

daughter, entered a claim to a number of horses that were running wild and annoying the Indians at Port Tobacco, and damaging their fields of grain. The court ordered the colonists to aid the Indians in making a stockaded pound where stray animals might be held until their owners paid for any damage done by them (page 139). There is one reference to an Indian slave (page 495).

A number of cases came before the court involving disputes between indentured servants and their masters, and cases of alleged cruelty of masters to servants. At the March, 1663, session, an interesting account is given of a strike among the servants of no less a personage than Richard Preston on his Patuxent plantation, because they were expected to do hard work on a ration of beans and bread without meat. The court does not seem to have sympathized very much with them on this ground, as they were sentenced to be flogged with thirty lashes each, but upon craving forgiveness of their master in open court the penalty was suspended (pages 8-10).

A case presenting considerable human interest was that involving a young girl named Hester Nicholds. Hester, who had been born in the province, was indentured as a servant in 1659, when ten or eleven years old, by her father John Nicholds, an impoverished planter, to Thomas Cornwallis, one of the founders of Maryland and a man of the highest standing. Cornwallis and his wife went to England a few months later, and the girl was then sold with his other servants to Thomas Nuthall. At the February, 1662, session of the Provincial Court, the father of the girl asked to have the indenture cancelled and Hester released, asserting that Cornwallis had violated his promises that she would be treated as if she were his own child and only be required to wait on his wife, and that she would be taught to read and sew, but that instead of this she had been sold to Nuthall as an ordinary indentured servant. One of the witnesses who testified in behalf of Hester was a certain Edward West. Nuthall was represented by his attorney Daniel Clocker. The case was tried before a jury which decided that the contract had been violated, and the court ordered that the girl be released (Arch. Md. XLI; 515-516). Cornwallis then appealed the case to the General Assembly, and it was tried September 18, 1663, before the Upper House. He was represented by William Calvert, his attorney, who requested a rehearing on the ground of error. Cornwallis declared that the girl had been bound by an ordinary indenture and that he had made no promises as to the kind of service that she was to perform, that he had taken her very reluctantly out of pity for her and her father, as she was a "rude raw ill bred child" not fit for his wife to take to England as an attendant, where good maids were plentiful. He adds that West, the only witness at the trial, testified falsely as he wished to marry the girl. He asks that the case be sent back to be retried in the Provincial Court, sitting at a court of chancery, on the ground that, involving as it did the interpretation of a contract, it should not have been tried before a jury, and the Upper House so ordered (Arch. Md. I; 463-466, 481). The record of the rehearing is to be found in this volume. Sitting as a court of chancery the case came before the Provincial Court at its February 11, 1664, session, when Cornwallis was represented by Josias Fendall