

which Bateman's part of Resurrection Manor was valued at 65,000 pounds of tobacco (£431—5—0) (*Arch. Md. XLIX*, 362, 367). The executrix, for whose benefit the suit by her mother on the bond had been instituted, promptly confessed judgment, and the court ordered a writ of execution to be issued against the estate for \$2000, the amount of the bond (*Arch. Md. XLIX*, 291-294). Up to this point all seemed to be going well for the plaintiff and her daughter, as this put them in the position of preferred creditors against the estate. But a new contestant was now to enter the scene.

Henry Scarburgh (Scarborough) of London, merchant, and later of North Waltham, Norfolk, presented a petition to Cecilius, Lord Baltimore, which the latter referred to his Maryland court, in which it was alleged that John Bateman, who died leaving a considerable estate, was indebted to him for great sums of money, but that his widow and executrix, Mary Bateman, had had the estate undervalued in order to effect the forfeiture of the £2000 bond and thus defraud him and the other creditors of the estate. He prayed that the court order a new appraisal, and this was accordingly done on January 14, 1664/5, and three auditors were appointed to bring in a re-appraisal and a statement of the assets and liabilities of the estate (*Arch. Md. XLIX*, 352-354, 363). This account dated April 5, 1666, showed a very slight increase in the appraisal, with real and personal property now valued at 142,606 pounds of tobacco, and debts of 174,140 paid by the executrix, and indicated overpayments by Mary of 31,534 pounds of tobacco (pp. 45-54). As an inventory of the possessions of a well-to-do planter of the period it is in itself of considerable interest.

Ignoring Scarburgh's charges of fraud, the court on April 5, 1666, accepted the widow's account, and ordered that a *quietus est* be issued to prevent her further annoyance in the settlement of the estate (p. 54). This court order was followed the next day by a proclamation by Governor Charles Calvert that should anyone thereafter seek to bring suit against Mary in any court that the *quietus est* be a "sufficient plea in Barre" to such suit (p. 106).

This *quietus est* would seem to have put the widow in an impregnable position, but it was not so to be, for Scarburgh appealed directly to Cecilius Calvert, the Lord Proprietary, in England. On June 9th, 1668, lengthy instructions, legal opinions, and orders were received in Maryland from Cecilius Calvert, completely upsetting the actions of the Provincial Court. These were addressed to Governor Charles Calvert, Chancellor Philip Calvert, and the Council and Judges of the Provincial Court, and cover seven pages of this printed record. The instructions from Cecilius Calvert did not direct a rehearing in the Provincial Court, or an appeal to the Upper House, or an appeal to the Privy Council in England, but were in the form of a direct judicial order from the Lord Proprietary.

Scarburgh had submitted a petition to Cecilius, praying redress, together with copies of all the proceedings in the Maryland courts relating to the Bateman estate. These had then been referred by the Proprietary for a legal opinion to "Richard Langhorne of the Inner Temple London Esq. his Lopps Councell learned in the Law". The petition, Langhorne's opinion, and the Proprietary's order in the case, are also all entered in this record (pp. 335-342).