

## ORPHANS

So few references are found to *orphans* and orphans' estates in the nine years covered by this record, that one wonders if a separate entry book for such matters may not have been since lost, as acts of the Assembly specifically provided that at least one session a year "for orphans", preferably in June, be held (*Arch. Md.* LIII, xxxvii). Mention may be found of a few instances where very young orphans had been bound out until of age, in one case to a godfather (p. 497). When children of upper class planters were left orphans, where there was sufficient estate to care for them, other provision seems to have been made for them by the court. Thus, when Arthur Turner's five children were left orphans in 1667, the youngest was then only about a month old. The Turner family was broken up and prominent men were appointed guardians for them. Arthur, the eldest son, chose as his guardian, Josias Fendall, a former Governor. The second son chose Walter Beane, a justice of the court; the third son, James Bolling, a prominent planter; Ann, a daughter, was apprenticed until sixteen years old to William Marshall, until recently one of the justices, to "remaine with him unless married" until she was twenty-one. The youngest, a month old infant, was put out to nurse with Susanna Taylor, who was allowed 800 pounds of tobacco if the child died within six months, with 800 pounds more if he died between the ages of six and eighteen months. That all did not go well with these arrangements, and apparently also with Turner's estate, is shown by the fact that soon afterwards some of the guardians were changed, and provision was made for the care of certain of the children in the county levy (pp. 106, 142, 144, 229, 230). It may be recalled that Turner, some six years before, had appeared in a most unpleasant role in a bastardy case in which the mother of the child, Lucy Stratton, his servant, preferred a whipping to marriage with him, on the ground that "hee was a lustful, very lustful man" (*Arch. Md.* LIII, xxviii-xxix).

## APPEALS

There are six instances noted in this record in which *appeals* from the Charles County Court to the Provincial Court were asked. As described in a former volume of the *Archives* (LIII, xxiv-xxv), there were four methods by which cases in the county courts might be removed to the Provincial Court, to which the interested reader is referred. In five of these six instances in which appeals were asked the cases seem to have been referred to the higher court by a direct appeal entered in the Charles County Court at the time of the trial. In the one instance in which an appeal was denied, it is to be noted that one of the justices dissented from the refusal of the lower court to grant an appeal.

The suit of the administrators of the estate of Dr. John (Jacob) Lumbrozo against Richard Dodd for a debt of 400 pounds of tobacco for rum and sugar, was heard at the November, 1667, court. As the plaintiffs could not produce their books of account, which had been lost, the court gave judgment against the plaintiffs, because their suit was "not justlie proved by one single evidence." The plaintiffs then craved an appeal to the Provincial Court, which the county