

acquaint our Council with, that in Case of the absence or death of our Leiv^{ts} Gov^r for the time being the first p^{son} of our Council then living and actually resideing in our said Province of Maryland And upon his death or Absence the next p^{son} of our said Council actually living & residing as af^d successively shall Imediately take upon him the Government of our said province and shall with the advice & Consent of our Council for the time being Execute the powers and Authorities which were or shall be given to such Governour in Relation to the Government untill the Return of such Governour if absent or untill our pleasure be further known therein. U. H. J. p. 12

5th And we do hereby Impower the President of our Council who dureing the Absence or upon the death of our Leiv^{ts} Gov^r shall take upon him the Governm^t as af^d to demand and take of our receiver Generall dureing his Administration out of such mony as shall be raised by Vertue of the af^d Acts ascertaining the Gauge & Tare of Tobacco hogsheads &c. the Sume of five hundred pounds p ^{annum} And our Receiver General is directed to pay it accordingly.

His Excellency Declares to this house that he is Comanded by the Lord Propry to swear M^r Henry Lowe a member of his Lordships honb^{le} Council in the Room of Thomas Greenfield Esq^r dec^d

Whereupon the said M^r Lowe being sent for appears and takes the severall Oaths appointed to be taken by the Act of Assembly of this province, and also the usual Oath of a Councillor & Takes his place.

His Excellency Communicates to this house an Article of their Lordships Instructions to him, Viz.

Article 13. Whereas in the Act made last Sessions of Assembly entituled An Act for the better security of the peace & Safety of his Lordships Government and the Protestant Interest within this Province there are these words following. p. 13

That no p^{son} or p^{sons} whatsoever shall be Capable of holding Executing & Enjoying any office Deputation or Trust within this Province whatsoever shall presume to Execute or Injoy any such Office Deputation or Trust Contrary to the True intent & meaning of this present Act, the Comission Deputation or Authority of such p^{son} or p^{sons} is made Void and he or they are to Suffer the penalties as by the said Act is declared

which words to some seems so gencral that they think the trusts Authorities or Powers granted between man & man in