; naturalization of, 76, 79.
 Fricke, William, denization of, 80.
 Frisby, *James*, 96, 97, 115, 127, 132, 140, 144, 146, 165, 167, 182, 190, 346, 351, 355, 362, 365, 380, 390; accused of saying that the Governor came in by Lord Baltimore's commission, 176; *William*, 156, 161, 166, 179, 252; blank commission of Sheriff given to, 201.
 Frontier Plantations, settlement of, 356, 381.
 Frontiers, 100, 139, 146; Defence of the, 135; and distribution of arms to the inhabitants of the, 193; in Baltimore Co. (troops ordered to the,) 78, 146; of New York, (quota for defence of,) 199, 205, 207.
 Fugitives, 31, 39, 60, 63, 247, 401; from Virginia, 37, 254, and demand for, 27; to Virginia, 99, 105, 141, 360, and demand for, (a Sheriff with books and papers,) 329.
 Fuller, William, 36, 53, 54, 67; proclamation against, 72; of Severn, 134, 212; Junior, 134.
 Fund for defence of N. Y. (levying of duties towards a.) 349.
 Furs, account of, 156, 157; Act concerning, 344; bought from the Indians contrary to law, 284, but admitted to be the only means of clothing the poor inhabitants, 284; Duties on 339, importation from Pennsylvania of, 356, 381; mouies from, (appropriated to a school,) 353, 352, 357; shipped contrary to law, 282, 283, 348.
 Furs and skins, 99.
- G.**
- Galloway, William, 226.
 Gamble, Mr. 324, 325.
 Game for His Majesty, 141, 149.
 Gardiner, *Capt.* 216; *Luke*, 56, 69, 213, 214, 237; *Richard*, 317.
 Garey, S. 304.
 Garnett, Richard, 15, 16, 17.
 Gary, Elizabeth, 38.
 Gassaway, *Capt.* Nicholas, 96, 274, 348.
 Gates at the entrance to Annapolis, 357.
 Geddes, Mr. 140, 377.
 General Assembly, [see *Assembly, Gen.*]
 General Court, 55.
 Gennales, Mr. 49.
 George, John, 158, 166; do. (of Boston,) 151.
 Gerrard, *Richard*, 14; *Thomas*, 19, 20, 24, 27, 33, 35, 44, 46, 55, 66, 67, 70,

- 71, 212, 213, 222—224, 226, 227, 229, 231, 277, 284, 401, 402; information by Atty. Gen. against, and proceeding thereon, 69; punishment of, &c. 72; Meeting of Assembly at the house of, 212.
- Gey, Susan, 16.
- Gibbons, Major, 52.
- Gibson, Miles, 300.
- Gift, Hawley's, 33.
- Gilbert, *P.* 167; *Rose*, 11.
- Gillet, German, 224.
- Gilly, William, 123.
- Gittings, John, 236.
- Glantham, John, 20, 21.
- Glewin, Bartholomew, 233.
- Godfrey, George, 298.
- Gold, Edward, 336.
- Goldsbrough, *Mr.* 146, 153; *Robert*, 115, 151, 169, 182, 192.
- Goldsmith, *George*, 213; *Samuel*, 72, 75, 76, 213.
- Goldsmith's Hall, 76.
- Good Behaviour, bond for, 167.
- Goodman, Charles, 158, 329.
- Gorsuch, *Charles*, 282; *Robert*, 72.
- Gosport, 191.
- Government of Maryland, 336; illegally assumed and revenues taken by Sir Ed. Andros, 129; restored to Ld. Baltimore, 71, his refusal to acknowledge it as the King's, 186, his final deprivation, 326, and its members under him, 327, its resumption by him apprehended, 167, 382; inauguration of Gov. Blackiston, 188, 189, and Proclamation upon his departure, 201, 202; retirement of Gov. Nicholson, 161, 188; Fendall's oath not to disturb it, 56; narrations of its state, 127, 189; sudden accidents in it, (Act concerning,) 59, 303, 311, 312; arrangements for its support, 61, 185, 217, 403.
- Government of the Province, 54, 67, 152; commission for organizing, 42; documents lost, 100.
- Governments of North America, trade with the, 143.
- Governments, Proprietary, information about the, 199.
- Governor, 11, 15, 24, 26, 28—31, 33, 44, 49—51, 53, 54, 66—71, 75, 77—79, 84, 88—90, 94—98, 100, 101, 103—105, 107—112, 114, 122, 123, 127, 128, 133—137, 139, 142—161, 165, 166, 171—176, 178, 182, 183, 185—193, 195—197, 199, 200, 212, 224—226, 231, 234, 235, 237, 238, 242, 243, 245, 246, 249, 253, 259—262, 267, 270, 276, 303, 326—330, 332, 334, 335, 337—339, 342—346, 348, 350—352, 354—356, 360—364, 369—372, 374, 375, 379—382, 384, 385, 387—390, 394, 408; Account with, 188; Address for the removal of, 344; Answer to the petition for liberty of speech by, 215; Congratulation to, 339, 342; Commissary to, 134; Complaint against, 17; Decisions on land questions by, 334; Dispute with the Low. House, 366—368; Fees to be ascertained by, 333; Entertainments by, 138, 353, and present, on a similar occasion, 261; Health of, 104; House of, 108, 114, 248; House of, (at S. Peter's,) 101, 104; Indian affairs left to, 261, 384, and reception of Indians by, 195; Letter of, 141, 196; Loan to the Province by, 194; Messages and Speeches of, 163, 215, 216, 238, 246, 326, 338, 339, 346, 349, 350, 352, 355—359, 362, 364, 365, 368, 371, 373, 374, 380, 382—390, 391, 396, 397, censuring the Lower House, 389, and haughtily addressing that Body, 392, 395; Cood's abuse of a New, 168; Oath of, 43, 51, 81, 99, 105, 124, 150, 157, 189, 194, 380, and certified as having been taken in England, 127; Obligation of Layfield to, 160; Opinion on the Burgesses' declaration of rights by, 214; Presents from the Indians to, 174, 180, 195, 328, 329; Power to establish ports, 133; Recommendations by, 141; Remarks upon the veto of the Act of Religion from, 196; Removal to Virginia of, 186, 390; Reception of a new, 183; Representation of insolent behavior by the, 105; Salary of, 141,

- 187, 191, 249, 250, 339, 395, and increase asked, 339; Selection of the location for the State House by, 249, Sentence of death on an Indian murderer by, 236; Settlements, North of Accomack provided for by, 76; Signature of laws by, 242; made Speaker of the House, 214; Suspension of Cood's punishment by, 193, 198; Vindication by, 141, 151, 155, 395; Visit to New York, 198, and to Virginia, by, 146; Vote of thanks to, 346; *Deputy*, 32; *Lieutenant*, 47, 98; *Pro tempore*, 49.
- Governor and Council, 115, 118, 127, 146, 153, 214, 224, 260, 329, 331, 332, 342, 363, 373, 386, 388, 396; Appeals to, 128; Assessment of levies by, 220; Letters of, 104—106, 111; Invited to sit as members of the Lower House, 214; paramount Power of, (as to Indian affairs,) 389; restoration of, 54; of New York, 330; of Virginia and certain proceedings, 196.
- Governor of *Barbadoes*, 140, 153; *Bermudas*, 155; *Carolina*, (letter to,) 139; *Massachusetts*, 146, 155; *New Amstell*, 74; *New England*, 157; *New Jersey*, 113; *New York*, 77, 84, 143, 170, 188, 202, 281, 339; letters from, 96, 97, 104, 112, 116, 119, 123, 131, 135, 136, 139, 142, 143, 150, 188, 205, 207, 297, 337, 342, 351, 353, 356, 359, 362, 368, 375, letters to, 98, 104, 108, 110, 111, 114, 131, 135, 136, 139, 143, 152, 156, 157, 172, 207, 280, 356, 364; *Pennsylvania*, 140, letter from, 139, letter to, (from the Queen,) 112; *Virginia*, 27, 46, 50, 57, 72, 75, 99, 112, 141, 179, 186, 202, 203, 204, 390; application to, (about Cood,) 171, 177; books and papers carried away by a fugitive, demanded from the, 329; false petition to, 155; letters from, 112, 142, 143, 145, 177, 203, 204, 393; Proclamation of, 32, 57, 177; letters to, 108, 111, 113, 114, 143, 145, 147, 149, 171, 172, 177, 206, 378, from the Privy Council, 77; visit of, 338.
- Governors of Plantations, Royal letter to, (about the encouragement of shipping,) 87.
- Gowns, to be worn by Ch. Justices and Lawyers when pleading, 148, and by Ch. Justices of the County Courts, 369.
- Grain, encouragement for sowing English, 236, 403.
- Grand Jury, 15, 146, 153, 158, 160, 161, 169, 177, 179, 181, 215, 246, 375, 397; allowances to, 250, 324; expenses of, 219; empanelling of, (Act concerning,) 246, 247, 262; ordered to S. Mary's, for contempt, 106, 113.
- Grants of Land, 66, 74, 83, 103; from Lord Baltimore, confirmed by Act, 255; Proclamation about neglect of taking out, 32; Recorder of, 66.
- Grants of Money, 96, 112, 127.
- Gratitude, Act of, 236, 308, 310, 311, 312, 404.
- Gratuities, 333.
- Gratuity to Dr. Bray for sending Libraries, 372, 395, 396; of 12*d* per poll granted to Cols. Courcay and Lloyd, 290, 291, 298; for capturing murderers, 85; for heads of Indians, 229, 237.
- Gray, Francis, 14, 18, 26.
- Great Seal, 42, 67, 85, 135, 141, 152, 189, 202, 299, 351, 355, 361, 365, 379; Commission for the, 51, 141; Counterfeiting of, (Act to punish,) 400; Indian Treaty under, 228; use of, to be continued, 202.
- Green, *Edward*, 102, 103, 159, 184; *Thomas*, 13, 19, 27, 35, 50, Deputy Governor, 32, 52, Governor, 27, 28, 50, 57, and testimony against, 400.
- Greenberry, Charles, 191.
- Greenbury, Maj. Nicholas, 94, 97—101, 103, 105, 106, 108, 110—112, 114, 115, 117—124, 127, 129, 130, 132, 139, 140, 142, 145, 157, 165, 169, 326, 332, 337, 346, 347, 351, 355, 361, 362, 365, 374.
- Greene, Mr. 20, 27, 134.
- Greenfield, Thomas, 119, 327; oppressive conduct of, as Sheriff, 174.

- Gregory, Christopher, 177, 184, 391.
 Gresham, John, 51.
 Grievances, Committee of, 168, 169, 233, 321; Counties to send their, to the Assembly, 182; County, 143, 375, 376, 383.
 Grievances of the Lower House, 233, 320, 321, 324, 325, 360, 361, 385, 387; called seditious votes, and required to be expunged, 233, 234; sent to Eng. 362; Statement that the country groans under the weight of, 234.
 Griggs, Ruth, 171.
 Groenendyck, Peter, 91.
 Grounds, of the Prison, 257; of the State House, 256.
 Ground Leaves, Act concerning, 40, 235, 236, 401.
 Groves, Henry, pardoned at instance of a Clergyman, 207.
 Grundy, Robert, 102.
 Grunner, Thomas, 109.
 Gruwin, Thomas, 171, 280, 300, 317.
 Guage, 235; of Tobacco Hhds. 56, 139, 401.
 Guard to Lord Baltimore, 289, 294, 298.
 Guest, Walter, binds himself as a servant, 29.
 Guiburt, Joshua, 170, 172.
 Gun. commutation of servants here for a, 190; sold to Indians, 39.
 Gunpowder, 172, 368, 369; presented to the Indians, 245; storing of, 344, 197; prohibition against transporting, 78.
 Gunpowder River, 72, 156; Court House of Baltimore Co. to be built on, 260.
 Guyther, *Lieutenant N.* 53, 69, 221, 225; *Sheriff*, 71.
 Gwyther, William, 324, 325.

H.

- Habeas Corpus, application for, 114.
 Hailes, Capt. 366.
 Halfhead, John, 19.
 Hall, *Mr.* 294; *Benjamin*, 122, 176, 390; (*Doctor*), 328; *Elisha*, 390; *Rev. Henry*, 161; *John*, 164, 198, 390; *Priest*, 135, 137; *Richard*, 72, 225, 245, 258, 269; *Thomas*, 136, and *Walter*, 267.
 Hambleton, Col. 225, 232, 238, 245, 258, 339, 340.
 Hammond, Capt. John, 96, 167, 185, 186, 190, 192, 193, 195, 197, 199, 200, 201, 204, 326, 390.
 Hancock, R. 187.
 Hans, Capt. 144.
 Hansford, John, 52.
 Hanson, Hans, 245, 327, 337, 390.
 Harbin, Francis, 170.
 Harbors, preservation of, 224, 331, 332.
 Hardy, Mr. 294.
 Harman, *Col. Casparus*, 111, 131, 135, 154, 163, 240, 241, 252, 334, 357, 362; *Mrs.* 377, 378, 385.
 Harpum, William, 109, 169, 170.
 Harrington, John, 43.
 Harris, *Capt.* 89, 178; *Sarah*, 308; *William*, 166, 179, 208, 326, 337, 390.
 Harrison, *J.* 215; *R.* (a Quaker.) 133.
 Hartwell, *Mr.* 143; *Thomas*, 152.
 Harvey, N. 28.
 Harwood, *John*, 26, 28, 29; *Robert*, 38.
 Haslewood, John, 96, 169.
 Hatche, *James*, 21; *John*, 35, 36, 56, 72, 212, 400, excepted from pardon, 71, sentenced 72, reprieved, 73, set free on security, 72, summoned, 72.
 Hatton, *Eleanor*, detention of, 56; *Thos.* 33, 52, 55, 57, 173, 237, 245, 258; *Deputy Gov.* 32, and *Secretary*, 53.
 Hauslop, *Capt.* 300; *Richard*, 329.
 Hawkins, *Harry*, 147, 167, 197, 326, 390; *Thomas*, 259.
 Hawley, *Eleanor*, 19; *Jerome*, 14, 17—20, 22, 24, 33.
 H. D., Liber, 127, 152.
 Heath, N. 260.
 Hebb, Thomas, 135.
 Hebden, Thomas, 19, 20.
 Hemp, Act concerning sowing, 242, 282, 286, 287, 322.
 Hemp and Flax, encouragement of, 282, 320, 349.
 Hemsly, William, 112, 122, 141, 179, 240, 367, 390; MS. work of his commended, 179.

- Henchman, Edward, 233.
 Herman, Augustine, 70; Naturalized, 72, and Collector of Rents, 75.
 Herring Creek, 35, 38, 39.
 Hervey, Nicholas, 44.
 Hewitt, *John*, 326, 329; *Rachel*, petition for arrears of Poll Tax voted to her late husband, 380.
 H. H., Liber, 66 92, and Index, 81.
 Hicks, *John*, 85; *Maj. Thomas*, 174, 179, 329, 390.
 Hides, Act concerning export of, 227, 228, 277, 284, 287, and its proposed repeal, 352.
 Higgins, Michael, 76.
 High Constable, 11, 13, 42, 44, 45, 90.
 High Sheriff, 42, 46, 52, 89, 92, 119, 293.
 High Treason, Upper House declares incitement of the Indians to be, 292.
 Highways, 181, 227; (Acts concerning,) 202, 235, 244, 246, 247, 249; Overseers of, 181, 182, 202.
 Hill, *Mr.* 294; *Capt.* 127, 133, 185; *Clement*, 171, 254, 274, 317; *Edward*, 27, 28, 50, *Governor pro tem.* 49; *Francis*, 91; *Henry*, 152; *S.* (of Penn.) 203; *John*, 19; *Capt. Richard*, 167, 189, 194, 197, 280, 290, 390; *Richard, Jr.* 134.
 Hilliard, John, 11, 13.
 Hills, Thomas, accused of drunkenness by the Lower House and fined, 217.
 Hinson, John, 72, 239, 242.
 Hitchcock, Thomas, 112.
 Hitches, J. 19, 20.
 Hodge, Thomas, 141.
 Hogs, (Act concerning,) 63, 312, 313, 401, 403; one-half given for killing, &c. 228.
 Hogsheads, [*See Gauge.*]
 Hogstealing, (Act concerning,) 228, 235, 241, 246, 331, 404.
 Holding of Courts, 207, 276, 308.
 Holdsworth, Samuel, 158, 166, 266, 268, 272—274, 276.
 Holland, William, 96, 144, 199—201, 205, 377.
 Hollander, naturalization of a, 75.
 Holliday, Mr. 124.
 Hollingsworth, *Richard*, 69; *William*, 69, 70, 72, 73.
 Holt, *Christiana*, 75; *David*, 75; *Joseph*, admonished to be circumspect, 204, suspended "ab officio et beneficio," 208; *Robert*, 75; *Thomas*, 21.
 Hooper, *Capt.* 68; *Henry*, 27, 238, 243.
 Hope, George, 98, 304.
 Hopkins, William, 114.
 Horse, Express, 145; Troop of, 92, 254, 255, 257.
 Horses, illegal importation of, 92, and prohibitory Act, 240, 241, 244, 247, 282, 286, 287, 289, 290; their importation from New York and from Virginia, 250; impressment of, (for public service,) 151; increase of, (Act concerning the,) 332, 349, 356; lessening the number of, Act for, 304, 305; wild, taken up, 356.
 Horsey, *Mr.* 75; *Elzic*, 76.
 Hoskins, *Capt. Philip*, 132, 197, 326, 390.
 Hostages, from the Indians, 253.
 Houkins, William, 45.
 House of Assembly, Act establishing, 59; of Burgesses, [*see Burgesses*]; of Correction, 340; for the Courts and Assembly, 219; of Delegates, [*see Lower House of Assembly*]; of the Governor, 108, 114, 248; at S. Peters, 101, 104; of Lords, 153; Lower, the, [*see Lower House*]; Upper, the, [*see Upper House*].
 Houses of Assembly, (Act ordering,) 33; of Lord Baltimore, 334.
 Howard, Mr. 238, 245, 258.
 Howell, *H.* (a pauper,) 226; *Thomas*, 204, 212, 225, 238, 245.
 Howelton, John, 89.
 Hudson, Edmund, 26.
 Hughes, David, (a servant,) 200.
 Hundred, Mattapanient, 59; S. Clements, 45, 48, 49; S. George's, 11, 12, 13, 16, 42, 43, 49, 59, 91, 255; S. Mary's, 12, 59, 325; S. Nicholas, 59.
 Hunley, Robert, 212.
 Hunt, *Francis*, 54; *Margaret*, 54.
 Hunter, *Mr.* (a Romish Priest,) 174, 192; *William*, 159.
 Hunting Grounds of the Indians, 197.
 Hurle, John, 127, 130.
 Hurst, John, 108.

Husbandry, encouragement of, 320.
 Huscula, Dennis, 284.
 Hutchins, Col. Charles, 94—96, 111,
 112, 115, 118, 121, 122, 127, 164,
 165, 183, 184, 198, 327, 337, 347,

351, 355, 361, 362, 365, 374, 390.
 Hutchinson, *Maj.* 147; *Ralph*, 92; *Wil-*
liam, 96, 184, 197, 390.
 Hyde, Henry, 224.
 Hynson, Thomas, 212.

I.

Ill-affected persons, (Proclamation
 against,) 176.
 Illegal trading, 139, 186, 189, 194.
 Impeachment against Lord Baltimore,
 (articles of,) 336: Expenses, to be
 re-imbursed by Col. Talbot, 375, 376;
 before the King in Council, 110; by
 the Lower House, 233, 251—255, 293,
 295—299, 301, 303.
 Importation of Horses, [see *Horses*.]
 Importation of Slaves, [see *Slaves*.]
 Impositions on Officers, 187.
 Impressments, 77, 205, 206, 254; of
 boats to carry dispatches, 119, 254;
 by Sheriffs to carry their precepts, 174.
 Imprisonment, 36, 56, 183; in chains,
 73; of member of Assembly, (in-
 quiry and statement about,) 391.
 Inauguration of Gov. Blakiston, 188.
 Indentured Servants' Act, 40.
 Independence of the Burgesses, 213, 214.
 Index to Liber H. H. 81.
 Indians, the, 146, 147, 172, 274; the
 Accocike, 191; Act concerning, 31,
 33, 330, 331, 401, 404, and prohibi-
 ting their employment, 227, 228; Ad-
 dress of the Lower House to Govern-
 or about, 131; Indian affairs, 108,
 227, 284, 287, 377, 383—387, 408,
 Committee upon, 147, 148, 197, 215,
 221, 227, 265, 270, 272, 377, 381,
 Letters about, 96, 108, and per-
 sons concerned about, 163; Indian
 Agents, 285; aid given in their
 wars to neighboring, 285; alarm
 from, 38, 53, 68, 146, 198, 257, 269,
 271, 385, 389; allotments to, 80, 218;
 King of the Amustiack, 70; the Ana-
 costiack, 226, and allotment to them,
 80, 231; King of Anacostia, 123,
 138, 363; arrival at Conestoga of, 203;
 Indian Bounds, encroachments upon,
 101, 192, 237, 330; Indian Cabin

broken into by a negro and master
 made to pay, 206; the Chaptico, 112,
 138, 147, 231, 253, 328, 377, allot-
 ment to them, 80, 218, and their
 King, 101, 112, 328, 329, 330, 363;
 the Cherywawateick, 231; allotment
 to the Chingwawatack, 80; children
 stolen by, 251, and demanded by the
 Assembly, 252; the Choptank, 112,
 132, 148, 174, 179, 237, death of
 their King, 100, 174, and survey of
 Lands of, 148, 237; Ciniquo, (aid to
 the Susquehannahs against them,)
 215, 216; Commissioners to, 17, 46,
 161, 197, 224, 265; Complaints of,
 96, 101, 195, 330; Conference of the
 Governor with certain, 195, and
 other Conferences, 328, 363, 377,
 383, 384; Conversion of, 190, 339;
 Correspondence with New York and
 Virginia about, 108, 383, 384; De-
 fence against the, 45, 259, 269, 272,
 285, provision for the same, 146, and
 surrendered under pledge of persons
 and property by Lower House to Ld.
 Baltimore, 273, 275; the Delaware
 140, 144, 161, 180, 377, and their
 Kings, 73, 76; Depredations by, 259;
 Designs of, 55; Differences with, (Act
 concerning,) 378; Disturbances, 130,
 193; the Doag, 231, and allotment to
 them, 80; the Dorchester, 370, and
 the survey of their Lands, 372; on
 the Eastern Branch, 146; of the East-
 ern Shore, 44, 48, 70, 91, 98, 271,
 281, 283, 285, 297, 385, and their
 Kings, 237; employed to kill Deer,
 32, 53; Encroachments on, 101, 192,
 237, 330; Enrolment of, 197; Enter-
 tainment of, 228; Examinations of,
 97, 98, 256; Execution of, 79, 236;
 Expeditions against, 44, 47, 48, 77,
 146, 290, 348; the Five Nations of,

143, 153, 353; Flight to Virginia of, 191; Foreign, 111, 306. and anticipated settlement of, 344; Forts deserted by, 374, and manned with, 107; Indian do. at Rock Creek, 194; French, 137, 150; Friendly, 97, 195, 256, 275; Government of, 374; Gratuity for heads of, 229, 237; Hostages required from, 253; Hunting Grounds of, 197; Incitement of, declared High Treason. 292; Insolences, 147; Instructions about, 107; Insurrections, 130; Intelligencers among, 55; Interpreters of, 74, 148, 159, 277, 328, 331; Invasion of, and battle with, 110; Isle of Kent to be guarded against, 45; order for the killing of all refusing to yield, 74; Kings of, 70, 76, 78, 101, 111, 123, 193, 237, 363; Indian Lands, debate in the Lower House upon, 248, order of 1695 about, 356, payment for, 248, re-survey of, 372. and seating and adjustment of the same, 133, 147, 194, 246, 247, 355, 362, 368—370, 393, 394; League with the, 53, 85, 95, 101, 111; Letters about, 108, 110, 133, 147, 155, 156, 157, 188, 381, from Governor and Council of New York about, 96; Levies against, 130, 147, 148, 150, 166; License for hunting to, 72, and for keeping an Indian hunter, 91; Losses from, in Baltimore Co. 250; Indian Magistrates, 174, 179; the Manasund, 231; the Manjemaick, 231; allotment to the Manusquesend, 80; King of the Maquanticough, 70; the Maquantequet, 44; Marches against, 33, 47, 228, 328; the Materhas, 237; the Mattapany, 246, 247; the Mattawoman, 78, 112, 150, 231, 253, 256, 330, allotment to them, 80, and their King, 101, 150, 256, 330; Messengers to, 47, 78, 191, and their Journal, 145, 180, 381; the Mikikowoman, 231, and allotment to them, 80; the Mingo, 73; King of the Monopusen, 70; Indian Murderers, gratuity asked for their heads, 229, 237, and trial and sentence of sundry, 146, 236;

Indian Murders, 33, 53, 74, 76, 78, 79, 123, 137, 144, 192, 193, 196, 197, 216, 221, 243, 274, 282; do. in Virginia, 147, 156, 196, 197; Naked, 93, 196; the Nanjemaick. 253, and allotment to them, 80; the Nanticoke, 28, 46, 50, 74, 111, 138, 148, 174, 179, 198, 206, 281, 290, 392, 393, 394, their Emperor, 80, 101, 192, 335, 377, survey of their lands, 147, and frequent visits to be made to, 148; the Northern, 96, 269, 273, 274, 280, 285, 291, 297, 330, peace with the, 281, 284, 288, 295, plunder of the Province by, 270, 272, 277, 281; the Onandago, 281; the Oneida, 281; Indian Outrages. 72, 274, 327, 328; allotment to the Paccataway, 80; the Pamunkey, 138, 253, and their Queen. 195; the Pangayo, 231, and allotment to, 80; Papers relating to, 163, 267, 273, 289, 362; the Pasagonke, 74, allotment to, 80, and their King, 73; the Patuxent, 48, 226, 246, peace with them, 44, and protection of, 48; the Pickacomico, 74; the Piscataway. 111, 112, 123, 146, 147, 166, 174, 194, 197, 231, 253, 272, 281—283, 285, 289, 328, 329, 330, 354, 370, 377, 384, 385, 387, 388, Conference with them, 226, 363, their Emperor, 69, 73, 75, 76, 78, 101, 128, 138, 193, 195—197, 269, 328—330, 339, 354, 363, Messengers to them, 147, 191, 198, 381, and Jour. of the same, 143, speeches of their chiefs, 85, 195, and visit by, 73, 74; the Pocomoke. 112; their King, 101, and about their land, 138; the Portobacco. 72, 231, allotment to them, 80, and their Queen, 76; forbidden to hunt in S. Mary's, if coming from S. of the Potomac, 53; Presents from, 144, 163, 174, 180, 195, 328, 329, and do. to, 101, 112, 237, 329; Indian Prisoners, 137, 148, 256, 258, 362, 363, opinion of all the Attornies in town asked about, 128, 363, ordered to be sold, 54; Proclamations against the, 46—48, 156; Purchase of furs prohibited,

- from, 284, and do. of land from, (Act concerning,) 31, 63, 400; Queens of all the, 195; King of the Quowaghtcut, 70; King of the Rasough-tack, 70; Sachems of the, 135; Sale of arms and ammunition prohibited, to, 39, 49, 252; the Seayo, 231, allotment to them, 80; the Seneca, 73, 76, 78, 221, 225, 228, 248, 249, 289, 333, 360, immigration of, 193, reward for killing, 76, proclamation of war against, 77, and number of warriors, 221; King of the Sequawaghtcut, 70; the Shawnee, Shawanne or Shwanne, 180, 360, 393; the Sinnondowanne, 281; Skulking, 123; the Somerset, 370; the Southern, 111; Indian Speeches, 195, 226; Spoil of Swine by, 45; State of, 128; Strange, 111, 131, 132, 252, in Cecil, 107, and at the head of the Bay, 107, 108, 392; Supplies for the, 195, 252; the Susquehannah, Susquehannock or Sasquehanogh, 46, 49, 70, 72, 111, 144, 161, 180, 223—225, 251, 252, 259, 381, 385, 387, aid to, 72, 79, 215, 216, 224, 245, 402, allotment to, 260, war Captains of, 78, 221, 260, joint Committee about, 215, King of, 172, and number of warriors of, 221, their removal out of the Province, 260, 381, 385, 387, treaty with, 49, 53, 78, 223—225, 360, and war with, 249, 251; King of the Tetuckough, 70; Indian Town, (of Zachari,) 284; Trade with the, [see *Trade*,]; Indian Traders, 81, 144, and H. James to kill all, 44; King of the Transquakin, 70; Treaties with the, [see *Treaties*,]; good Treatment promised to the, 192; Trespasses by the, (Act concerning,) 39; Trial under Maryland law of, (inquiry about,) 363; of Virginia, 158, 281, 285, 381, 384; Visit of, 97; Wampum present to the Governor by, 174; War with, 39, 147, 251, 261, and Poll Tax for do. 259, 260; of the Western Shore, 139, 198; the Wicomesa or Wicomico, 28, 46, 59, 79, 237, demand of land by them, 28, are proclaimed enemies, 79, 237, and settlement of, 237; Indian Youths taken into service by the Governor and Chancellor, 79, 237, 362, and their bringing up in the Universities, 379.
- Indictment of Cood, 179.
 Indictments, Clerk of, 127, 134—137, 185.
 Informations, 97, 160, filed by the Attorney General, 69.
 Ingle, Richard, 32, 48, 51, proclamation against, 30.
 Ingraham, Major, 84.
 Inheritance of Land, (Act,) 61.
 Injunction upon Slye's fine, 198.
 Inlet in Somerset, 140, 153.
 Inman, Eliza, 144.
 Innis, Thomas, 222.
 Insloe, A. 254.
 Inspection Laws, conference about, 258.
 Instructions, 36, 42, 45, 48, 49, 66—68, 70, 83—85, 89, 90, 94, 98, 103, 107, 114, 119, 130, 133, 136, 139, 140, 148, 150, 151, 153, 156—158, 161, 184, 190, 193, 195, 201, 243, 246, 251, 259, 336, 340, 342, 351, 377, 397; by the King to the Governor, 338, 339, 371, 380, 388, 391, 392, 395.
 Intercepted Correspondence of Governor Eden, 408.
 Interpreter, the Indian, 148, 159, 328, 331; Payment asked by, 277; do. at Susquehannah, 74.
 Intestacy, Act concerning, 61.
 Invasion of the Province, Governor vested with unlimited power in case of, 334.
 Inventories, 21.
 Investment of Property, directions about, 255.
 Iron, old, forbidden to be exported, 325.
 Iron Work on the State House, 150.
 Island above the Falls of Potomac, the, 197; of St. Thomas, (Scotch settlement at,) 196; at Williamstadt, 352.
 Isle of Kent, 11, 13, 14, 17, 20, 21, 26, 30, 31, 33, 43, 45, 49—51, 54, 55, 57, 68, 71, 225, 350; Captain of, 18, 43; Commander of, 26, 31, 42—47, 49—51, 53, 77; Commissioners of, 147;

County Commissioners of, 68; Conservator of the Peace on, 13; Constituted a separate County, 266; Delegate from, 12; Division of, 359; Ferry to, 357, 373, 375; High Constable of, 13; Inhabitants of, 33, 50, 53; Magistrates of, 45; Parish, 144,

its enlargement, 369, 370, and Vestry, 382; Petition of, to be restored into a County, 335—337, 358; Proclamation about Petitioners from, 32; Rangers in, 102; Sheriff of, 16, 43, 45, 52, 54, and his Commission, 145; Soldiers in, 74.

J.

Jackson, *Commodore*, 138; *William*, 20.
 Jail-Fees, 298, 299, 378.
 Jails, 382.
 Jamaica Act for the suppression of Privateers, recommended here, 182.
 James and John, the Ship, 152.
 James, *Capt.* 107; *Charles*, 92, 102, 252, 253, impeached and disfranchised, 254, 255; *Col.* (an Indian,) his Speech, 195; *Edward*, 102; *Eliza*, 144; *Henry*, 12, 44; *Owen*, 36; *Thomas*, 13, 42, 44.
 James II. (King,) Proclamation against persons in the service of, 172; W. Smith reprimanded, &c. for keeping an open house to drink the health of, 176, and other parties summoned therefor, 174.
 James, Dr. 284.
 Jarboe, J. 216, 245, 258; his will ratified by the Lower House, 253.
 Jenkins, *Capt.* outlawed, 73; *Francis*, 133, 152, 157, 167, 326, 356, 390; *John*, 213.
 Jenifer, Daniel, 80, 89, 184, 225, 233, 238; purchase of houses in S. Mary's from, 245.
 Jennings, *Edmund*, 203; *Peter*, 146, 155, 161, 165, 166, 180.
 Jerome, John, 224.
 Jersey, West, (Commissions for,) 150, 157, 188.
 Jerseys, Proprietary Government of the, 199.
 Joanna, the Ship, 191.
 John, the Ship, (of Weymouth,) 89.
 Johns, Richard, 271, 272, 338.
 Jolly, James, 222.
 Johnson, *Bernard*, naturalized, 242; *James*, 28; *Peter*, 56; *Thos.* 123, 175.
 Jones, *David*, 281, 282, 306; *Edward*,

327; *Griffith*, 99, 332; *John*, 147; *John*, a felon, 200; *Mr.* 185; *Mr.* a Preacher, 392; *Doctor Robert*, 176; *Robert*, a Surveyor, 292; *Thomas*, 90, 91, 140; *Thomas*, a Surgeon, 159.
 Jordan, Jacob, 274.
 Joseph, Wm. 129, 143, 178, 317, 335.
 Journal, of Accounts, 325; of Allowances, 387; of Assembly, 191, 270; of Committee on Grievances, 385; of do. on Laws and Grievances, 168; of do. to Virginia, 149; of Council, 129, 191, and transcript of the same, 184; of the Governor and Council, (attestation of,) 115, 208; of the Lower House, [see *Lower House*,]; of Messengers to the Indians, 145, 147, 180, 191, 198, 381; of Adjourned Session, 404; of Small Things, (*sic.*) 190; of the Upper House, [see *Upper House*.]
 Jowles, *Col. Henry*, 94—97, 104, 112—115, 127, 128, 130, 135—137, 159, 189, 190, 197, 198, 326, 337, 347, 351, 363, 365, 374—379, 390, deserts his seat for a Clerk's place, 105; *Henry*, Chancellor, 163, 165; *Henry*, recognizance required from, 113, and sad account of, 114.
 Judd, M. 150.
 Judge-Advocate, 182, 183.
 Judge of Probate, 83, 87.
 Judges, Act for, 61, 312; Case referred to, 169; to fill vacant Sherifffdoms, 369, 370.
 Judges of Admiralty, 130, 132, 157, 182, 188, 204, 366.
 Judgment and Verdict, (Act,) 61.
 Judgments, 386; Entries of, 117, 154.
 Judicial Proceedings in England, attestation of, 356.

Juries, 17, 103, 181; attaint of, 136, 138; attendance of, 141; charges of, 393, 394; summoned, 103.
 Jurisdiction of County Commissioners, 145; of Court of Delegates, 134.
 Jurors, Fees of, 229.
 Jury of Matrons, examination by, 37, 38.
 Justice, administration of, (Act concerning,) 222, 272, 274; do. in obedience to the Commonwealth, 56.
 Justice, appointment of one for the trial of the late murders, 104.
 Justices, of the Counties, 124, 129, 133, 135, 138—140, 144, 146, 157, 181, 246, 319, 372, 374, prosecution, 139, 142, 178, return of, (since the Revolution,) 146, and other returns of, 356; of the County Courts, (their

names,) 128, and length of their Sessions, 169; of the Courts, (their names,) 145; of the Peace, 16, 43, 45, 57, 66, 68, 77, 78, 80, 87, 88, 91, 96, 104, 105, 127, 135, 136, 139, 153, non-juring do. 69; of Prince George's County, (presentment of,) 169; of the Provincial Court, 127, 130, 141, 144, 146, 148, 149, 153, 160, 161, 166, 167, 169, 179, 181, 198, 208, 246, 397; attestation of falsity in a petition, by, 155, their names, 94, 128, resignation of Chief Justice, 201, his salary increased, 201, 390, and to wear a gown, 148, all to sit in Upper House, 277; of Talbot County, (presentment of,) 169.

K.

K., Liber, 94.
 Katharine, the Ship, 336.
 Kedger, *John*, 141; *Robert*, 26.
 Keech, *Capt.* 178; *James*, 114.
 Keeling, Mr. 55.
 Keene, Mr. 232.
 Keeper, of Acts and Proceedings, 66; of the Broad Seal, 128, 134, 145; of Records, 80; of the State-House, 256.
 Keepers of Ordinaries, 139, 235, 245—247, 261, 323; abuses among, 325; account of expenses of, 169, 235, 242, 257; encouragement of, 403; Petition of one, for that he had kept a tavern for seven years and given credit throughout the Province, 230; security to be taken from, 260.
 Kemble, *John*, 99; *Robert*, 103, 105.
 Kennedy, David, 148, 151, 154, 165, 168.
 Kenniston, Robert, 105.
 Kent County, 33, 54, 63, 77, 127, 134, 136, 152, 233, 273, 274, 370, 401; Accounts levied on, 40; Conscription in, 80; Court, 77, and its Clerk, 99; Commission for the peace in, 78—80, 147, 148; Commissioners of, 128, 226; Burgesses' names, 212, 215, 225, 232, 237, 245, 258, 267, and certain seats contested, 238, 337; Division of, 266; Election Returns from, 337; Ferry

from Talbot, 244, do. from Thomas' Point to, 244; Justices of, 80, 87; Keeping of Ordinaries by Ferry-men in, 378; Militia Officers of, 128; Petition for Provisions from, 226; Poplar Island annexed to, 40; Sheriff of, 77, 79, 80, 84, 206, 212, 287, 401.
 Kent Island, [see *Isle of Kent.*]
 Kerey, Thomas, 91.
 Kid, Thomas, 20.
 Kidd, Capt. (the Pirate,) 191, 197.
 Kilburn, Richard, 177.
 Kimball, T. 207.
 King, the, (of England,) Addresses to, 97, 153, 344, 352, 354, 359, 361, 363—365, 368, 372, 373, 375, 387, 388, and Committee to present the same, 351; Address of Parliament to, 153, 366; Advice boat of, (the Eagle,) 199, 200, 203, 204; Approval by, 160; Arms of, (set up in the Courts,) 369; Assent to certain laws by, (Agents to procure,) 365; Attorney General of, 182, 184, 327; Conspiracy against, 138, 152, 162, 362; (in Council,) 24, 110, 130, 191; Counsel of, 141—143, 152, 153, 163—173, 179, 182, 186, 382, and resignation of one, on account of the place being profitless, 192; thanksgiving for the

- Deliverance of, 366; Game for, 141, 149; refusal of Lord Baltimore to acknowledge the Government of, 186; Burgesses invited to drink the Health of, 353; Instructions of, (for the conversion of negroes and Indians,) 190; Letters from, 71, 87, 95, 138, 152, 155, 194, 196, 199, 362, and to. 387; Mocking birds for, 173; Order of, (Feb. 1692,) 117, 186, 200; Proclamations, 172; Reference by the Governor of dispute with the Secretary to, 104, 105; Representation to, (about Lord Baltimore's intended resumption of Government,) 167; restoration of Sir T. Lawrence by, 116; Secretary to the, (bond of,) 200; detriment to the Service of, 165, and instructions about the same, 338; Maj. Sewall's petition to, 95, and representation about the same, 96; Speech of, 163; Stores of, 344; Thanks to, (for arms,) 368—370; Title to Maryland of, (Act for recognizing,) 328, 331; Veto on Act of Religion by, 194, 195; Warrant of, (for a new seal,) 99.
- King, *Charles I.*, 31, 52; *Charles II.*, 32, 57, 71; *James II.*, parties apprehended for drinking His health, 174, 176, and Proclamation against persons in His service, 172.
- King, (of France,) 172, 202.
- King of, (the Indian,) *Amustiack*, 70; *Anacostia*, 123, 138, 363, accused of murder, seized and tried, 123; *Chaptico*, 101, 112, 328, 329, 330, 363; *the Choptanks*, 100, 174; *the Delawares*, 73, 76; *Maguanticough*, 70; *Mattawoman*, 101, 150, 256, 330; *Monoponsen*, 70; *the Pasagonks*, 73; *Pocomoke*, 101; *Quowaughkut*, 70; *Rasoughtack*, 70; *Sequaoughkut*, 70; *the Susquehannocks*, 172; *Tetuckough*, 70; *Transquakin*, 70.
- King of the Eastern Shore, 237, and of the Indians, 78, 111.
- King, *Alexander*, 38; *Elias*, 181, 327; *Henry*, (a pirate,) 197; *Major*, 148; *Mr.* 133; *Peter*, (an Indian,) 193; *Robert*, 94, 129, and *William*, (a traitor,) 114.
- King and Queen, the, (of England,) Address of Assembly to, 331, 332, 337, 345; Assent to laws in behalf of, 346; Commission from, 127; Letters from, 116; Title of, 332.
- King and Queen Parish, S. Mary's, 142.

L.

- Labadees, license to the, 136.
- Ladd, Capt. 276.
- Lahann, Doctor, 135.
- Lake, Robert, 20.
- Land, allotted to the Indians, 80; Assignment of, 24; demand for, 26, 27, do. by Indians, 28; Devise to a School, (confirmed,) 360; entered in the Virginia office, but now fallen in Maryland, 84; Grant of, (for a water-mill,) 107; [see also *Grants*]; purchased for County Courts, 378; do. from the Indians, 31, 63, 400; questions about, and decisions of Governor touching, 334; Sales of, (facilitated,) 394, and certificates of do. 141; Surplus of, 359; on the seaboard, 86; taking up of, (Act,) 61, 356; at Williamstadt. 135.
- Land, *Mr.* 181; *Philip*, 53.
- Landgrave of Carolina, 134.
- Land-Commissioners, 366.
- Land-Office, 138, 278, 345; Fees in, 279, and order upon Ld. Baltimore's agreement to divide them, 366; erected, 119.
- Land-Patents, [see *Patentees* and *Pat.*]
- Land-Record-book, No. 3, 32; Lib. X., 246.
- Land-Records, 22, 24, 26, 33, 95, 119, 131, 136; applied for, by Lord Baltimore's Agent, 334, 342, 343; Custody of, 344, 347; state of the, 117.
- Land-Warrants, 55, 92, 101, 102, 104, 107—110, 114; renewed, 342.
- Lane, *Charles*, 323; *Major*, 274; *Walter*, 390.
- Langford, John, 13, 42, 45, 66.

- Langworth, John, 212, 213.
- Larceny, petty, (bill concerning,) 275.
- Larkins, John, 97, 120, 192, 299, 300, 309.
- Latin, Commissions in, 127, 154, 155, 157, 161; Marriage-license in, 184.
- Lattor, Mr. 382.
- Law Proceedings, [see *Proceedings*.]
- Lawdemore, R. 251.
- Lawrence, Sir Thomas, Bar't, 98—101, 103, 104, 106—110, 112, 113, 116, 117, 119, 121—123, 127, 133, 138, 141, 142, 144, 145, 153, 157, 159, 161, 163, 165, 169, 191, 198—200, 203, 205, 208, 337, 338, 342, 351, 358, 362, 365, 371, 373, 384, 387, appointed President of Council, 122; Articles of charge against, 109; Bond given by, 200; Complaint against, (dismissed by order in Council,) 365; Copy of charges against, denied, 110; dismissed from the Council and imprisoned, 109; displacement of Clerks by, 103, 169, and his justification of do. 104; embezzlement of records by, 109; Fees of, 142; Habeas Corpus applied for, by, 114; Impeachment of, 110; Instructions about Clerks, 103; Letters of Governor and Council about, 104, 106; Letters of his, (to Lord Nottingham,) 110; his Patent, as Secretary, produced, 200; his Papers seized, 110, and delivered up, 121; representation by Lower House against, 345; restored by the King, 116, by the Queen, 121; security required from, 101, 102.
- Law, Trials at, (Act concerning,) 216.
- Laws, Act for putting in force certain, 60, for revival of certain, 217, 218, 346, 364, 365, 371, 387, 388; assent to, 59, by Lord Baltimore, 213, 248, 249, 254, 257, agents to procure that of the King, 365; Body of the, (revision of, by a Committee,) 95, 190, 195, 248, 251, 327, 354; Book of, (in force,) 108, 220, 240, 264, 268, 269, 289, 297, 304, 309, 319; Digest of the, (proposed to be done in England,) 354, 375, 376; duration of certain, 388; those of England declared in full force here, 219, 246, 247, 372, and prosecution for misdemeanors against the same, 118, 193; adoption of English Criminal, 246, and ill consequences, 248; and Grievances, Committee on, 168; Committee for the Inspection of, 283, 284, 289, 312, 313, 327, 328, 340; Invalidity declared (in 1692) of all former, 331; List of certain, (yet wanting,) 216; Order in Council making void certain, 365; Originals of, (deposited with the Chancellor,) 299, 316; Passed, (titles of,) 31—33, 38—40, 59—63, 217, 221, 222, 237, 241, 258, 262, 311—313, 315, 337, 347, 400—404; Preparation of, (Committee for,) 248, 270, 292, 307, 313, 314, 319, 320, 368, 369, 374, 376, 383; Presentation of, (to Lord Baltimore by the Speaker, according to usage,) 310, 311, 316; of the Province, (copy sent to England,) 171, 190; Publication of those in force, 235, 331; Revised, (list ordered,) 277; Signed by the Governor and House, 15, and sealed, 299, 347, 351, 355, 361, 365, 379; Temporary, reviewed, 221, 313; Transcribing of, 176, 304, 316, do. (seven copies,) 231, and for the Counties, 130; Transmission of, (to the Lords of Trade,) 393, 394; Validity of certain, 308, 309, 314, 315.
- Lawson, *John*, 35, 229; *Mr.* 56.
- Layfield, George, 129, 130, 137, 140, 145, 148, 149, 158, 160, 180.
- Leach, Mr. 138.
- League with the Indians, 53, 85, 95, 101, 111.
- Leases, 230.
- Leather, exportation of, (restrained,) 270, 272—274.
- Leave to come to Court, asked by a Sheriff, 164.
- Leave to go to England, 132, 140, 174, 201; to return home, 140, 165, 167.
- Leaving the Province, 235, 261; license for, (from the Governor,) to members of Assembly,) 245.
- LeCompt, Antonio, 204; naturalized, 77.
- Ledyat, John, 108.

- Lee, *Hannah*, 73, 74, 216, 218, proposed purchase of her house, for a State House, 219; *Henry*, 19, 22; *John*, 100; *Richard*, 20, 21, 75.
- Leech, John, 390.
- Leeds, William, 215.
- Lemaster, Abram, 144.
- Leonardson, Leonard, 20, 21.
- Leonardtoun, (Calvert,) 124, 131.
- Leslie, Jacob, 279.
- Leslier, Joseph, 273.
- Letters, 97, 98, 100, 104—108, 110—114, 116, 119, 123, 128—147, 150—161, 164, 166, 168, 170—174, 177, 179, 180, 186, 188, 189, 193, 195, 196, 199, 200, 202, 204—208, 331, 332, 345, 365, 366, 400; of the Assembly to Lord Baltimore, 62; of Lord Baltimore, 71, 73, to the Assembly, 63; from the King, 71, 87, 95, 138, 152, 155, 194, 196, 199, 362; to the King, 387; to Governor Nicholson, on his retirement from office, 161; Public Conveyance of, 216, 402; from the Queen, 111, 112, 113, 116, 131, 339, 347; Safe-keeping of, 139.
- Letters-Patent for appointment of Admiralty officers in other Colonies, 157.
- Levies, 62, 108, 149, 232, 234, 345, 357; assessment of, (by Gov and Council,) 220; against the Indians, 130, 147, 148, 150, 166.
- Levies, the Public, 79, 80, 86, 187, 258, 349, 361, 378, 379, 392; Act concerning, 38, 221, 365, 379, 397, repealed, 40; apportionment of, 149, 375, 376, 388, 397; exclusive control asserted by the Lower House over, 361, 389; error in, 101, 204.
- Levy, account of, (asked by the Lower House,) 215; inhabitants of Annapolis exempted from, 357; County, 79, 137; order about, 40; payment of, in money instead of tobacco, (proposed,) 198; refusal of Vestries to make a, 188.
- Lewger, *Cicely*, 21; *Elizabeth*, 21.
- Lewger, *John*, 11, 13, 20, 27, 30, 43, 47—49; authorized to hold Assembly in Gov. Calvert's absence, 14, and to affix the Great Seal, 42; *Lieut. Governor*, 16; *Secretary*, 24.
- Lewick, Wm. fees for execution of, 298.
- Lewis, a mulatto, convicted, transported and sold, 94, 95.
- Lewis, *Henry*, (children of,) 308; *John*, 394, ordered to ask forgiveness on his knees, 240; *Richard*, 145, 157; *William*, 18, 19, 238, 239, 241.
- Lewis' Neck, 239, 257.
- Libel, an unsigned paper addressed to the Burgesses voted a, 218.
- Liber *A.*, (old.) 26; *A. M.*, 83; *B.*, (old,) 35; *F.*, 24; *F. F.*, 212; *H. H.*, 66, 92, and its Index, 81; *K.*, 94; Land Office, No. 3, 32; *L.*, 163; *Y.*, 400; *Z.*, 11.
- Liberties, Church, (Act for,) 59.
- Liberty of Speech, asked for by the Burgesses, 215, and the Governor's answer, 215.
- Liberty of Travel, 386.
- Libraries, 368, in the care of Vestries, 369; proposed gratuity to Dr. Bray for sending, 372; Parochial, 371.
- Library at Annapolis, 369.
- Licenses of Ordinaries, recalled, 261.
- Lieutenant Governor, 16, 18, 66, 67, 73, 86, 98; new commission, 78.
- Lieutenants appointed, 68.
- Liles, Geoffrey, 328.
- Lillington, P. 99.
- Lillingston, Rev. Mr. 332.
- Limitation of Actions, (Act concerning,) 331, 332; against the Surveyor General, 249.
- Limitations occasioned by the Revolution, relief against, 328.
- Lingan, *George*, 136; *Mr.* 177.
- Linsey, James, 50.
- Liquor, impost upon, 247; forbidden to be imported from the Provinces, 248, 249; imported, 145; sale of, to the Garrison, forbidden, 148.
- List of Acts passed at a General Assembly, 62, 220, 326.
- Llewellen, *John*, 94, 104, 109, 110, 115, 116, 118, 120, 122, 132, 141, 149, 262, 311, 314, 327, 340, 343; *Thomas*, 118, 120.
- Lloyd, *Mr.* 36, 53, 54, 67; *Edward*, 55,

68—70, 72—75, 199, 201, 212, 214, 220, 223, 225, 390, 402; *Philemon*, 262, 288—290, and gratuity granted to him, 291, 298; *Philip*, 238, 245, 258.

Loan, for defence of New York, 352; of Powder, 130; for the Rangers, 194.

Lockerman, Jacob, 390.

Locks, 156.

Loedler, James, (Hamburger,) 87.

Lomax, Claiborne, 95, 104, 338.

London, 400.

Londontown, 100, 332, and removal of Court from thence, 349.

Long, *John*, 259; *Samuel*, 237.

Longman, Daniel, 102.

Looton, *Jacob*, his house searched, 97; *James*, furs taken from him, 99.

Lord Proprietary, the, 24, 27, 28, 51, 62, 63, 67, 69, 71; Acts for support of, 15, 31, 63, 240, 241, 313, 401; petition against, 31.

Lord Protector, the, 56; Assembly held by commission from, 63, 64.

Lords of the Admiralty, 152, 154, 161.

Lords, Commissioners of Plantations, 30, 42, 158, 165, 171, 182, 186, 190, 195, 196, 199, 202, 205—207, 391, 392, 394, 397, letter of Governor and Council to, 104, 111, 186, 196, and Secretary of, 170; in Council, 97, 138, 152, 153, 155, 158, 189, 200; the House of, 153; Justices, 151, 155, 161; of Trade, 393, 394; of the Treasury, letter to, 106, 111, reference of the cases of Lawrence and Randolph to the, 110.

Losses, 146, 156; of Tobacco at sea, (bill for relief of sufferers by,) 354.

Lots and Common in Williamstadt, 138.

Lovelace, Francis, (Gov. of N. Y.) 84.

Lovett, Capt. 182, 183.

Lowe, *Col. Henry*, 122, 159, 167, 173, 175, 177, 185; *John*, 106, 390; *Nicholas*, 342; *Col. Vincent*, 262, 280, 288, 300, 312.

Lower House of Assembly, the, accused of artifice by Upper House, 230; Answer to Ld. Baltimore's Speech, 307; its Attornies permitted to argue writs of error, 285, 286, 291; Bill of Attainder drawn by, 254, 257; Censure

of, (by the Governor,) 389; Charge against a Sheriff by, 239; Charity to a sufferer from the Indians proposed by, 259; visits certain Clay-diggings, 347; its Clerk, sworn about obliterations in the Journal, 395, [see also under *Clerk*,] and his Assistant, 264; Committee of, [see under *Committee*,]; Confirmation of a Will by, 253; Councillor for, 251; Dangerous consequences of having adopted the English Criminal Statutes, represented by, 248; Debate on Indian lands in, 248; Declines giving reasons to the Upper House, 230, 236; Declaration of Rights by, 213, 296, 333, 384, 395, as to its exclusive control over levies, 361, 389, and as to representation in it, 266, 267, 291; Delay of business by, (attributed to members who were lawyers and Justices,) 389; Denies that there was an Upper House, 214, and protest of a Councillor leaving the House thereupon, 214; its disaffection in refusing salaries to the Upper House, 396; Dispatch of business by, 261; its Disputes with the Executive, 233, 234, 293, 317, 318, about Cood's case, 262—267, 268, 269, 366—368; about terminating a Session, 388, 389; claims the right of Dissolution in its own discretion, 214; inquires about election of Delegates, 259; Expenses of, 278, 388; free access to the Governor claimed by and allowed to, 339, his haughty address to, 392, 395; resolution about Grand Juries, 250; appoints certain members to argue alleged Grievances, 324, hears Speaker's statement touching the same, 325, and passes irritated messages concerning redress, 387; Impeachments by, 233, 251—255, 293, 295—299, 301, 303; complains about Imprisonment of its members, 391; its indignation at a notice set on its door by the Upper House, 358; is invited by the Governor to drink the King's health, 353; irreverent conduct of several of its members in ap-

pearing before Lord Baltimore with their hats on, 317; Journal of, 317, from the beginning, 318, 319, obliterations in, (Clerk sworn about,) 395, recording of, 227, 315, 355, sent to England, 168, do. to the Privy Council, 395, transcripts of, 184; Laws assented to by Lord Baltimore, sent to, 213; orders John Lewis to ask its forgiveness on his knees, 240; Libel on, 218; Liberty of Speech in, 215, 289; its members are refused admission to the Upper House, unless uncovered, 292; asked to attend as jurymen on the trial of an instigator of Indians, 291; forbids its members to attend Court during the Session, 256, or to take a message from the Upper House, 294, and prescribes the forfeiture of certain seats, 301; mistakes in a Message from, 330, [see also *Members of Assembly*,]; refuses to receive a Message from the Upper House while in Committee of the whole, 318; and do. one borne by gentlemen with swords as well as one by a special Messenger, 291—293; proceedings on reception of a Message, 293, and receives one from the Upper House, denying that it had any rights by custom contrary to the Laws of England, 385; Numbers of, 390; Oath of Fealty refused by, 317, 318; Oaths administered to, 318, 327, 338, 356, 360, 367, 379—381, 386; gives its opinion on a matter of law, 252; asks that a Proclamation may be issued against Papists, 383; gives its reasons for not passing a certain Bill, 222; its Pledge of person and estate to Lord Baltimore against the Indians, 263; Privileges of, 318, 395, and their breach, 265, 257, 381; Quorum of, 390; Representation of

the Counties in, and disputes there-
 ament, 264—267, 289, 291, 293, 294;
 its Resentment at the President's
 Speech, 318, and about scribbling on
 paper, 228; Roll of, 212—215, 218,
 220, 225, 232, 237, 238, 243, 245,
 258, 326, 327, 339, 390, 402; Rules
 of order in, 313; Scandalized by a
 drunken man, (and his punishment,)
 231; Sent for by the Upper House, to
 clear itself of suspicion, 230; Serjeant
 at arms of, 263; Sessions of, 327—
 329, 368; Speaker of, 168, 171, 184,
 214, 215, 218, 220, 225, 230, 234,
 238, 245, 258, 262, 264—266, 288,
 289, 293, 311, 318, 325—327, 329,
 337—339, 347, 353, 358, 362, 374,
 379, 380, 389—392, 395, 397, his
 Chamber, 390, and laws to be pre-
 sented to Lord Baltimore according
 to usage, by him, 310, 311, 316; Sub-
 scription of test by, 339; Thanks by,
 (for passing of an Act,) 280, 282;
 supply of Vacancies in, 263—267,
 317, 318, 329; Vote that the expenses
 of the Upper House ought not to be
 borne by the Public, 296; proceed-
 ings of, touching the expunging of
 certain Votes, 233, 234.

Lowry, William, 223.

Luddington, William, 46.

Ludwell, T. 75.

Luff, Stephen, 113, 114.

Luffman, William, 99.

Luke, George, 109.

Lumley, Mr. 171, 172, 177, 364.

Lums, Michael, 20—22.

Lurting, Capt. 164.

Lushington, John, 248.

Lushead, Robert, 21.

Lynes, Philip, 105, 115, 116, 129, 165,
 170, 291, 294, 296, 316, 321, 325,
 326, 355, 396.

Lysle, Widow, 124.

M.

Mabb, Capt. 165.

Mabbot, K. 147.

Macfening, William, 46.

Machin, John, 22.

Mackay, *Capt.* 334, 335; *II.* 204.

Magazine, the, 340; for the County,
 227; Guard for, 290; Pirates' attempt
 to seize, 289.

- Magistrate, [see *Justice of the Peace*.]
 Magistrates, the Indian, 174, 179.
 Magrauph, Mary, 137.
 Magruder, Alexander, 36.
 Major, (the rank,) 72, 79, and pay of, 244.
 Malden, Francis, 120.
 Mall, John, 146.
 Mallon, Alexander, 137.
 Man, Edward, 101, 104, 170.
 Managers of Impeachments, 254.
 Manasiend Indians, the, 231.
 Mandamus to inquire into the estate of an executed murderer, 111.
 Mandwell, Thos. 32.
 Manen, Mr. 238.
 Manhattoes, 69.
 Mann, Mr. 388, 393, 394.
 Manners, George, 400.
 Manning, Thos. 69, 72, 215, 232, 233.
 Manor above Piscataway, reserved, 84, and at Patuxent, 219.
 Mansel, John, 32.
 Mapusquesend Indians, 80.
 Map of Annapolis, 353, 374, 379; of the Province, 350; of Williamstadt, 353.
 Maquantequets, expd. against the, 44.
 Maquanticough, King of, (treaty with the,) 70.
 Market at Annapolis, 357, 375.
 Markham, Col. 160.
 Marriages, (Acts touching,) 39, 40, 60, 225, 236, 394, 396, 397, 401, 403, 404, publication of, 401, 403.
 Marriage Fees, 236; Licenses, 15, 76, 132, 156, 181, 222, 392, in Latin, 184; punishment of a promoter of a pretended, 149; of Quakers, 187; Registry of, 39, 40, 401, 403; Returns of, 139; Table of instructions about, 339; of white women and slaves, 225.
 Marsh, *Mr.* 36, 53, 238, 245, 258; *Paul*, 90; *Thomas*, 267; do. (a rebel,) 69.
 Marshal of the Admiralty Court, 132, 205, 366, and his Deputy, 136.
 Marshall, William, 26, 38.
 Marsham, Richard, 120.
 Martin, *Christopher*, 16, 18, 21; *Eleanor*, 21; *John*, 289; *Thomas*, 119.
 Maryland, 166, 330; Admiralty officers of, 188; Boundary of, with Pennsylvania, 160, 203, 375, 376, 380, 408, and with Virginia, 87; immigration into, 35; Proprietary Government of, 199; Quotas of, 152, 199, 205, 207; Recognition of Ld. Baltimore's right to, (Act,) 400, and of the King's title to, (Act,) 328, 331.
 Mason, *Capt.* 150, 156; *George*, 94, 139, 153, 344, 345, 365, 374; *Mrs.* 175; *Robert*, (Treasurer,) 94, 109, 148, 149—151, 156, 158—160, 167, 170, 171, 173, 175, 177—179, 326, 361, 385, 395, conditions of his release, 181, his fine, 185, 187, indictment and suspension, 395.
 Massachusetts. Governor of, 146, 155.
 Master, abuse of a, (by a servant,) 37; made to pay for servant's offence, 206.
 Masters, severity of, 339.
 Master and Servants, difference between, (Act concerning,) 383.
 Materhas Indians, 237.
 Mattapanient, 12, 13; Hundred, 59.
 Mattapany, 33, 80, 86, 129, 131, 133, 135; Indians, 246, 247; Pirates' attempt to seize the Magazine at, 289.
 Mattasund, an Indian Orator, 226.
 Mattawoman, 133, 355.
 Mattawoman Creek, 80.
 Mattawoman, Indians, 78, 80, 112, 231, 253, 256, 330, and their King, 101, 150.
 Matthews, *Capt.* 76, 78; *Thomas*, 27, 36, 214.
 Maxwell, Major J. 168.
 Mayflower, the Ship, (of London,) 55.
 Mayhem, (of servant,) 333.
 Maynard, *Capt.* 87.
 Mayor of S. Mary's. 129, 344; certain lands settled on him, 257.
 Meares, *Mr.* 36; *Thos.*, a non-juror. 69.
 Mears, *Mr.* 67.
 Measures, (Act concerning,) 60.
 Medley, John, 14, 17, 20, 32.
 Meech, *Capt.* 128, 132, 133, 135, 137, 158; *Mrs.* 180.
 Members of Assembly, 59, 220; charges of, 62, 388; excused from attendance, 239; fined for voluntarily absenting themselves, 12, 239; forbidden to at-

- tend Court during the Session, 256; Governor and Council invited to sit as, 214; imprisonment of, (inquiry about,) 391; licensed to leave the Province, 245; Oath of Secresy to, 218; Per diem of, 322, 323; Prosecution of, 139; Returns of, 60, 402.
- Merchants, petition to delay the sailing of the Fleet, 349; in London, (letter from,) 200; in New York, (petition from,) 371; in Pennsylvania, (petition from,) 168; summons of certain, 136.
- Mermaid, the, 158, 166.
- Merriweather, T. 183.
- Messengers to the Indians, 47, 145, 147, 180, 191, 198, 381, 384, 385.
- Metcalfe, John, 19.
- Mikikowoman Indians, the, 80, 231.
- Mileage of the Assembly, 258.
- Military, Band, 43; Books, 368; Company, (raising of a select,) 48; Discipline, (Act concerning,) 216, 402; Instructions, 133.
- Militia, the, 35, 43, 68, 98, 133, 135, 136, 142, 149; Act concerning, 39, 273—275, 349, 351, 356, 372, 383—385, 393, 394; arming of, 139; ill-regulation of, 190; Officers of, 128, 133, 148, 150, 153, 172, 244; remodelling of, 371, 374, 378; review of, 129, 142; training of, 122, 172.
- Miller, Michael, 390.
- Mills, Mr. 224.
- Milner, Isaac, 161.
- Mingoes, the, 73.
- Ministers, 99, 127, 153; Act for the maintenance of, 217; orders of, (inquiry,) 129; payment of, 156.
- Mint, Act settling a, 213, 215, and reasons against the same, 215; Letter of Lord Baltimore about a, 71.
- Miscellaneous Papers, 408.
- Misdemeanors, prosecution of Justices for, 178.
- Mitchell, *Capt.* 52, 163, 172; *Henry*, 326, 394; *Capt. James*, 266; *William*, 33, 37.
- Mocking Birds for the King, 173.
- Molasses, duties upon, 349.
- Moll, John, 87.
- Money, specific Appropriation of, 173; Bills, (declaration of the Low. House about,) 361; in Bank, from sale of Furs, 352, 353, 392, appropriated to the expenses of the Lower House, 388; from Customs, (Act regulating its application,) 117; Grant of, 96, 112, 127; Payment of, (brought into the Province,) 403; Public, the, (account of,) 373, 379; Raising of, (prohibited without consent of Assembly,) 400; Received by Sir E. Andros, 129; Remittance of, to New York, 119, 120; Specimens of, 71.
- Monies, Act for, 302; Message of Lord Baltimore about bringing in of, 300, 301, and encouragement of the same, 320, 323; for Church-building, (account of,) 157; for Prizes, (account of,) 166.
- Monokin, 73.
- Monoponsen, Treaty with King of, 70.
- Montague, Mr. 232.
- Moor, Henry, 156.
- Moore, *Dr. Mordecai*, 108, 127; *Thomas*, 115.
- More, Richard, 69.
- Morecroft, John, (Solicitor General,) 89, 232, 243; impeached for taking bribes on both sides, but acquitted, 233.
- Moreland, Jacob, 390.
- "More or Less," the words in Patents, (remarks of Ld. Balto. about,) 316.
- Morgan, *Henry*, 52, 212; *Philip*, 57, 69.
- Morrice, Thomas, 18.
- Morris, *Robert*, 233; *Thomas*, 13, 16, 43; *William*, 102, 105, 113.
- Mortgage, 16.
- Motley, Thomas, 221.
- Motterhead, Zachary, 16, 19.
- Mountains, proposed expedition for discoveries beyond the, 375, 376.
- Mount Calvert, 133, 197, 314, and Church there, 354.
- Mount Pleasant, 347.
- Mourning for the Queen, (Assembly go into,) 348.
- Moy, Roger, 11, 13, 14.
- Mullorf, Lawrence, 21, 22.
- Munday, Thomas, 26.
- Murderers demanded from Indians, 123.

- Murder Keel, 251.
 Muschamp, George, 130, 133, 142, 144, 147, 150, 152, 153, 157, 161, 171—173, 185, 188, 194, 200, 371, 385; salary of, 207, 208.
 Muster, 281, 285; exemption from, 130.
 Muster-master, 33, 90, 340, 356.
 Muster-master General, 36, 51, 56, 77, 78; Fees of, Act limiting, 227.
 Mutineers, repeal of Act concerning, 39; acquitted by the Lower House, 216.
 Mutinous Speeches, 26, 28; submission for having uttered, 29.

N.

- Nabb, Capt. 383.
 Names, assessed for the Expedition into Keut and in S. Mary's, 47, 48; of those taking the Oath of Fidelity, 49; of Officers, (to be returned by the Sheriffs,) 201; presented for Sheriffs, 74; of Soldiers, 47.
 Nanjemaick Indians, 80, 153, 231.
 Nans, Rowland, 294, 295.
 Nanticoke, 158; Ferry from, to Somerset, 244.
 Nanticoke, Indians, 28, 46, 50, 74, 111, 133, 147, 148, 174, 179, 197, 206, 281, 290, 393, 394; Election of an Emperor by, 335, 377; Peace with the Emperor of, 80, 101, 192.
 Nanticoke River, 237.
 Naturalizations, 72, 73, 75—79, 196, 220, 229, 240, 242, 244, 245, 294, 295, 340, 378; (Act concerning,) 233, 237, 239, 271, 282, 284, 285, 290, 291, 302, 306, 314, 316, 344, 346, 355, 378, 385; Fees for, 316.
 Naturalized Persons, (sworn,) 135.
 Naval Commissions, 133, 134, 143.
 Naval District, dispute about, 151.
 Naval Officers, 127, 130, 131, 133, 134, 141—148, 150, 154, 157, 160, 161, 166—168, 171, 179—181, 185, 198, 204, 328, 350, 353, 361, 373, 377, 391, 393, 395; Accounts of, 332, 334, 373, 384, 391, 393, 395; Deputy do. 153.
 Naval Stores. 380.
 Navigation Act, 73, 148, 191.
 Navigation Bonds, 119, 122, 132, 135, 139—143, 145, 171, 187, 188, 191, 375, 376; Docket of, 173.
 Naufin, William, 19.
 Neale, *Capt.* 46, 71, 73, 225; *Esquire*, 339; *James*, 18, 27, 47, 48, 229, and his children, 229; *John*, 11; the *Hon. Thomas*, 358, 359, 361, 362.
 Negro, master ordered to pay for an Indian Cabin broken into by a, 206; petition of a, (against an Executor,) 321; sold and transport'd for crime, 95.
 Negro-disturbances, 322.
 Negro-Slaves, Act concerning, 224, 225, 275, 276; Marriage of, with white women, 225.
 Negroes, 170; Act concerning, 332; Conversion of, 190, 339; Duties upon, 349, and on importations of, 358, 360, 370, 372; Entry of 423, by Capt. Ely, 391; Forbidden to enlist as volunteers, 224; Fraudulent taking of, 164; Clandestine importation of, 132; Restrained from wandering about on Sunday, 349. [And see *Slaves*.]
 Nevil, John, 29, 38.
 Nevill, Mr. 165.
 New Amstell, Governor of, 74.
 New Castle, 330, 350.
 New Castle, (Delaware,) in Lord Baltimore's Patent, (letter about,) 84; Certificate as to, 106.
 New Elections, warrants for, 213, 301, 317, 319.
 New England, complaint against, 143; Governor of, 157; Intelligence from, 135; Proposal from, 344.
 Newell, Thomas, 49.
 Newfoundlan.l, aid to, 155.
 New Jersey, Governor of, 113.
 New Market, 42.
 New Netherlands, Envoy from, 70.
 Newon, Owen, 314.
 New Scotland, 383.
 Newton's Point, (on the Wicomico,) 350.
 Newtown, 77.

- New York, 133, 157, 171, 363; Agent from, (bad character of,) 351; Resolution against appointing an Agent to England about, 353; Aid to, 112, 116, 131, 133, 139, 149, 152, 330, 338, 339, 346—348, 352, 356, 359, 364, 379; Bills for £250 sent to, 120; Council of, (letter to and from.) 132, 133, 135, 202, 347; Commissioner to, 354, 355; Correspondence with, 342; Duty on arms charged in, 131; Estimate for defence of, 339; Governor of, 143, 170, 188, 202, 281, 339, letters to and from him, 77, 84, 96—98, 104, 108, 110—112, 114, 116, 119, 123, 131, 135, 136, 139, 142, 143, 152, 156, 157, 172, 188, 205, 207, 280, 297, 337, 342, 351, 353, 356, 359, 362, 364, 368, 375; Governor and Council of, 330; Grants of money to, 112, 127; Importation of horses from, 250; Letter of the King about, 362; Levying of duties for a fund for the defence of, 349; Merchants' petition from, 371; Messengers to, 280, 281, 284; News from, 391; Passes to, 158; Pay of the Royal forces in, 355; Quota of Maryland for defence of the Frontiers of, 199, 205, 207; Remittances to, 119, 120, 136; Visit of Governor of Maryland to, 198.
- Nichollet, Charles, a seditious person, 232, 233.
- Nichols, *A.* 149, 150; *John*, 220, 221, 284; *Mr.* 137; *Robert*, 11, 14, 17; *William*, 204.
- Nicholson, *Charles*, 114; *Francis*, (Governor,) 98—100, 115, 127, 131—133, 135, 136, 143, 145, 147, 152, 155—160, 163, 165, 166, 174, 177, 188, 189, 203, 205, 208, 337, 338, 343, 346, 347, 351, 355, 361, 365; Address of Assembly to, 397; his Advice asked by Governor and Council, 190; Affectation of liberality towards informers against himself, by, 174; his Appointment as Governor of Virginia, 186, 390; Articles against, 169; by Cood, 180, 391; Charge of Gov. Copley against, 115; Charges against, 178, 380, 386, 387, 391; Complaint against, 144; Delivery of the Great Seal to Gov. Blakiston by, 189; Letter to, on his retirement from office, 161, 181; Surrender of the Government by, 188, and advice to his successor, 189.
- Nobbs, Rev. Mr. 185, 207, 392.
- Nodon, Mr. 170.
- Noell, Mr. 141.
- Nolle Prosequi, 142, 179, 183.
- Nominations to Council, 167, 199; of Officers, 184, 186, 201, 360.
- Non-appearance of a Burgess. (Message about,) 235; Sheriff fined for, 236.
- Non-juring Attorney, 106.
- Non-jurors, 69, 178, 184, 327; Administration of estates by, 259, 261; excuse of, 69; fined, 69; relief of tender consciences of, (Act,) 261, 275, 276.
- Norwood, Mr. 273.
- Norman, John, 17.
- Norris, G. 167.
- North America, Post-Master General of, 339.
- North Carolina, 166.
- Northern Boundary, the, Surveyor-General to run, 84.
- North-Point, (of Patapsco,) 282.
- North-Sassafras Parish, 156.
- Northton, or Accomack County, Virginia, (petition from,) 73.
- Norton, John, 18.
- Norwood, *John*, 354; *N.* 215; *P.* 186; *S.* 186.
- Notary Public, 119, 130, and his Deputy, 130, 159.
- Notley, Thomas, 223, 225, 232, 243, 245, 258; Commissioner to Virginia, 78; Deputy Governor in 1678, (dissent of Lord Baltimore to all laws passed under,) 316; Speaker, 225, 243, 245, 258.
- Nottingham, Earl of, 189, 202, 207, his letter to Sir T. Lawrence, 110.
- Nuthall, Elias, 89.
- Nuthead, *Dinah*, (a printer,) 138, 358; *William*, (do.) 118.
- Nuttall, *James*, 73, 74, 89, 228; *John*, 80, 89, 229, 231.
- Nutter, O. 147.

O.

- Oath, of Allegiance, 43, 124, 184, 189, 327; of Fealty, 26, 28, 29, 35, 49, 51, 55, 67, 68, 88, 316—318, 400, 401, to be administered to several Virginians, 29; Forms of, 219, 381, 382; of Secresy taken by Members of Assembly, 218, and by Clerk of Lower House, 219, 391; of Supremacy, 184, 189, 327; of Trade, 129, 136, 183.
- Oaths, 29, 33, 43, 50, 51, 60, 78, 81, 84, 86—88, 90, 94, 106, 115, 116, 118, 119, 121, 124, 127, 130, 132—134, 143, 145, 148, 150, 153, 168, 183, 185, 194, 204, 280, 327, 338; Dispensation from, 259, 260, 261, 327; by the Lower House, 318, 327, 338, 356, 360, 367, 379—381, 386.
- Objection of the people of Anne Arundel County to cross the Bay lest they might be frozen in, 54.
- Obliteration in the Journal of the Lower House, 395.
- Oblivion, Act of, 400.
- Offences, Capital, (Act concerning,) 61; High, (do.) 217; Punishment of, 31, 32, 61, 63, 312, 315, 400.
- Office, Library at Annapolis to be kept in the Commissary's, 369; Dismissal from, 140—142, 167, 169, 174; Disqualification for, 72; Eligibility to, 394; Residence at Annapolis required of all holding General, 362; Hours, (notice of,) 74; Petition to be continued in, 96, 102, 104, 119, 328, 329, 360, 380; Prerogative, (Commissary of the,) 117, 124, 129; Provincial, the, 117, 131, 136; Scotchmen in, (inquiry about,) 142; Staff of, 393, 394.
- Officers, (Act for,) 61, 217, 235, 402; Administration of oaths to all except Ld. Baltimore's receiver, 184; of the Admiralty Court, 150, 157, 183; right of Governor and Council to appoint all, 224; Continuing all, (proclamation,) 115, 127, 153, 189, 202, 338, 343, do. set aside, 150; Disqualification of, under Act of Parliament, (inquiry about,) 181; Fees of, 258, 363, 375, regulated by Act, 61, 251, 279, 378, and tables of the same, to be set up in their offices by all, 190; of Militia, 128, 133, 148, 150, 153, 172, and pay of the same, 244; Names of all, (return of,) 201; forms of Oaths for, 381, 382; to Provide themselves with Military Books, 369; Record of all, (to be kept by the Secretary,) 201; Striking of, (Act concerning,) 39.
- Offices, care of the, 368, 369; Clerks of the, in the State House, 357; Confirmation of the several, 375, 376.
- Oldbur, (or Odbur,) *Capt. John*, 68, 72, 73, 75, 141; murdered by the Indians, 79, and his murderer sentenced to death, 236.
- Oldfield, George, 299.
- Oldham, Captain, 166.
- Oldton, (or Oldon,) *John*, 131, 132, 136, 138, 141, 144, 157.
- Olton, *John*, 95.
- Onandago Indians, 281.
- Oneida Indians, 281.
- O'Neil, Captain, 250.
- Opinions of Attorney General, 95, 128, 138, 140, 141, 185, 343; of Court, 141, 160, given on requirement, 52; of Justices and Jury on the Public Buildings, 144.
- Opton, *William*, 14.
- Order, in hearing Appeals, (Act,) 61; of Business of the Assembly, 280; of 1695, about Indian Lands, 356.
- Orders, 33, 45, 56, 69, 80, 95—98, 103—105, 107—109, 116—118, 128—130, 132, 133, 135—151, 154, 156—158, 164, 178, 183—185, 189, 192—194, 196, 199, 203, 206, 207, 231, 256, 281, 369, 379; of Assembly, 33, 38, 40; in Council, 116, 142, 155, 186, 321, 365, conflicting with an Act of Assembly, 116, making void the laws of Maryland, 365; about the Defence of the Province, 31, 45,

- 259, 269, 272, 285; Ministers', (inquiry about,) 129; about the Lord Proprietary's Stock, 31; providing for the Smith, 31; on the Treasurer, 207.
- Ordinance, for the Election of Burgesses, 300; for the erection of certain Ports, 83; for the quiet of the King's subjects, (to be published in all Churches and Court Houses,) 373.
- Ordinances, 91, 373.
- Ordinaries, prohibited except at places for holding Courts, (Act,) 261; forbidden to charge the Public with private supplies, 281; Keepers of, 139, 169, 246, 247, 257, 261, 323, [see *Keepers*,]; Keeping of, by Ferry-men, 378, 381; Licensed, 45, 56, 76, 92, 114, 246, and revoked, 261; in Private Houses, 281; Places for, 261, 382, 384.
- Ordinary, State House leased as an, 75.
- Ordinance, Act to prevent embezzlement, 302, 311, 312; do. the transportation and sale of Ld. Baltimore's, 400; for the sale of the Royal, 331.
- Originals of Laws deposited with the Chancellor, 299, 316.
- Orphan, petition for maintenance of an, 38, 132, 288.
- Orphans, care of, 381; to be educated in the religion of their parents, 244; Estates of, (Act concerning,) 40, 222, 243, 255, 270, 284, 285, 287, 319, 323, 324, 401, and Distribution of the same, 244; full age of Female, 244; petition about trespasses upon Land of, 120; List of, 157.
- Osborne, Capt. 303.
- Overseers of High-ways, 181, 182, 202.
- Oversey, Simon, 55.
- Overton, Mr. 72.
- Owen, R. Capt. 167.
- Oxford, (Williamstadt,) 350, 358, 360; Act, erecting a port at, 345, and for laying out, 351; Incorporation of, (petition,) 337; Island at, 352; Map of, 353; Naval Officer at, 350; Poll Tax for building a Church in, 347; Port of, 363.
- Oyster Creek, 38.

P.

- Paccataway Indians, allotment to, 80.
- Packet, public, (made away with,) 100.
- Pagan, Capt. 366.
- Pagans, Act concerning, 247, 312.
- Paggen, Peter, (of London,) employed by Governor and Council in Sir T. Lawrence's office, 104; letters to, 105, 111, 160.
- Painter, Mr. 276.
- Pall, Antony, 267.
- Palmer's Island, 18.
- Pamunkey, 133, 195, 355; Indians, 138, 253, and their Queen, 195.
- Pangayo Indians, 80, 231.
- Paper, for copying public documents, 131.
- Papers, custody of loose, 347; seizure of, 110, 140, 143, 148, 149, 154.
- Paper-currency, relative to a, 408.
- Pardons, 26, 45, 49, 50, 56, 57, 71, 198, 200, 206, 217; at a Minister's instance, 207; Royal, 139, 153, 154, 365, 370, 374.
- Parker, *Edward*, 19, 21, 46; *George*, 283; *John*, 192; *Sheriff*, 97, 119; *William*, 212.
- Parliament, 53, 153.
- Parliament, (Acts of,) as to abuses in the Province,) 280; disqualification of officers under, 181; concerning the Holy Communion, (qu. about,) 371; and Quakers, (qu. about,) 370, 372; Report on, 142.
- Parliament, Address of, (to the King on the Scotch Act of Trade,) 360; Commissioners of, 54, 56; Oaths, appointed by, 127; Privileges of, (not applicable in Maryland,) 206; Writs issued in the name of, 54.
- Parish, All Saints', (Calvert,) 133, 140; Coventry, 138; Durham, 204; on the Isle of Kent, 144, 369, 370, (S. Paul's,) its Vestry, 382; King and Queen, (S. Mary's,) 142; North Sasfras, 156; Piscataway, 390; S. Anne's, (smallness of,) 191; S. Paul's,

- (P. George's,) 143; do. (Talbot,) 135, and its Vestry, 138; South Sas-safras, 156; William and Mary, 142.
- Parishes, Books for, 366, do. of Govern-ment for, 368, 369; Bounds of, 382; Clerks of, 349, 356; Division and Naming of, 368—370, 375; En-largement of, 369; List of, 368; Min-isters in, 175, and one permitted to hold two, 370; Poll-tax levied in, (by Vestries,) 187, 188; Readers in, (their Salary,) 372; Returns of, (in the several Counties,) 108; Vacancies in, 355.
- Parochial Libraries, (Act concerning,) 371.
- Parrat, Gabriel, 120.
- Parry, *Capt.* 245; *Edward*, 13.
- Parsonage at Annapolis, 353, 354.
- Pasagonke Indians, 74; their King, 73.
- Pass to England, 143.
- Passage over a river refused to a Sheriff, 175.
- Passes, 135, 136, 158, 197; Act con-cerning, 61; of Ship-Captains, 70.
- Passengers into the Province, 221.
- Passmore, Thomas, 11, 12, 14, 18.
- Patapsco River, the, 72, 76, 78, 216; Ferry over, (from Thomas' Point to Kent Co.) 244; North Point of, 282; Petition of inhabitants of S. side of, to be restored to A. A. Co. 315, 343.
- Patentees, (of Land,) delinquent, 47.
- Patents, (Land,) 24, 47, 53, 55, 67, 69, 84, 85, 135, 141, 154, 203, 205, 207; Alteration of, (petition,) 189, and bill for the, 393, 394; of Denization, 79, 80; Royal, 154, 191, 200, for the Secretary, 191; Virginia Land, 89; Words "more or less" in, (remarks of Lord Baltimore about,) 316.
- Patronage of the Free School at Anna-polis offered to the Archbishop of Canterbury, 344.
- Patuxent, 35, 36, 46, 56, 67—70, 79, 120, 133, 141, 149, 155, 161, 163, 164, 180, 185, 208, 371, 391; Assem-bly held at, 63; Collector of, 99, murdered, 94, 146, 156, 161; Court at, 37; County, 38, 39, 63, 66, 401, accounts levied on the same, 40, but order constituting it nullified, 56; Indians, 44, 48, 226, 246; Manor of Lord Baltimore at, 219; Settlement at, 68.
- Patuxent River, 33, 38, 54—56, 68, 175, 259, 274; Falls of, 123, 348; Ferry over, 91, 244, 324, 347; West-ern Branch of, 290.
- Paupers, maintenance, of, 226.
- Pay of Officers, 244; Soldiers, 30, 103, 118, 290.
- Payment of Councillors' Salaries, (in-quiry whether they should be made in tobacco or money,) 396; of labor-ers, 149; of Ministers, 156; of Sur-veyors, 179.
- Payments to Col. Greenberry, 142.
- Payne, *Capt. E.* 171, 172; *F.* 18; *John*, 111, 132, 139, 153, 340, and his mur-derers, 94; Rev. Dr. 128, 129.
- Peace, with France, 150, 151, Publica-tion of, 157, 163, and by Sheriffs in Churches, 150; with the Indians, 44, 70, 74, 128, 391.
- Pead, Rev. Dr., thanks to and a present proposed, 304. but not given, 305.
- Peake, Walter, 57.
- Pedlers, foreign, 350.
- Peirce, William, 325.
- Pelew, *Capt.* 139, 369.
- Pen, Thomas, 335.
- Penn, William, 160.
- Pennsylvania, 142, 203, 387; Admi-ralty Officers of, 157, 158, 188; Agent for Prizes in, 161; Assembly of, 176, 177; Boundary of Maryland and, 160, 203, 375, 376, 380, 408; Commissions for, 150; Governor of, 112, 139, 140; Importations of Furs from, 356, 381; Petition from Mer-chants of, 158; Proprietary Govern-ment of, 199; Runaways to, 136; Smuggling of Rum from, 207; Statute of Frauds of, 171; Sussex Co. 203; Trade with, 133, 352, 356, 385, 387.
- Penny per Hhd., collection of the, 152.
- Pensions, petitions for, 290, 314.
- Percy, Robert, 17, 19, 20.
- Per-diem of Members of Assembly, 322, 323; of Members of Council, 344; as-sessed in their respective Counties, 345.

- Perjury, impeachment for, 253.
 Perkins, Francis, 100. 322.
 Perpetual Laws objected to by the Lower House, 388.
 Perry, *Capt.* 133; *J.* 183; *John*, 238, 340, 350. 359, 362, 385, 396; *Wm.* 16.
 Peter, (an Indian King,) 193.
 Peters, Mary, 335.
 Petitions to Assembly. (notice of, to be given by advertisement beforehand,) 394; against Lord Baltimore, 31; of Wm. Claiborne, 24, 44; to be continued in office, [see *Office*.]
 Pheypo, *Mr.* 49, 55; *Mark*, 50; *Serjt.* 27.
 Philadelphia, 155, 163; Post to. from Potomac, 133, 349, 350, 359, 389.
 Philips, *Capt.* 167; *Henry*, 168.
 Philpott, *Edward*, 124; *Robt.* 11, 13. 42.
 Phipps, *Capt.* 172.
 Pickacomico Indians, 74.
 Pierce, *Mr.* 179, 381; *H.* 139.
 Pile, John, 36. 89.
 Pillory, setting up of a, 376.
 Pinder, Edward, 327.
 Piner, Mr. 337.
 Pinnacle, seizure and advertisement of a. 183.
 Pirates, 145, 155, 158, 171, 174, 176, 193, 194, 196, 197, 330, 378; attempt to seize *Ld.* Baltimore, 289; sent to England, 194, 196; Act for the suppression of, 182, 394.
 Piscataway, 49, 75, 277; Chiefs, (speech of,) 85. 195, and conference with them, 226. 363; Creek, 80, 251; Emperor of, 73, 74, 78, 101, 128, 193, 195—197, 328—330, 354, 363, his death, 69, 138, his election, 76, his residence, 195, and his seizure by a Northern Enemy, 269; English at, 45; Fort, 333; Indians, 111, 112, 123, 146, 147, 166, 174, 191, 197, 231, 253, 272, 281—283, 285, 289, 328—330, 370, 377, 381, 384, 385, 387, 388, and visit from them, 74, 194; Manor reserved above, 84; Parish, 390.
 Pitts, John, 78.
 Plantation, Conditions of, 24, 46, 119, and Commissions and oath annexed to the same, 51, 52.
 Plantations, 146, 331; Committee of, 138, 160, 170, 171, 173, 174, 379, 382; Deserted, (Act concerning,) 33, 39, 246, 247, 248; of the Dutch, 69; Frontier, settlement of, 356, 381; Royal letter to Governors of, 87; the King's, (example for representation in the Low. House,) 265; Lords, Commissioners of, 39, 42. 104, 111. 158, 165, 170, 171, 182, 186, 190, 195, 196, 199, 202, 205—207, 391, 392, 394, 397; Lords of the Council of, 176; Trade with the, (Act touching,) 142.
 Planting of Corn, (Act.) 31, 39, 60, 61, 63, 400.
 Planting of Tobacco, Commissioners to Virginia about, 67, 78.
 Plater, *George*, 121—123, 127—130, 139, 140, 142, 143, 145, 146, 150, 152, 153, 156, 160, 161, 164, 165, 169, 170, 172, 173, 177, 179, 182, 183, 190, 194, 200, 205, 207, 208, 371, 385; *Robert*, 119, 133.
 Plats, return of, by County Surveyors, 182; for a State House, 219.
 Plummer, Thomas, 98.
 Pocomoke, 127, 135, 140, 145, 154, 157, 160, 164, 165; Battle at, 15; District, 129, 133, 148, 179, 303.
 Pocomoke Indians, the, 112, 138, and their King, 101.
 Point Lookout, 267, 270.
 Point Patience, 91, 219.
 Police of Annapolis, 205.
 Political Offences, conviction for, 35.
 Poll Tax, 33, 345, 380; for a Church, 347; Collection of, (Act,) 403; for an Indian War, 259, 266; Levied by Vestries, 187, 188.
 Pomonkey, 133.
 Pope, *John*, 192; *Nathaniel*, exempted with nine servants from guard, 47.
 Poplar Hill, 68, 255.
 Poplar Island, joined to Kent, 40.
 Popple, William, (Secretary to the Lords of Plantation,) 159, 170.
 Port Duties, 132, 225, 282, 285, 286, 334, 403; on Furs, 339.
 Ports, Collectors of, 130. Erection of, 83, 133, 313, 314, 345, 349, 351, 352,

- 356; Location of, recommended to Lord Baltimore, 290; Naming of, for the collection of dues, (application of Lord Baltimore's Agent for the.) 334; Necessity of Ordinaries at, 384; Suggestion of the Lower House as to the title of an Act concerning, 292; Surveyor of, 194.
- Portobacco, 66, 72, 74, 130; Indians, 72, 231. allotment to them. 80, and their Queen, 76.
- Portuguese, naturalization of a, 76, 79.
- Posey, Francis, 27.
- Posse Comitatus, 105, 142.
- Post, between Philadelphia and Potomac, 133, 349, 389; Contract at £50 for eight services a year, 350, 359; General, 97, 100, 103, 314.
- Postmaster. Deputy, 339; General, for N. America, 339.
- Post Office, proposals for a, 339; in the Colonies, 113, 148; in Maryland, 375; Queen's letter about, 339.
- Postponement of Cases, 159.
- Posye, Francis, 400.
- Potomac, 18, 76, 78, 119, 127, 133, 140, 141, 146, 148, 153, 160, 161, 167, 171, 187, 194, 371; County, 35, 40, 63; Fort at, 180; Murders on the Frontiers of, 196; Settlement at, 68; [see *Post.*]
- Potomac River, 148, 350, 383, 391, 392, 401; Falls of, 123, 173, 197, 260; Ferries over, 340; Head of, 393, and removal of the Susquehannahs thither, 260.
- Pound, Capt. 157.
- Poverty of the Country, 358.
- Povey, John, 143, 153, 158, 183, 189, 352, 353, 365, 366, 375, 380.
- Power, Mr. 151.
- Power of Attorney from a rebel, 149.
- Prayer, Courts to be opened with, 378.
- Prayer Books, appropriation of part of the revenue to the purchase of, &c. 368, 369.
- Preferment of those loyal to Ld. Baltimore, 66.
- Prerogative Office, Commissary of, 124, 129; Commissioner of, 117.
- Presentment of Court Officers of Prince George's Co. by the Grand Jury, 169; of Justices. 169.
- Presents, to Lord Baltimore, 257, 307, and declined by him, 310; from the Indians, 144, 163, 174, 180, 195, 328, 329, and to them, 110, 112, 237, upon ratification of treaties, 329; one proposed to the Rev. Dr. Pead. but declined, 304, 305.
- President, the, 122, 201, 202, 206, 208, 317, 321, 326, 343, 371.
- President of Barbadoes, 153.
- President of the Council, Senior Councillor so appointed in the Governor's absence and the Great Seal delivered to him, 201, 202; his remarks about money, (ordered to be printed,) 323; Speeches of, 317—319, 322, 355.
- President of the Whorekill, 156.
- Preston, Richard, 35—37, 53, 54, 67, 215, 225, 232; election of, as Burgess, while in England, 212; elected Speaker, 215, 218.
- Pretended Marriage, 149.
- Price, *Capt.* 27, 36, 49, 50, 67; *Edward*, 152, 158; *Col. John*, 66, 69—71, 212, 214, 402; *Mordecai*, 108; *W.* 182.
- Priests disqualified as Members of Assembly, 366—368; opinion of lawyers thereupon, 367, 383.
- Priests, Romish, 164, 174, 175, 187, 357, 380; mal-practices of, (proclamation against,) 386; prosecution of, 192; restraint of, 159.
- Prince. anniversary thanksgiving for birth of the, 322, 323.
- Prince George's County, 133, 141, 144, 177, 360; Commission for the peace in, 134, 144; Commissioners of, 179; Constituted, 350; Coroners of, 138; Grand Jury of, 158, 169, 387; Justices of, 140, 169, 387; Militia in, 136; Murders by Indians in, 192; Officers for, 136; Presentment of Justices, Sheriff and Clerk of, 169; Resurvey of Indian lands in, 372; Scarcity of provisions for the Rangers in, 193; Sheriff of, 141, 186, 206, and his oppressive conduct, 174; S. Paul's Parish in, 143; Surveyor of, 138; Taxables in, 204.

Printer, 118, 138, 358.
 Printing Press proposed to be set up, 373; restrained to printing blanks, 138.
 Prior, John, 284.
 Prison, (Act concerning,) 221, 276; building of one, 74, 278; guard of P. Clark's, 184; land for the, 257.
 Prisoners, excessive charges of Sheriffs upon, 383.
 Privateers, 139, 141, 153, 155, 182, 366.
 Privilege from arrest of Members of the Lower House, 391; of Assembly, (contempt of,) 218.
 Privilege of Parliament not practicable in the Province, 266.
 Privileges, Committee of, 300.
 Privileges of the Lower House, 257, 289, 318, 365, 395.
 Privileges of the Upper House, breach of, 257.
 Privy Council, 24, 42, 48, 57, 87, 145, 160, 362, 364, 366, 378, 395; Clerk of, 366; Letter to the Governor of Virginia from, 77; Oath of, 249; Report of, 24.
 Prizes, 56, 70, 145, 154, 155, 161, 198, 208, 366; Agent for, 158, 161, 166; Commissioners of, 166; Patent for, 154.
 Prizes, offered to be contended for, 141.
 Probate of Will, 14, 16, 19.
 Probates, Chief Judge of, 83, 87, 244.
 Proceedings of the First General Assembly, 12—15.
 Proceedings of the General Assembly, 30, 31, 33, 38—40, 59—63, 212—397, 402—404, 407.
 Proceedings of Assemblies, publication of, 277.
 Proceedings of Baltimore County, 408; against Cecil Co. for not making returns, 340; against Cood, 171, 172, 178; against Slye, 172—174, 179; Copies of, 145; Forms of, (Act,) 61; Rules of, 12.
 Proceedings of Council, 42, 127—152, 408.
 Proceedings of Court, 14, 18, 26, 28—33, 35—38, 43, 52—57, 72—78; in Criminal Cases, (Act,) 247.

Proceedings of Governor and Council, 66—81, 86, 88—124, 163—208; attestation of Journal of, 115, and signature of Clerk to the same, 208; sitting as a Court, 69, 117, 241, 299, 308, 316.
 Proceedings at Law, (Act,) 219, 222, 248, 403; provision for continuing all, since Gov. Copley's death, 343, and against errors in, (occasioned by the Revolution,) 328.
 Process of Cecil County Court, (Act to revive,) 381, 383; S. Mary's County Court, (do.) 346.
 Proclamation-guns, for giving notice to the Indians, 48.
 Proclamation-warrant, 75.
 Proclamations, 24, 28, 30—32, 43, 47, 48, 51, 53—57, 68, 69, 71, 73, 79, 84, 90, 115, 116, 133, 135—139, 141, 145—147, 150, 151, 155—157, 159, 163, 171, 172, 175, 176, 181, 194, 196, 197, 202, 205, 255, 256, 270, 319, 338, 339, 348, 354, 362, 369, 383, 386; for an Assembly, 30, 33, 60, 62, 86, 114, 262, 401, and do. recalled, 140; of Lord Baltimore, 40; of the Gov. of Virginia, 32, 57, 177.
 Profaneness and Immorality, Royal Instructions touching, 338; do. proclamation against, 172, read in the Churches, 172.
 Profits of the Crier's Office given to the Free School, 151; of County Surveyors, (returns of,) 182
 Proprietary Governments, information required about the, 199; [see *Lord Proprietary.*]
 Prorogation, order of report upon, 151; writ of, 151, 262.
 Prorogation of Assembly, 60, 78, 107, 113, 114, 134, 136, 142, 143, 151, 171, 184, 197, 204, 242, 243, 256, 258, 262, 279, 288, 299, 318, 326, 351, 355, 358, 361, 365, 374, 379, 390, 392, 394, 397, called adjournment, 276, 311, 337, 346, 347; of the House of Delegates by the Speaker, after its Prorogation by the Governor, (to ascertain who were Royalists,) 184.

Prosecution, of Justices, 135, 138, 139, 142, 178; of Members of Assembly, 139; for omitting to make returns, 142; of a Romish Priest for seduction of Protestants, 182; of Vestries, 135, 138, 142, 188.

Protector, [see *Lord Protector.*]

Protection, of the Patuxent Indians, 48; of the Susquehannah Indians, 49; measures of, (against Cood,) 171; the Royal, 52; do. of alien and recusant, 31.

Protest of Councillors against the assumptions of the Lower House, 214.

Protestant girl brought up amongst Catholics, (petition about,) 324, 325.

Protestant Religion, (Act for its establishment,) 331.

Protestant servants of Romish masters, (liberty of, to attend Church,) 382.

Protestants, seduction of, (prosecution of a Romish Priest for the attempted,) 182.

Protested Bills, 131, 132, 348, 391; Act concerning, 282; letter from New York about, 119.

Providence, 33; (the Ship,) 152.

Providence County, 63; Act establishing it, 33, and its bounds, 39; Accounts levied on, 40.

Province of Carolina, agreement to the Tobacco-Act of, 79.

Province of Maryland, abuses in Act of Parliament concerning the, 380; Address of the King's subjects in the, 153; Bounds of the, 66, 180; Defence of the, 31, 45, 62, 63, 249, 252, 253, 255, 259, 269—273, 275, 285; Map of, 350; the late Rebellion in, 29.

Provincial Court, [see *Courts.*]

Provincial Laws, 12.

Provincial Office, list of books in, 117, 131, 136.

Provisions, detrimental effect of pro-

hibiting the exportation of, 149; exportation of, 381; for people at the Cool Springs, 170; Scarcity of, (for the Rangers,) 193; Seizure of, (for a Garrison,) 290.

Proxy, named by sick Committee-man, 12, 223.

Public Builders, land assigned for, 357.

Public Buildings, view of the, 144; Island at Williamstadt set apart for, 352; opinion of Justices about, 244.

Public, Business, (the Lower House asked to proceed to,) 233; Charge, 40, 148, 222, 245, 276, 279, 288, 299, 304, 305, 307, 311, 316, 326, 337, 364, 396; Claims of S. Mary's, 105; Debt, 198, 382; Expenses, 242; Faith, (Act concerning the,) 235; Letters, (Act for the conveyance of,) 216, 402; Levy, 38, 40, 221, 349, 365, 378, 379, 397, Apportionment of do. 149, 375, 376, 388, 397, declaration of rights by the Lower House about do. 361, 389, error in do. 101, 204, exemption of Annapolitans from do. 357, do. made up, 79, 80, 86, 187, 258, 361; Post, 97, 100, 103, 314; Service, (proclamation of the return of property taken for,) 270.

Publication of an Act, order of the Privy Council for, 366.

Publication, of Assembly Proceedings, 277; of the Laws, 68, 235, 331; of Marriages, 401, 403; of an ordinance of Quiet, (in all Churches,) 373.

Pne, Thomas, 295.

Purchase of Arms, 154, 172, 174, 192, 228, and refusal of the Governor to meddle with the same, 194; of Lands from the Indians, (Act concerning,) 31, 63, 400.

Purlivant, Richard, 21.

Pye, Col. Edwd. 106, 108, 313, 317, 319.

Pyne Hill Creek, 56.

Q.

Quaker, excused from taking the oath of Fealty, 318.

Quaker Marriages, 187.

Quakers, 69, 76, 246: Advice to Lord

Baltimore about, 253; Act of Parliament concerning, (query about,) 370, and supposed to be in force in Maryland. 372; increase of, 68, and dis-

- turbance of Government by, 70; List of, (returned by the Sheriffs.) 78; ordered before the Council, 68; those refusing the engagement ordered to leave the Province, 69; ordered to be whipped out of the Province, 70; Petition to the Assembly of the, 349.
- Quarry, Col. Robert, 155, 178, 188.
- Queen, the, Declaration of War against France and Spain by, 202; Directions for applications to, 201; Letters of, 111—113, 131, 339, 347; Order of, (confirming the Act of Religion,) 207; Orders of, 121, 132, 158 206; President and Council to be cautious in obeying, 201; Proclamation of thanksgiving by, 205; Death of, 133, Assembly go into mourning and a Fast proclaimed upon the same, 348.
- Queen of all the Indians, 195.
- Queen of Pamoukey, friendly sentiments of the, 195.
- Queen of the Portoback Indians, complaint of the, 76.
- Queries of the Council of Trade, 155.
- Quieting of Possessions, Act for the, 221, 222, 231, 240, 247, 250.
- Quietus to an Admr. 52—55, 57.
- Quigley, Capt. Charles O. 179, 250, 253; his bond for building the State House, 250.
- Quota of Maryland for the defence of New York, 199, 205, 207.
- Quotas of Maryland and Virginia, 152.
- Quowauhcutt, the King of, (Treaty with,) 70.

R.

- Raccoons, 380.
- Randolph, Edmund, (or Edward,) 110, 122, 128, 129, 132, 143, 150—152, 158, 203, 204, 340, 346, 347, 362, 379; Appointment by, (annulled,) 120; Authority conferred by, (Counsel consulted upon the,) 167; Certificate relating to, 106; Commissioners to demand, from Virginia, 114; his Defence, 130; his Escape from the Sheriff, 113; his insolent behaviour, 105; Letter of Governor and Council to the Lords of Treasury about, 106, do. to the Governor of Virginia about, 114.
- Rangers, 97, 98, 100, 103, 113, 120, 123, 131, 132, 136, 137, 142, 143, 145—148, 158, 167, 169, 197, 245, 246, 256, 331, 344, 352, 353, 362, 370, 373, 377, 382—384; abuses by, 102, 134; discontinued, 105, 157, 166, 187, 272, 388, 390, 391; pay of, 104, 106, 116, 193, 392; loan by the Governor for, 194; scarcity of provision in P. George's Co. for, 193.
- Rappahannock, 37.
- Ratcliffe, Emmanuel, 89.
- Rasoughtack, the King of. (treaty with,) 70.
- Rates, Book of, 142. 158.
- Rating of Artificers' Wages, (Act concerning the,) 60.
- Rawlinson, A. 52.
- Read, William, 101.
- Reader in All Saints' Parish, 140.
- Readers, at the Cool Springs, 170.
- Readers in Parishes, Salary of, 372.
- Reading the Laws by Titles before the Dissolution of Assembly, 231, 237, 242, 245, 258, 262, 276, 279.
- Rebellion in the Province, 29, 37.
- Rebels, to take an oath and deliver up their arms, 29; oaths administered to, 51.
- Receiver, 148, 149, 151, 153, 157, 161, 164, 187, 188, 190, 200, 371; Deputy do. 185; exempted from oath of allegiance, 184; for Ld. Baltimore, 334.
- Receiver General, 71, 98, 121; Salary of, 127.
- Reception, of Gov. Blakiston, (order for the,) 183; of a Minister, (do.) 156.
- Recognition, (Act of,) 40; of Ld. Baltimore's right to Maryland, 400; of Cromwell, 38; of the King's title to Maryland, 328, 331.
- Recognizances, 11—18, 25, 29, 36, 37, 73, 74, 167, 174, 176, 178, 207, 253, 268, 284, 305, 327, 333, 386, 397; assignment of, 13; to be taken of

- Ordinary Keepers at S. Mary's and where ever Courts are held, 260.
- Recommendations, by the Governor, 141; by the late Governor to his successor, of all in office, 189.
- Record Books, 116.
- Recorder, of Grants of Land, 66; of S. Mary's, 243; (Register) of Wills, 66.
- Recording, of Commissious, 127, 388; of the Journal of the Lower House, 227, 315; of Land Patents, 141.
- Record Office, (Act concerning a,) 221.
- Record of all Officers to be kept by the Secretary, 201.
- Records, 56, 67, 108, 117; Act concerning the, 39; Clerks paid to perfect the, 117; Condition of the, 308; Copies of certain, (furnished gratis to Slye,) 173; of the Commissary General, 131, 132; of Council, negligently kept, 116; Council-Committee's Report on the, 117, 386; of the Council Office, (to be sent to England,) 101; of Court, 35, 117; of Court of Chancery, (state of,) 117; of Court of Chancery and Provincial Court, to be kept apart, 98; Criminal, (loss of book containing,) 117; Duplication of, 2; Embezzling of, (Act against,) 109; Inspection of, 131; Keeper of, 80, 87; Missing, 29; of Articles of Peace with the Indians, 128; of the Provincial Office, (state of,) 117, 136; Removal of, 131; Searches of the, (Act regulating fees for,) 217; in the Secretary's Office, (damage to the,) 229; Clerk of Talbot County required to perfect his, 118; Transcription of, 118, 308.
- Rector of the College in Virginia, 128.
- Redin, Mr. 136.
- Reed, *George*, 68; *Robert*, 183.
- Refusal of Vestries to levy a tax, 188.
- Regiments, organization of two, 68.
- Register, of the Admiralty Court, 132, 147, 157, 158, 182, 188, 366; of the Chancery Court, 120, 132; of Wills, 66, list of Books in his office, 131.
- Registry of Marriages, Births and Burials, enacted, 39, to be kept by Vestry Clerks, 349.
- Registry of Vessels, 165, 167, 168.
- Release, General, 27.
- Relief of Creditors of Mark Cordea, (Act for the,) 371, 372.
- Religion, Act of, 31, 38, 62, 364, 365, 392. 400; Agents to procure the Royal assent to the same, 365; agreed never to be repealed, 67; inquiry of Bp. of London about the same, 349; Letter of Lord Baltimore about the same, 71; Queen's order confirming the same, (read in all the Churches,) 207; Repealed, 39; Veto of the same by the King, 194, 195.
- Religion, Act for the Establishment of the Protestant, 331.
- Religion, Royal Instructions about, 338, 339.
- Religious Worship, proposed Act for the Establishment of, 199.
- Remedy at Law, Petitioners against Sheriff's remitted to, 283, 284, 394.
- Remittances to New York, account of, 119, 120, 136.
- Remonstrances, 186; against Act of Assembly, 240, 241.
- Removal from the Province, liberty of, 67.
- Rent Roll, 88.
- Rents, 66; Account of, 159; Collector of, 75, 95; Demand of, 71; Lowering of, (in New Grants,) 83; Notice to pay, 49, 74; negligent Payment of, 55; Rates of, 85; Receiver of, 30; Receipts of, 49, 121.
- Repair, of Arms, 136; of Churches, 142, Vestries to levy a poll tax for do. 187, 188; of Court Houses, 149, 323—325; of Jails, 323; of Roads, 148, 181, 246, 247, 360, 382; of State House, 118, 148, 224, 286, 314, 316, 334, and cost of do., 117.
- Repeal of Laws, 213, 219, 378, 402; Assent of Assembly necessary to the, 232, 271, 272.
- Reports, 135, 148, 151, 153, 159, 177, 366—378, 385; on the Act of Trade, 142; of Attorney General, (Fees for,) 185; of Committees, 231, 292, 308, 314, 353, 357, 371, on Indian Affairs, 147, 148, 228, and on the State

- House, 147; from the Counties, 357; on the Revenue, 353, 355, 356.
- Representation of the Counties, (four from each,) 264, 289; Dispute between Lord Baltimore and the Lower House about, 264—267, 293, 294; Declaration of Rights by the Lower House as to, 266, 291.
- Reprieves by the Governor and Council, 94, 95, 139, 259.
- Replication of Proclamations, 138.
- Repurchase of Condemned Vessels, 183.
- Reservations, 84, 85.
- Residence, of Attorney and Solicitor-General, 139; inquiry about qualification of, (for eligibility to office,) 394; of Sheriffs, 360.
- Residence at Annapolis, of all holding general office, 362.
- Resignations, 135, 147, 177, 182, 192, 193, 201.
- Resolutions, of the Upper House, 354; of the Lower House, 333, 348, 353, 354, 359, 360, 361, 385.
- Restitution of Arms, 120, 122, 133, 135.
- Restoration of Gov'nor and Council, 54.
- Resurrection Manor, 70, 74.
- Resurvey, conditions of, 120; warrant of, 102, 103, 108, 119, 120, 138, and petition against do. 102; of Indian Lands, 372.
- Return, of Marriages, 139, and of Marriage Licenses, 181.
- Returns, of the Public Arms, 148; of Commissioners on the division lines of the new Counties, 358; of County Courts, 141; of County Justices, 356, and of do. since the Revolution, 146; of Devises to superstitious uses, 180; of Election, 30, 33, 59, 60, 78, 212, 214, 273, 319, 335, 337, 339, 340, 341, 360, 402, and Act against Sheriffs omitting to make the same, 342; of Fines and Forfeitures, 200; imperfection of, (from incompetent Clerks,) 171; of Members to the Assembly, 60, 402; of the Militia, 122; of the names of all officers, 201; of Officers, 127, 128, 133, 135, 138, 140, 141, 143, 144, 146, 147, 150, 165, 181, 182, 187, 194, 359, 395; to Or-
ders in Council, 142; of Parishes erected in the several Counties, 108; of Revenue, 127; of Vestries, 128, 141, 143, 146, 181, 203, 356.
- Revell, Mr. 73, 74.
- Revell, Randall, 17, 20.
- Revenue, 127, 132, 139, 142, 145, 154, 158, 340, 366, 368, 385; Account of the, 188; Books, 130; Committee, 391, 396; in Gov. Copley's time, 130, and arrears due from his estate, 359; Estimate of the, 139; Proposition of the King to appropriate part, to the purchase of Prayer Books, and objection that the supply of arms was deficient, 368, 369; Report on the, 355, 356; disposition of the Surplus, 102; taken by Sir E. Andros, 129, 356.
- Revenues, Lord Baltimore's application for collection of, 334; the Public, (adjustment and statement of,) 350; Report on the, 353.
- Review, Bill of. 335; Commission of, 136—139.
- Review of Militia, (proposed,) 129, 142; of Writs of Election, (asked,) 215.
- Revision of the Laws, 95, 190, 195, 248, 251, 327, 354.
- Revival of certain Laws, 217, 218, 277—279, 286, 287, 292, 295, 297—299, 306, 307, 310, 311, 316, 325, 326, 346, 364, 365, 371, 387, 388, 402, 403.
- Revocation of Commission, 46.
- Revolution in the Province, 99, 120, 122, 124, 133, 181, 328, 335.
- Rewards, 142, 237; for killing Indians, 76.
- Reynolds, Sarah, 113.
- Ricaud, Benjamin, 144.
- Riccard, Mr. 225.
- Richardson, *Capt.* 97; *Col.* 141; *John*, 14, 290, 329; *Thomas*, 96, 97.
- Ridge, the, (in Anne Arundel Co.) 97, 120, 192, 299, 314, 407; proposed location of the State House at, 249.
- Ridgely, *Col. Henry*, 96, 135, 150, 169, 326; his resignation, being superannuated, 193; *Robert*, 86, 88, 237, 243, 245, 258, 262.

- Rigbie, John, 267.
 Rigby, Mr. 46.
 Riley, H. 277.
 Ringgold, James, 254.
 River-Coves, 176.
 Roach, Mr. 158.
 Roads, 133, 144, 148, 357, 360; necessity of Ordinaries upon, 384; repair of, 148, 181, 246, 247, 360, 382.
 Robbers, 49.
 Roberts, Thomas, 138.
 Robins, *Robert*, 38; *Thomas*, 355.
 Robinson, *II.* 348; *Jane*, 336; *John*, 18, 44, do. of S. Clement's Isle, 44, 45; *Thomas*, 154, 155.
 Robotham, *Col. George*, 94—96, 115, 127, 130, 132, 135, 138, 163, 165, 169, 326, 337, 346, 347, 355, 362, 365, 379, 380.
 Roby, Elizabeth, 38.
 Rock Creek, 194.
 Rockhold, John, 180.
 Rodney, William, 158.
 Rogers, Robert, 98.
 Roll of the Houses of Assembly, 212—215, 218, 220, 225, 232, 237, 238, 243, 245, 258, 262, 280, 288, 299, 300, 311, 317, 326, 327, 337, 339, 346, 347, 351, 355, 362, 365, 374, 379, 380, 390, 402.
 Roman Catholic, appointment of one as Surveyor, annulled, 118; Chapel in S. Mary's, (charge against Gov. Nicholson for allowing a,) 391; one fined, 36
 Roman Catholics, arms of, 132; forbidden to practice as Attornies, 106; proposed disarming of, 364; Instruction of Governor concerning, 392; Proclamation against, (asked by the L. House,) 383; Protestant servants of, 382; Security required from, 36.
 Romish Priests, 164, 174, 175, 187, 357, 380; Proclamation against the mal-practices of, 386; Prosecution of, 192, and restraint of, 159.
 Romney, patent to the Earl of, 154.
 Rounds, Mr. 192.
 Rousby, John, 89, 237, 244, 301, 302; forbidden to practice as an Attorney, 308.
 Royalists, prorogation of the House by the Speaker to ascertain who were, 184.
 Rozier, N. 175.
 Ruled Paper, purchase of, 174.
 Rules, of Order, 313; of Proceeding, 12; of the Provincial Court, 122.
 Rum, smuggling of, (from Penna.) 207.
 Rumors of Commotions in the Province, abated, 391.
 Runaway Servants, 136, 235, 349.
 Runaways, Act concerning, 230, 240, 242, 356, 375, 376, 404; to Pennsylvania, 136.
 Russell, *Gov.* (of Barbadoes,) 153; *Capt.* 212; *John*, 20.
 Rutten, G. 220.
 Rutter, G. 72.
 Rymer, R. 149, 168.

S.

- Sabbath, [see *Sunday*.]
 Sacayo Indians, the, 231.
 Sachems, the, 135.
 Sachiah Manor, 246.
 Sacrament, Act relating to the, (in force only as to those in conscience bound to take it,) 372.
 Sadler, Giles, 71.
 Safety, Council of, (on the Eastern Shore,) 408.
 Safety of the Colony against the Indians, provision for the, 46.
 Sailing of Ships under Convoy, 95, 117.
 Sailors' Wages, 106.
 S. Anne's Church, communion plate for, 189.
 S. Anne's Parish, smallness of, 191.
 S. Clements', Hundred, 45, 48, 49; Isle, 44, 45; Manor, 71.
 S. George's Hundred, 11—13, 16, 42, 43, 49, 59, 91, 253.
 S. George's River, 70.
 S. Inigoe's Fort, order for rebuilding, 33, but repealed, 39.
 S. John's, 73—76, 78, 261.
 S. Leonard's, 67—69, 401.

- S. Leonard's Creek, 67.
- S. Mary's, 12—14, 17, 18, 26, 33, 35, 43, 45, 46, 48, 49, 53, 55, 71, 73—75, 77—79, 83, 86, 88—90, 122, 129, 168.
- S. Mary's, City of, 94, 96, 98, 100, 104, 106, 107, 118, 127, 131, 219, 225, 230, 243, 258, 276, 288, 311, 317, 325, 326, 337, 349, 402, 403, 407; its alderman always a Burgess, 243; Council-chamber at, 79; Houses in, purchased by the Assembly, 245; Indians at, 252; Mayor of, 129, 344, and Act settling the inheritance of certain lands on the same, 257; Ordinary Keepers in. (security taken from,) 260; Recorder of, (a Burgess,) 243; Representation in Assembly of, 243, 245, 258; Romish Chapel in, (impeachment of Gov. Nicholson for allowing,) 391; Selection of State House in, 248; old State House made a Church and Court House, 350.
- S. Mary's County, 11, 12, 39, 40, 42, 45, 46, 53, 54, 122, 123, 127, 170, 185, 212, 219, 225, 273, 274, 348, 393, 394; Assessment on, (Act,) 51, and its amount, 46—48; Burgesses of, (their names,) 212, 214, 225, 232, 237, 245, 258, 267, 273, 317; Clerk of, 169, and his indictment, 135; Commission for the Peace in, 78; Commissioners of, 105, 123; Commotions feared in, 175; Conscription in, 80; Court, 76, 77, 131, 169, contempt thereof, (by Cood,) 268, and Act for discontinuance of process therefrom, 346; Dividing lines of, 350; Election returns from, 337; Justices of, (prosecuted,) 178; Justices of the Peace in, 77, 80, 135, 208; King and Queen Parish in, 142; Levy in, 62; Lower, 88; Militia in, 128; Return of Parishes in, 108; Sheriff of, 71, 79, 80, 99, 105, 109, 127, 133, 149, 154, 167, 206, 212, 229, 254, 293, 348, 401; Surveyor of, 96, 118; Titheables in, 79; Towns in, 324; Upper, 88; William and Mary Parish in, 142; [see *Cool Springs*.]
- S. Mary's Hundred, 12, 59, 325.
- S. Michael's, (Talbot Co.) 138.
- S. Nicholas' Hundred, 59.
- S. Paul's Parish, (Kent,) 382; Prince George's Co. 143; Talbot, 135, 138.
- S. Peter's, (near S. Mary's,) 107; Governor's House at, 101, 104.
- S. Thomas' Island, Scots' Settlement on, 196.
- Salaries of Councillors, 373, 378, 396, 397.
- Salary, deficiency of fees and fines to make up a, 185; of the Governor, 141, 187, 191, 249, 250, 339, 395; of the Secretary, 386.
- Sale of Land, acknowledgment of, 14, and certificates of, 141.
- Salter, John, 99, 138, 149, 157, 332.
- Salvage, 89.
- Sanders, *James*, 199—201, 205, 326, 390; *Philip*, 254; *Rebecca*, 95, 96, 97.
- Sassafras, petition from S. side of, (as to Kent Island,) 337.
- Saunders, *John*, 14; *Valentine*, 14.
- Sawyer, Mr. 309.
- Saxon, (or Saxony,) John, 296, 315.
- Sayer, Peter, a mutineer, 110, 115.
- Sayre, Col. 324.
- Scalping by the Indians, 328.
- Scandal, cases of, 38, 269, 330, 332.
- Scandalizing the Government, 37.
- Scarborough, *E.* 38; *Col.* 70, 73—75, Commissioner appointed to demand justice from Virginia against, 77.
- Schomberg, Duke of, his letter of Attorney to Gov. Nicholson, 127.
- School, 142, 156; at Annapolis, 164; Building and maintenance of, (out of the sale of Furs,) 352, 353, 357; or College, Act for the founding a, 241.
- Schoolmaster, sent by the Bp. of London, 370; Salary of, 373.
- Seire Facias, (petition to Council,) 222.
- Scots' Act of Trade, report of Commissioners of Customs on, 153, 366.
- Scots' Settlement, at Darien, (prohibition of sale of arms, etc. to,) 192, 194, 197; at S. Thomas' P'd, (do.) 196.
- Scotsman, naturalization of a, 73, 76.
- Scotsmen, in office here, (inquiry about,) 142; trading by, 191, 194.
- Scott, Michael, 13.

- Scovell, George, 44.
 Scouts, 74, 78.
 Scurfield, Dr. 321.
 Seaboard, Settlement upon the, 84, 85, 86, 144, 147.
 Seal, of the Land Office, 119; of the Secretary, 99; Warrant of the King for a new, 99, and do. for the use of the present, 365; [see also *Broad and Great Seal.*]
 Seals for the Counties, 101, 141, 332.
 Seamen, 144, 147, 164; exempted from taxation, 370; without Papers, 356; Petition against their Captain, of certain, 331; refractoriness of, 383.
 Searcher of Ships, 152, 158, 165, 171.
 Searching the Records, regulation of Secretary's fees for, 217.
 Sea-Robbers, 171, 174.
 Seats of Burgesses, contested, 262, 337, 380, do. on the ground that they had not been summoned by the Sheriffs, 238; forfeited for felony and breach of the peace, in the opinion of the Upper House, 262, 269, but for felony only in that of the Low. House, 268; do. by appointment as Sheriff, 301.
 Seayo Indians, allotment to the, 80.
 Secresy, oath of, 218, 391.
 Secretary, the, 15, 24, 33, 38, 46, 49, 51, 54, 66—71, 78, 87, 165, 213, 214, 220, 222, 237, 317, 337, 338, 365, 374, 379, 380, 461; allowance to, (for attending the Council,) 385; Bond of, (to the King,) 200; Fees of, 102, 217, 221, 223, 224, 231, 246, 247, 326, 404; Oath of, 43, 81, 99, 200; Office of, 108, 117, 184, 200, 207, 229, 388; Principal, 73, 86, 245; to the Lords Commissioners of Plantations, 170; to the Lord Proprietary, 11, 66, 215, and his oath, 43; of the Province, 98, 101, 110, 161, 191; Salary of, 386; Seal of, 99; of State, 78, 191; Writs for filling vacancies in the L. House, proposed to be issued by, (but objected to,) 264, 265.
 Seditious Words, charges for, 75, 110.
 Seduction of Protestants, prosecution of a Romish Priest for, 182.
 Selby, Mr. 232.
 Seneca Indians, the, 73, 76, 77, 78, 221, 225, 228, 248, 249, 289, 333, 360; immigration of, 193; reward for killing any of, 76; War proclaimed against, 77; number of Warriors among, 221.
 Senior Councillor, to be President in the Governor's absence, 201.
 Sentence, of Court of Review, 139; of Dandy, to be public Executioner, 27; of Indian Murderers, 236.
 Separate Maintenance granted, 38.
 Sequawaughtuck Indians, King of, 70.
 Serjeant, 46, and fees of, 61.
 Serjeant-at-Arms, 263.
 Sermon, requested by the Assembly to be printed, 360; thanks by the Assembly for a, 304, 305.
 Servants, 53, 104, 105, 221, 335; Act concerning, 257; Agreement with, 16; Appearance before Court of, 53; assignment of Bonds of, 16; bearing Bastards, 401, 403; Clothes of, (Act concerning,) 60, 222; commutation of Corn for a Gun with, 190; Grant of Land to such as have served out their time, 66; Hire of, 16; Indented, 40, and carrying off of do. 196; Introduced into the Province, (Act,) 246; Levying of duties on, 349; disputing with their Masters, 383; Murder of Masters by, 348; Protestant, (under Romish masters,) 382; Runaway, 136; Time of, and its limitations, (Acts,) 216, 217, 244, 246, 402, 403, 404; Trading and gaming with, (forbidden,) 222; unruly, (Act,) 222; in Virginia, 89; emancipation of White, 386; Will of, 19.
 Service of God, Act concerning the, 331.
 Sessions, of Court of Appeals, 170, 180, 184; of County Courts, (length of,) 159; [see *Assembly.*]
 Settlement, 76; of Eastern Shore on the Delaware Bay, 83, 84; North of Accomac, 76; Patuxent, 63; Potomac, 68; [see also *Scots and Seaboard.*]
 Seven Mountains, the, 68.
 Severn, (Anne Arundel Co.) 74, 134, 212.

- Severn River, Ferry over the, 347, 358;
 Pirates suspected on, 193.
- Sewall, *Henry*, 73, 74, 75, 76; *Major Nicholas*, 94—97, 288, 290, 299, 311, 317, 335, and dispute about allowances to him, 388.
- Sewell, *Rev. Mr.* 156; *Mr. Secretary*, 220, 223.
- Sewell's Creek, 237.
- Sexton, John, 306.
- Seymour, John, appointed Governor, 161, and expected daily, 208.
- Shanks, John, 170, 172, 251, 252.
- Sharp. *Mr.* 144; *Peter*, 37; *William*, 114, 147, 180.
- Shawnee, (or Shananoë, or Shevanoë,) Indians, the, 180, 360, 393.
- Shays, William, 377.
- Sheep and Lambs, exportation of, 90.
- Sheppard, Capt. 128.
- Sherburne, the Ship, 203; trial of, 204.
- Sheriffs, 12, 13, 16—18, 33, 42, 43, 45, 46, 52, 71, 73, 74, 76—80, 84, 91, 92, 99, 103, 109, 110, 124, 127, 135, 136, 139—147, 150, 151, 171—173, 175, 181, 182, 184, 187, 201, 206, 208, 214, 218, 220, 221, 229, 231, 244, 299, 301, 335, 348, 368, 386, 393, 394; Absenting themselves from their Counties, 140, 148; Act against, (for not making returns of elections,) 342; Appointment of, 145, 360, 369, 370, (Act,) 404, works a forfeiture of seat in the L. House, 301; Bail to, 220, 373; Bonds of, (assignment of,) 184, 192, 206, 329, (suit upon,) 142, 144; Deputy, 133, 283; Desired not to summon Burgesses on account of the expense, 238; Duties of, (Act,) 403; Excessive charges on prisoners by, 383; Ex-officio, 332; Fees of, (Act concerning,) 40, 236, 383; Fine, for non-attendance of Burgesses, 236; Names of persons for, in all the Counties, 74, 124; in New Counties, 136; Oath of, 43; Prosecution of, 142; Residence of, required in their Counties while the fleet sails, 142; Security from, 66.
- Sherwood, Major Hugh, 326, 328.
- Ship, Ann of Newcastle, (piracy by,) 330; appeal from condemnation of a, 191; John of Weymouth, 89; Mary of London, 91; powder for the Public, 268, 369; S. Margaret, 14; William of Dover, 87.
- Ship-building in Maryland, 150, 181, 354, and encouragement of, 270.
- Ship-letters, 374, 379, 381, 385.
- Ship-masters, 128, 134, 136, 140, 142, 143, 154, 175, 190, 327, 349, 357, 362, 370; account on oath, required of, 362; security from, 360, 362, 386.
- Shipment of Goods, once entered, 18.
- Shipping, 129, 130, 133, 139, 140—142, 144, 149, 152, 154, 166, 169, 171, 175, 206, 207, 304, 305, 325, 345, 353, 357, 362, 369, 375, 378, 379, 383, 384, 386; encouragement of, (King's letter about,) 87.
- Shipping-duties, 282, restraint of the collection of Ld. Baltimore's, 336.
- Shipping-list, 144, 145, 147, 148, 151, 155, 164, 165, 180.
- Ships, 71; Act concerning, 39; forbidden to sail except in fleets, (Royal order,) 200; seizure of certain, 74, 87, 121, 122, 127, 132, 134, 140, 165, 171, 182, 183, 282, 283, 334; Trial of certain, 128, 143.
- Ships of War, 206; carrying off servants by Commanders of, 196.
- Shoulden, Jane, 38.
- Sickness, in the Province, 172, 391.
- Signers of an address to the King, 153.
- Sillingston, Mr. 100.
- Simpson, Mr. 66.
- Sinnondowane Indians, the, 281.
- Skins, importation of, (from Pennsylvania,) 356.
- Slander of Wife, not actionable, 224.
- Slandering and Tale-bearing, Act concerning, 39.
- Slave, petition against an Executor, 321.
- Slavery, unlawful detention in, 336.
- Slaves, Negro, 164, 170, 190, 206, 322, 339, 349, 358, 360, 370, 372; Act concerning, 224, 225, 275, 276, 332; Entry of four hundred and seventy-three, 391; Importation authorized of, 241, and duties thereon, 358; Clandestine importation, 132; Mar-

- riage of white women with, 225; forbidden to enlist as Volunteers, 224.
- Sloughton, Gov. (of Mass.) 155.
- Sluyter, *alias* Vorstman, the Rev. P. (a Dutch Minister,) 136.
- Slye, *Mr.* 71, 142, 149, 213, Commissioner to Virginia, 78; *Gerrard*, 151, 159, 164, 170—175, 178, 183, 370, 380, 386, 387, 391; articles against, 173, 179; conduct of, before the Council, 173; Fine of, 185, 187, and injunction upon the same, 198; narrative of, 180, and release on conditions, 180, 181; *Robert*, 35, 56, 74, 212, 225, 232, 308, made speaker, 220.
- Smallwood, Major James, 94, 123, 147, 191, 195, 284, 327, 330, 390.
- Smith, provision for such an artizan, 31, 63.
- Smith, *Mr.* 134, 337, 361; execution of one, 222.
- Smith, *Ann*, 14, 19, 139; *Henry*, 75, 91, 110, 168; *J.* 56; *James*, 19, 107, 360; *John*, 21, 36, 37, 56; *Katherine*, 21; *R.* 161; *Richard*, 175, 215, 225, 343, (Attorney General,) 57, 69, 118, 119, 135, 184; *Robert*, 49, 128, 133, 135, 182, 185, 191, 326, 339, 345, 374, 390; *Samuel*, 13, 17; *Thomas*, 11, 15, 390; *Major Walter*, 174, 176, 192, 390; *William*, 14, 19, 33, 224, 228, 230, 231, 390.
- Smithfield, William, 55.
- Smithson, Thomas, 154, 156, 159, 171, 390, 395; Chief-Justice of Provincial Court, 201, 380; his indebtedness to I'd. Baltimore, 171; Speaker, 171.
- Smoking in the State House, forbidden, 378.
- Smuggling of Rum from Penna. 207.
- Snow, *Abel*, 22; *Justinian*, 20—22; *Marmaduke*, 15, 20, 223—227, 229, 231.
- Snowhill, (Town of,) 344.
- Soame, Mr. 301.
- Soldiers, charge of, 49; encouragement of, (Act,) 216, 402; names of, 47; pay for, 30, 103, 117, 290; residence of, in the Province, (advice against permitting,) 386.
- Solicitor-General, 89, 367; residence of the, 139.
- Somerset County, 86, 91, 92, 99, 102, 103, 105, 108, 118, 124, 127, 134, 137, 138, 140, 143, 151—153, 167, 184, 192, 358, 376; Burgesses of, 302, 338, 381, their names, 232, 238, 245, 258, 327, 329, 356, non-appearance, 235, and seats contested, 238; Clerk of, 99; Commissioners of, 78, 85, 106, 113, 146, 147, 345; Conscription in, 80; constituted, 78; Court, 146; Court-House, 128, 345, 357, and grounds around it, 258; Coventry Parish in, 138; Election Returns from, 335, 337; Ferry from Nanticoke to, 244; Grand Jury of, 146; Grievances of, 143, 375, 376; Guns distributed in, 111; Illegal trade in, 139; Indians, 370; Justices of, 91, 147, 192; Notary of, 159; Ordinaries in, 382; Resurvey of Indian lands in, 372; Sheriff of, 80, 89, 113, 146, 172, 180, 192, 206, 267; Surveyor of, 158, 184; Towns in, 303.
- Sorcerer, condemnation of a, 259.
- South River, 74; Ferry over, 347.
- South Sassafras Parish, 156.
- Southron, Richard, 114.
- Sowter, Mr. 141.
- Spain, declaration of war against, 202.
- Span, Richard, 28.
- Spaniard, denization of a, 80.
- Spaniards, supplies forbidden to, 207.
- Speaker of the Lower House, 168, 171, 184, 215, 230, 243, 263—266, 289, 310, 311, 316, 325, 326, 329, 337—339, 346, 347, 353, 358, 362, 374, 379, 389, 390, 392, 395, 397; N. Blakiston elected, 327; K. Cheseldyne, 326, 353; Governor appointed, 214; Philemon Lloyd, 262, 288, 289; T. Notley, 225, 243, 245, 258; R. Preston, 215, 218; R. Slye, 220; R. Smith, 339; T. Smithson, 380; T. Taylor, 238.
- Specimens of money, sent, 71.
- Speeches of Lord Baltimore to the Assembly, 306, 307, 316, 317; the King's, 163; of the President, 317—319, 322, 335.
- Speed, John, 19.
- Spencer, Col. 254.

- Sperton, Joseph, 301, 302, 307, 308.
 Spesntiæ, 72, 73.
 Spinke, Henry, 28; slander of his wife, 223.
 Spratling, S. 275.
 Spurn, Nicholas, 204.
 Spurne, Mr. 72.
 Sprye, Oliver, 215.
 Squadron, list of Ships in, 155.
 Staff of Office, 393, 394.
 Stafford County, Virginia, 156.
 Staley, *Mr. Sheriff*, 206; *Thos.* 326, 390.
 Standard, the, 89; of Trade, &c. (money made the,) 320.
 Standards of Weight and Measure, 241, 351.
 Stanley, *Mr.* 232; *John*, 151, 177.
 Stansberry, Col. John, 267.
 Starkey, Lawrence, 53.
 State, of the Church, (to be seen in the Acts of Assembly,) 189; of the Government, 127, 189.
 State-House, 142, 143, 146, 147, 150, 224, 335; Accounts for, 382; Building of, 219, 228, 248, 250, 253, 256, 257, 355, 357, 359, 374, 376; Chimney in, (resolution against having a,) 359; Committee for building, 356; do. to assign office-rooms in, 357; do. to view, 369, 370, 374, 379; do. of L. House to visit, 250; Keepers of, 256; Land for the grounds of, 256; Locations of, (proposed,) 219; do. determined by the Governor, 249; Offices in, 356, 378; Payments for, 147; Purchase of houses in S. Mary's for, 232; Selection of, in S. Mary's, 248; Smoking prohibited in, 378; Visit of the Governor and Assembly to, 355, 380, 381.
 State-House, the old one at S. Mary's, 76, 131, 132, 228; converted into a Church and Court House, 350; ruinous condition of, 117, 285; leased as an Ordinary, 75, 228; Repairs of, 117, 118.
 State Paper Office, 3.
 Statute of Frauds, 153; of Penna. 171.
 Statutes, adoption of the English, 219, 246, 247, 372.
 Statutes at Large, 319.
 Stay of Execution, (Act,) 244.
 Staywell, Thomas, 215.
 Stealing a bodkin, case of, 36.
 Steel Yards, Act concerning, 245.
 Steine, Simon, 301.
 Stent, Thomas, 17.
 Stevens, *Mr.* 232; *David*, 37; *G.* 256; *Col. William*, 38, 86, 87, 88, 92, 262, 267, 280, 288, 295, 311, 335.
 Stevens' Creek, 237.
 Steward, the Governor's, 84.
 Stock of the Lord Proprietary, 31, 63.
 Stocks, setting up of, 376.
 Stockett, *Francis*, 72, 76, 213, 215; *Henry*, 266; *Lewis*, appointed Commander against the Indians, 76, 79; *Capt. Thomas*, 221.
 Stokely, *J.* 203; *Woodman*, 57.
 Stone, *John*, 123; *Matthew*, 36; *Thomas*, 30; *Col. William*, 30, 36, 38, 51, 56, 66, 67, 69, 70, 212, 402; *Gov. William*, 32, 33, 36, 51—53, 55, 400.
 Storehouse, requisiteness of a, 205.
 Stoves, Dutch, (for State House,) 356.
 Strays, 120.
 Striking, of Fish, 364, 365; of Officers, 39; of a False Witness, 32.
 Strong, Mr. 53.
 Sturman, John, 30.
 Stuyvesant, Petrus, 70.
 Style of the Acts of Assembly, message about, 332, 342, 343.
 Styles, Mr. 74.
 Subscriptions to the Church and Free-school, 168.
 Subsidy, 60.
 Succession to Intestates, 61.
 Sudden accidents in the Government, (Act providing for,) 59, 303, 311, 312.
 Suffragan Bishops, 345.
 Suits at Law, Act for avoidance of, 331: about boundaries, (prevention of,) 375, 376; Act for easement in, 253, 254; prevention of vexatious, 271, 273, 274.
 Sulby, Benjamin, 88.
 Summons, for Assembly, [see *Assembly*]; for Burgesses, (granted with condition,) 256; insertion of a *venire* in writ of, 386.
 Sumpter, Stephen, 100.

- Sumter, John, 330.
- Sunday, Act concerning, 39, 364; Arrests prohibited, on, 332; observance of, 322; negroes and others to be restrained from wandering on, 349.
- Supernumerary Taxables, 140.
- Superstitious Uses, returns of devises to, 180.
- Supplies for Ld. Baltimore, (Act,) 239.
- Support, of the Lord Proprietary, 31, 63, 240, 241, 313, 401; of Government, 61, 217, 403.
- Supremacy, Oath of, 184, 189; refusal of the L. House to take the, 326, 327.
- Surplus Revenue, disposition of the, 102.
- Surrender of the Government in presence of the Council, 183.
- Surveyor, 54, 96, 102, 105, 113, 118, 130, 132, 136, 152, 158, 168, 182, 228, 345, 347; Certificates of, 28, 54; County, 182; Deputy, 86, 91, 96, 118, 292, 329; Payment of, 179; Plats of, 182; of Ports, 194; Riding 158, 203; do. of the East'n Shore, 150.
- Surveyor of Customs, 150.
- Surveyor-General, 45, 67, 68, 71, 73, 84, 87, 90, 133, 182, 184, 220—222, 243, 248, 345; sworn as Councillor, 76; Limitation of actions against, 249; provided with a sloop, 84; of Customs in America, 128.
- Surveys, 66, 230; Certificate of, 27, 256, and alteration in the same, 242.
- Suspension of Officers, 115, 118, 185, 208; of Treasurer, 395.
- Suspicious Persons, seizure of, 136.
- Susquehannah, 48, 70, 73, 193; Ferry at, 134; Fort at, 78, 288; Interpreter at, 74.
- Susquehannah, (Susquehanogh, or Susquehannocks,) Indians, the, 46, 49, 111, 144, 161, 180, 252, 259, 381, 385, 387; Assistance to, 72, 79, 216, 245, 402; Captains of, 78, 221, 260; Joint Committee about, 215; Kings of, 172; Removal of, 260; Treaties with, 49, 53, 70, 78, 223, 224, 225, 360; War with, 249, 251; number of Warriors among, 221.
- Sussex County, Penna. 203.
- Swain, Capt. Thomas, 165.
- Swan Creek, 221.
- Swearing, (Act to punish,) 32, 38, 321, 364; conviction for, 36; distribution of books against, 368, 369.
- Sweatman, (or Sweetnams,) Captain Richard, 114, 257.
- Swede killed in battle, maintenance of the daughter of a, 288.
- Swedes ou Delaware Bay, Trade with the, 55.
- Swine, killing of, 47.
- Swinson, Mr. 242.
- Sword sold by a Soldier, 180.

T.

- Table of Contents, 7.
- Table of Fees, of the Council-office, 100, 103; to be posted in all Offices, 190.
- Tailer, Laurence, 163.
- Taking up of Land, (Act touching,) 61.
- Talbot County, 79, 105, 107, 110, 114, 136, 149, 206, 237; Burgesses of, 338, and their names, 225, 232, 238, 245, 258, 267, 327, 329, 335; Clerk of, 118, 120; Commission for the Peace in, 73; Commissioners of, 106, 239; Conscription in, 80; Court, 76, 77; Delegates of, 112; Election Returns from, 73, 338; Ferry from Kent to, 244; Justices of, 112, 122, 135, 143, 150, and their presentment, 169; No-
- tary of, 159; Ordinaries in, 382; Poll Tax for building a Church in, 347; Sheriff of, 73, 115, 133, 134, 180, 206, 329, 360, fraudulent levy by do. 239; St. Paul's Parish in, 135, 138.
- Talbot, *Col. George*, 262, 302; Expenses of his impeachment, 375, 376; Jail Fees of, 378; *Sir William*, Testamentary Judge, 86—88, 237.
- Tale-bearing and Slandering, (Act,) 39.
- Tall, Richard, 108.
- Taney, *John*, (a servant,) 37; *Michael*, 284, 314.
- Tanners, encouragement of, 74.
- Tare of Tobacco Hogsheads, complaint about the, 190.

- Tasker, Thomas, 133, 143, 167, 185, 190, 192, 197, 198, 326, 342, 351.
- Taverns, licensing of, 241.
- Taylard, Wm. 102, 108—110, 120, 136, 144, 173, 176, 326, 336, 390.
- Taylor. *John*, 72; *Thomas*, 85, 164, 212, 222, 232, 237, 245, 250, 254, 253, 262, 280, 288, 308. 312. 317, 320, 322; *W.* (Speaker,) 238; *William*, 97, 290.
- Taxables, (Act,) 403; Collection of Tobacco from, 130; English women working as field hands to be, 272—274; List of, 138, 139, 140, 144, 181, 253, 254, 289, 370, 381; Names of, 48; of P. George's Co. 204; Super-numerary, 140.
- Taxation, question as to the exemption of certain persons from, 370.
- Taxes, levied by Vestries, 187, 188; Payment of, 38; Poll, 33, 259, 266, 345, 347, 380, 403; Yearly, 259, 260.
- Tax-list, 134.
- Temporary Laws, list of, 48, 278, 286.
- Tenants, notice to, 49; ouster of, 186.
- Tench, *John*, 135, 137, 149; *Thomas*, 94—101, 103—105, 107, 108, 111—115, 118—123, 127, 129, 130, 133, 139, 149, 163, 165, 167, 181—183, 188, 189, 195, 199, 200, 201, 326, 337, 346, 347, 353, 354, 374, 379, 380, 390, appointed President by seniority, 201, Judge, 171; *Wm.* 121, 130.
- Tender Consciences, Bill for, 261, 275, Tender, Legal, 61.
- Tenwick, C. 218.
- Terms, of Chancery Court for the Eastern Shore, 142; of County Courts, 235, 247, 274, 315, 383.
- Test, the, subscription of, 119, 339; do. by Governor and Council, 118, 127.
- Testamentary Causes, 11, 60, 61; Judge, 83, 87, 244; Proceedings, (examination of Records,) 124.
- Teste of all Commissions, 201.
- Tetuckough, Treaty with King of, 70.
- Tfearme, Henry, 98.
- Thanks of Assembly voted to Rev. Dr. Pead for two Sermons, 304, 305.
- Thanksgiving Day, 136, 149, 180, 182, 357, 366; acquittal of Slye, it being, 183; (Anniversary,) for the birth of the Prince, 322, 323; in Annapolis, 391, different from the rest of the Province, 205; for Defeat of the invasion of England by the French, 143; Proclamation of, 100, 137—139, 142, 196, 205, 386; for a Victory over the French, (proposed,) 100.
- Theckston, Thomas, 334.
- Thimblely, John, 53.
- Thomas, *Mr.* 67, 168; *Col. John*, 97, 131, 143, 198; *Philip*, 226; *Wm.* 250.
- Thomas' Point, Ferry from Kent Co. to, 244.
- Thompson, *George*, 66; *Henry*, 109; *Col. J.* 154, 393, 394; *Jesse*, 331; *John*, 109, 133, 146, 147, 157, 159, 167, 180, 198; *Richard*, 13, 17, 46, 47; *William*, 66.
- Thomson, John, 390.
- Thornborough, Mr. 30, 33.
- Thorne, 75.
- Thorngood, 75, 225.
- Thoroughford, Mr. 232.
- Thoroughgood, Cyprian, 16—19, 45.
- Thurston, Thomas, 68, 69, 97, 100; Banishment of, and harboring of, forbidden, 70; (a Quaker,) 318.
- Tilghman, *Capt.* 172, 377, accused of seditious words, 75; *Dr. Richard*, (Sheriff,) 239, 240, 242, 390.
- Tillage, encouragement of, 282, 286, 287, 299, 322.
- Tilley, Joseph, 194, 283, 299, 335.
- Tilman, John Hans, 150, 163.
- Title, to Church Lands, 374, 377, 378; to Lands, (petition for confirmation,) 266; to Town-lots in Annapolis, 354.
- Titles of Laws passed, 31—33, 38—40, 59—63, 217, 221, 222, 241, 258, 262, 311—313, 315, 337, 347, 400—404.
- Tobacco, 60, 151, 227, 252, 255, 276, 290, 292, 324, 354, 389; Act of Province of Carolina about, 79; Bulk, 208, 320—322, 324, 338, 339, 345; for the Church at Annapolis, 146, 361, 369, 370, 372, 377; Clearance of, for exportation, 75; Collection of, 274; Commission to Virginia about planting, 67, 78; County charges to be levied in, 241; Customs on, 213,

- 351, 352, 357, 358, allowed to Lord Baltimore, 309, but declined by him, 314, do. appropriated for Church in Annapolis, 372, do. for Governor's salary, 240, 250, Collector of do. 342, do. on Exportations to the Dutch Settlements, 69; Excessive levy of, (by Sheriffs,) 239; Executions upon, 61, 313; Exportation of, 48, 140; Fines paid in, 26, 28; Losses of, (at Sea,) 354; Packing of, 280, 281; Payment of levies in money instead of, and results of the system, 198; Payment over of, (by Sheriffs,) 147, 172; the Public, 180; Securing of, 332; Seizure of, (by Sheriffs,) 220, 252, 253, 283, 284, 332; as Servants hire, 16; Shipments of, 133, 138; Sold, to be brought to the water-side, 246.
- Tobacco Hogsheads, 133, 284, 285, 287—289, 295, 305, 307; guage of, 56, 139, 401.
- Tobacco Trade of the Country, 344.
- Tobacco Warehouses, 277, 339.
- Todd, Mr. 258.
- Tollard, Edward, 206.
- Tom, Esquire, 147, 156.
- Town Lands, building upon, 80.
- Towns, 320, 324; Commissioners for, 302, 303; Proclamations for, 319; Selection of places for, 300, 302, 303, 306, 314, 325, 344, and do. recommended to Ld. Baltimore, 294.
- Trade, Act of, 142, 148, 153, 191, 313, 366.
- Trade, advancement of, (Act,) 230, 238, 294—297, 299, 300, 303, 306—308, 316, 322, and suggestion that an Act about Ports should be entitled an Act for do. 292; Board of, 144, 375; with Choptank, 165; Committee of, 67, 132, 160; Council of, 145, 150, 155, 157, 159, 161; with the Eastern Shore, 87; with the French in Canada, 207; with the Governments of N. America, 143; illegal suppression of, 139, 186, 189, 194; with the Indians, 13, 14, 17, 43, 44, 227, 281, 282, 284—287, 294—298, 401, Bond against do. 18, do. forbidden without license, 73, license for do. 15, 18, 22, 42—44, 68, 70, 74—78, 81, 87, 90, 91, 119, message to the Governor of N. York to deny do. 281; License for, 44; Laws to be transmitted to Lords of, 393, 394; Oath of, 129, 136, 183; with Pennsylvania, 133, 352, 356, 385, 387; Persons in, (subscriptions from,) 168; Petition about, 357, 362; Plantation, 142; the Scots' Act of, 366; with the Swedes, 55; through Virginia and Pennsylvania, (duties on,) 352.
- Traders with the Indians, attack and seizure of, 44, 81, 144.
- Tradesmen, inviting in of. 320.
- Trading and Gaming with Servants, 222.
- Training of the Militia, 122, 172.
- Transcribing, of the Laws, 176, 231, 304, 316; of Vestry Acts, 187.
- Transcripts, of Accounts, 187; of Assembly-Journals, to be deposited in the Secretary's Office, and also sent to England, 184; of Records, 118, 308.
- Transfer of Parishes, petition of Clergymen for, 204.
- Transmission of the Public Acc. 202.
- Transport of Arms, 287.
- Transportation, for Felony, 101; of a negro for a crime, 95.
- Transquakin, the King of, (Treaty with,) 70.
- Transubstantiation-test, the, 124.
- Traps, cutting of Indian, (by the English,) 195.
- Travelling without Passes, forbidden, 136.
- Treasonable Words, 123.
- Treasurer, 144, 151, 159, 359, 372; Accounts of, 171, 178, 354, 374, 384, 387, 395; Choice of, 43, 98; for the Eastern Shore, 207, 361, 387, 395; for the Western Shore, 178, 361, 384, 385, 395, complained of, by Council, 384.
- Treasury, instructions about, 48; [see *Lords.*]
- Treaty with the Indians, 40, 70, 107, 112, 123, 161, 223—225, 227, 228, 282, 283, 285, 289, 328—330, 335, 360, 392, 393.

Trespasses by the Indians, 39.
 Trials, (Act,) 61; before the Assembly, 15, 216; at Law, (Act,) 149, 216.
 Triennial Assemblies, 38.
 Trippe, Henry, 238, 239, 243, 245, 258, 326.
 Tripps, Capt. 164.
 Troop of Horse, 92, 255, 257, and expense of the same, 254.
 Truman, *Major*, (impeached, convicted and attainted,) 251—257; *Thomas*, 66, 77, 215, 225, 232, 237, 243, 245, 258, 301, and Petition of negro against his Executors, 321.

Trustees, of the Cool Springs, 187; of the Free School, 376.
 Tuberville, Mr. 110.
 Tubman, *Mr.* 164; *George*, 184, 188, accused of bigamy, 182.
 Tully, Mr. 238.
 Tunnel, Thomas, 36, 66.
 Turkeys, 382.
 Turner, Edward, 284.
 Tytheables, 76, 77, 88, 92; lists of, 74, 154, 309; number and assessment of, 79; in S. Mary's Co. 79; Supernumerary, 144; [see also *Taxables*.]
 Tythman, Dr. Richard, 247.

U.

Uncertain Goods, (Act concerning,) 59.
 Undecked Vessels, entry of, 92.
 Under-Sheriff, 17.
 Ungle, Robert, 115.
 Unlading and Selling Goods, places for, 80, 88.
 Universities, bringing up of Indian youths in, 379.
 Upper House of Assembly, the, 212, 214—216, 219, 220, 225, 229, 240; Abuse of a Member of, 330; accuses the Lower House of artifice, 230; Affront offered to, (by R. Hall,) in commanding the accounts of, 269; its approval of the Governor's course towards the L. House, 389; Breach of Privilege of, (in the Lower House urging a Bill,) 257; Charge of, 222, and vote of the Lower House that it ought not to be borne by the Public, 296; Clerk of, 236, 237, 242, 245, 258, 262, 296, 300, 317, 336; Crier of, 124, 263; Denial by the Burgesses that the Governor and Council were an, 214; disputes with the L. House, 230, 233, 234, 388, 389, about the imposition of Fees, 333, and about the latter not taking the Oath of Fealty, 317, 318; Door-keeper of, (messages to be sent by the,) 291; Entertainment of, by the Governor, (a present towards the,) 261; Expenses of, 388; Indignation of the Lower House at a notice set on their

door by the, 358; Journal of, 212, 404; Judges of the Provincial Court, 277; Members of, wearing swords, refused admission into the L. House, 291, 293; Messages from, to the L. House, 275, requiring the L. House to expunge certain votes, 233, and answer thereto, 234, do. about the representation of the Counties, 266, 267, do. saying that the Low. House had from custom no rights contrary to the Laws of England, 385, do. that a message of the L. House was too peremptory, 287, do. sent by a special messenger and refused by the Lower House, 291, 292; Proceedings about Cood, 268, 269; Reception of the Burgesses' declaration of rights by, 214; its Right to apportion the Public Levies denied, 361, 389; Roll of, 212, 220, 225, 232, 237, 243, 245, 258, 262, 280, 288, 299, 300, 311, 317, 326, 337, 346, 347, 351, 355, 362, 365, 374, 379, 380, 390, 402; its Sessions as a Court, 316, and as a Criminal Court, 241, 336; votes that no member of the Lower House be admitted with his hat on, 292; weary of waiting to adjourn, 263.
 Usury, Act against excessive, 315.
 Utie, *George*, 215, 225, 232; *Nathaniel*, 68—73, 212, 214, 224, 249, 402, sent to the Dutch, 70, and Commissioner to Virginia, 78.

V.

- Vacancies, in the Council, 165, 185, and filling of the same, 148; in House of Burgesses, 134; in Sheriffs' Offices, (filled by the Judges,) 369, 370.
- Vagabonds, Quaker, (ordered to be whipped out of the Province,) 70.
- Valiant, John, 135.
- Validity of the Laws, 308, 309, 314, 315.
- Vandan, Francis, 57.
- Vanderheyden, Matthias, 96, 146, 155, 180.
- Vanhack, *Mr.* 240, 245; *Sarah*, a Protestant, brought up among Catholics, (petition about,) 324, 325.
- Van Has, Abraham, 73.
- Van Laik, *Mr.* 232, 238.
- Van Swearingen, *Garret*, 104, 110, 129, 151, 269, 275, 278, 279, 301, 309, 343; *Mrs.* 169, 170.
- Vaughan, *Captain*, 50; *Edward*, 55; *Robert*, 11, 21, 26, 31, 42, 47, 51, 53, 400; his commission vacated, 54; his retraction and pardon, 52; *Serjt.* 18.
- Venire, inserted in summons, 386.
- Venour, J. 178.
- Vernon, *Christopher*, 159, 177; *James*, 161, do. Secretary, 194.
- Vessels for the War, 54.
- Vestries, 133, 135, 139, 141, 142, 144, 151; Accounts of, (sent to England,) 200; Act authorizing a tax for Church repairs by, 187; Clerks of, (registry of Marriages, &c. to be kept by,) 349; care of Libraries by, 369; Proceedings of, 135; Prosecutions of, 135, 138, 142, 188; Refusal to levy a certain poll-tax, by, 188; Returns of, 128, 141, 146, 181, 293, 356, 369; of S. Paul's Parish, Kent, 382; of do. Talbot, 135, 138; Transcript of Acts relating to, 187.
- Vestrymen, 142, 154,
- Veto of the Act of Religion by the King, 194, 195.
- Vexatious Suits, prevention of, 271, 273, 274.
- Vice-Admiral, 123, 127.
- Vice-Admiralty Court, 149, 152, 161; Judge of, 157, 204; Marshal of, 157; Register of, 157.
- Victory over the French, 100; a party stealing a public packet, discharged on account of the, 100; House of Burgesses invited by the Governor to drink the King's health in honor of a, 353; Thanksgiving Day for the, 100, 137.
- Viewer's Oath, 60.
- Virginia and Maryland, Boundaries between, 87.
- Virginia, 16, 18, 27, 145, 146, 150, 158, 178, 196; College in, 128, 377; Commissioners to, 67, 75, 76, 114, 252, do. to treat about Tobacco with, 67, 78; Committee to, 147, 148, 149; Commodore in, 143; Corn sent to, 149; Demand of an Indian from, 274; Deposition about coming from, 29; Duties on Trade through, 352; European goods sent to, 369; Example of, (as to representation in the Lower House,) 265; Flight of Indians to, 191; Fugitives from, 27, 37, 254, and to, 99, 105, 141, 360; Governor of, 46, 50, 57, 72, 75, 99, 108, 111—114, 141—143, 145, 147, 149, 155, 171, 172, 177, 179, 186, 202—204, 328, 393, demand of books and papers carried off by a fugitive from do. 329, letter from the Privy Council to do. 77, Fra. Nicholson appointed do. 186, 390, Proclamation by do. 32, 57, 177, visit of do. 338; Governor and Council of, (proceedings,) 196; Importation of horses from, 250; Indians in, 158, 281, 285, 381, 384; Indian murders in, 147, 156, 196, 197; Lands entered in the Office of, 84; Laws of, (copy of,) 339; Letters to, 98, 108, 110, 111, 113, 114; Patents, 89; Pay of Councillors in, (asked for information,) 345; Quota of, 152; Rebels in, (proclamation against,) 51; Remittances to New

- York from, (account of,) 136; Sailing of fleets from, 129; Servants in, 89; flight of a Sheriff with books and papers from Maryland to, 329; Visit of the Governor to, 146.
- Virginians trading with the Eastern Shore, 87.
- Volunteers, Slaves forbidden to enlist as, 224.
- Votes of the Low. House, Upper House demand the expunging of certain, 233, 234.
- Voting, disqualification from, 72, 255, 263.

W.

- Wade, Zachary, 213, 225.
- Waffle, William, 21.
- Wager, Commadore, 140.
- Wages, of Artificers, 60; petitioned for, 183; of Servants, 16.
- Walbridge, James, 12.
- Waldron, Resolved, accredited by P. Stuyvesant, 70.
- Walker, Thomas, 89.
- Walton, Roger, 14.
- Wampum, present of, (to the Governor from the Nauticokes,) 174.
- War, to aid the Susquehannahs, (Act,) 402; Act concerning the levying of, 235, 236, 304, 306, 309, 315, 400; with France and Spain, 202; with the Indians, 39; with the Senecas, (proclamation,) 77; inquiry of the Lower House for the law empowering Ld. Baltimore to levy, 306.
- Ward, *Mr.* 258; *Henry*, 226, 265, and punishment of, 253.
- Ware, William, 329.
- Warfield, Richard, 332.
- Warehouses, space left in Annapolis for, 357; for Tobacco, (to be built,) 277, 339
- Waring, Sampson, 35, 212.
- Warner, Mr. 329, 334.
- Warrant, for notorious crimes, 149; to Ld. Baltimore for suppression of opposition, 56; of Resurvey, 102, 103, 108, 119, 120, 138, petitioned against, 102; [see *Proclamation.*]
- Warrants, 11, 13, 26, 27, 33, 53, 59, 60, 62, 68, 72, 80, 99, 133, 134, 135, 153, 163, 173, 177, 191, 213, 342, 365, 366, 369.
- Warring, Capt. 56, 72, 73.
- Washtell, William, 20.
- Wassel, William, 22.
- Waterman, Nicholas, 97, 102.
- Water-mill, 107, and encouragement of such structures, 236.
- Waters, J. 139.
- Waterton, Mr. 238, 245.
- Wathen, John, 144.
- Watkins' Point, Commissioner to settle the location of, 77.
- Watkins, *Samuel*, 159, 391; *T.* 164, 180, 182, 183, 367.
- Watson, John, 326.
- Watts, *Captain*, 283, 284; *George*, 251.
- Waughkop, Mr. 390.
- Weather, severity of the, 150, 154, 163.
- Weaver, Thomas, letter from New York asking the apprehension of, 202.
- Webb, William, 158.
- Webber, Capt. (*Mayflower*,) 55.
- Weedon, James, 86, 88, 92.
- Wegginer, Captain, 171.
- Weights and Measures, 39, 222, 241, 349, 351.
- Welch, James, 348.
- Weld, Mr. 258.
- Well, Public, (at Annapolis,) 357.
- Wells, *Col.* 134; *Mr.* 36, 73, 258; *S.* 254; *Toby*, 233.
- Wesley, William, 21.
- West, John, 113, 141, 145, 147, 148, 151, 157, 164.
- Western Branch, the, 271; of the Patuxent, 290.
- Western Shore, Judge of Admiralty for the, 132, 182; Marshal of Admiralty Court for the, 136; Indians on the, 139, 198; Treasurer for, 178, 361, 384, 385, 395.
- Westley, Mr. 21.
- Weston, Thomas, 24, 49, 52.
- Westwood, (*S. Mary's*,) 123.
- Whales, 137.

- Wharton, Dr. Jesse, 245, 250, 258.
 Wheatley, Arthur, 144.
 Wheeler, *Samuel*, 326; *William*, 115.
 Whight, Nicholas, 53.
 Whipping, 38; of a drunken man for scandalizing the Assembly, 231; for mutinous speeches, 26, 28; of servant for abusing his master, 37.
 Whipping Post, setting up of a, 376, 382.
 White, *Jerome*, Surveyor-General, 76, 83, 84, 220, 223, 232; *John*, 267; *Thomas*, 14, 19.
 White Women, punished for intermarrying with Slaves, 225; taxable as field hands, 272—274.
 Whitehall, (in the Province,) 42; (in England,) 157.
 Whitehead, Mary, 15, 16.
 Whitehorn, Mr. 160.
 Whitlock, Mr. 67.
 Whittington, *John*, 390; *Major William*, 137, 146, 326, 338, 358, 376, 379, 393, 394.
 Whitton, Jane, 37.
 Whitworth, S. 144.
 Whole Duty of Man, proposed appropriation for purchase of copies of the work entitled, 368, 369.
 Whoredom, Act to punish, 321.
 Whorekill, 84; President of the, 156.
 Wicocomaco, Conference of the Commissioners of Maryland and Virginia at, 75.
 Wicksa, Joseph, 72, 212, 232, 238, 245, 258.
 Wicomes Indians, the, 46, 50, 79.
 Wicomico, (or Wicomaco,) 67, 68, 171; Church at, 142.
 Wicomico Indians, the, 28, 237.
 Wicomico, (or Wighcocomico,) River, 33, 68, 76, 350; inquiry about the battle on the, 15.
 Widdington, Mr. 67.
 Widows, provision for the care of, 66.
 Wife, sep. maintenance granted to, 38.
 Wight, John, 174.
 Wild Cattle, killing of, 55, 222, 403; taking of, by the Rangers, 134.
 Wild-hogs, Proclamation revoking license to kill, 53, 54.
 Wild-horses, 147.
 Wilkins, Mr. 164.
 Wilkinson, Rev. William, 36, 38.
 Will, nuncupative, (probate of, by witnesses,) 16, 19, 20.
 William, King, (an alleged traitor,) 114.
 William and Mary College, ill will of Sir E. Andros towards, 132.
 William and Mary Parish, S. Mary's, 142.
 Williams, George, 358.
 Williamstadt, (now Oxford,) 133—136, 164, 350, 355, 356, 358, 360; encouragement of, 137; Island at, 352; laid out, 135, 138; Map of Port of, 353.
 Willis, *J.* 179; *William*, (of Barbadoes,) 164.
 Wills, Recorder (Register) of, 66; Registry of, (incomplete,) 117.
 Wilmer, *Mr.* (report of,) 136; *S.* 390.
 Wilson, *Mr.* and wife, 175; *Capt.* (a disturber,) 386; *E.* 142; *Jonathan*, 124.
 Wincoll, John, 335.
 Wind-mill, 66.
 Wines, rates and prices of, 242.
 Winn, Edward, (Attorney General,) 327, 332.
 Winterbotham, *J.* 111; *Mr.* 14.
 Wintour, *Capt.* 15, 16, 22; *Robert*, 12, 13, 16, 21, 43.
 Wiseman, Robert, 55.
 Witchcraft, condemnation for, 259.
 Withers, *Mr.* 67, 135, 144, 232; *Samuel*, 105.
 Witter, Thomas, 271.
 Wolves, killing of, 39, 40, 236, 244, 246, 310, 311, 313, 315, 401.
 Wolves' Heads, pay for, (included in the levy,) 79.
 Wood, duties levied on N. England, 349.
 Wood, Henry, 21, 22.
 Woodcock, John, 111.
 Woodenware, importation of, 375, 376.
 Woodman, Mr. 56.
 Wool, exportation of, 222.
 Woolford, Mr. 238, 245, 258.
 Woolman, Richard, 180, 212, 232, 238, 245, 258, 267.
 Worcester County, boundaries, establishment and officers of, 90.
 Work on the State House, overseer of, 147.

- Workman, Mr. 375, 376, 378; intended devise for a Free-school by, 360.
- Workmen at the State House, 146.
- Worship of ALMIGHTY GOD, Act for the, 363, 364.
- Worthington, *John*, 96; *Samuel*, 141, 149, 151.
- Wrecks, 43, 134, 135.
- Wright, *Francis*, 221, 223, 237, 245, 258; *John*, 390.
- Wriothesley, H. 141, 177.
- Writs, 67, 70, 89, 172, 401; authority to issue, 28, 51, 55; recalled, 50, 51; to be issued in the name of Parliament, 54.
- Writs of Election, review of, (asked,) 215.
- Writs of Error, 37, 128, 223, 224, 247, 277, 279, 285, 291, 311, 336.
- Wroth, James, 334.
- Wyvill, William, 152, 158, 203.

X.

- X., Land Record Book, 246. | X., Liber, 163.

Y.

- Y., Liber, 400.
- Yard, Mr. 188, 189.
- Yardley, Col. 53, 55.
- Yeas and Nays, upon an Address to the King, 387.
- Yore, Joseph, 309.
- Young, *J.* 111, 175, 225; *Jacob*, 271, 289, 292, 304, 308, 331, 333, exiled, 309, 310, 313, Fees allowed, 311, his impeachment, 293, 295—299, 301, 303, his sentence, (imprisonment during pleasure,) 303, 304, to give bond and appear at every Assembly, 305, his Trial, as an inciter of the Indians, 291, 295, his Wife's petition, that his irons be taken off, 307; *Samuel*, 96, 198, 390.

Z.

- Z., (old) Liber, 11. | 314; Fort at, 270, Garrison at do. 290.
- Zachari, Indian Town of, 284.
- Zachariah, (or Zachaia,) Swamp, 265, | Zeag Indians, the, 226.



