

court overruled, notwithstanding the fact that "M^r Will. Marshall assenteth not to th^e over-ruling of the appeale but is of opinion that there ought to be an appeale" (pp. 48-49). It is to be noted that on a former occasion in 1664, Justice Marshall dissented from an opinion by all the other members of the Charles County Court (*Arch. Md.* LIII, p. 515). Dissents were most unusual in the county courts.

There was an appeal taken in a case heard at the September, 1667, court, in which an indentured servant was given his freedom by a jury in the Charles County Court. This was the case of David Ralston against his master, Daniel Johnson, which involved a demand by the latter for additional time of Ralston's servitude, which had been lost when, it was claimed, he had been a runaway from a former master. An appeal to the Provincial Court craved by Johnson was granted, but was not prosecuted by him (pp. 108-110). The case is discussed in some length in another section of this Introduction (pp. xxxvi-xxxvii).

Appeals were entered by the defendant at the January, 1667/8, court, in two suits involving money due for building construction by Thomas Alcocks, a carpenter, against George Thompson, late clerk of the Charles County Court. These appeals to the Provincial Court were granted to Thompson, apparently before the county court had heard and given judgment in the two cases (pp. 113-114). As the cases were never heard in the Provincial Court, nor did they come up again in the county court, it is to be presumed that they were "composed", or settled out of court. Both suits, which were for payments due for buildings constructed by Alcocks for Thompson, are of considerable interest to students of Colonial architecture and building. They are more fully discussed from this standpoint in another section (xlvi-xlvii).

At the June, 1668, court, the suit of Robert Sampson against William Thomas was heard. Sampson, in a plea of detinue, sued Thomas for 1500 pounds of tobacco, claimed to be due him for sundry goods sold to Thomas. After hearing the evidence, a jury gave their verdict for the defendant, who was represented by his attorney, William Calvert of St. Mary's. The plaintiff, represented by Henry Neale, entered an appeal (pp. 135, 138). As nothing further is heard of the case, in either the Provincial Court or the Charles County Court, it was presumably settled out of court.

At this same June, 1668, court, Walter Peake (Pake) of St. Mary's County, sued Miles Chaffe, who he said, was a "Nonresident person" for a debt of 795 pounds of tobacco and damages, on a bill for debt which was not yet due. Peake, represented by his attorney, William Price, asked that Chaffe, as a nonresident, be compelled to give security. The defendant denied that he was a nonresident and said that he had agreed, for his accommodation within the county, to undertake several employments which would enable him to pay his debt. The court, on the ground that the writ of arrest by which Chaffe was brought into court did not specify that any security be given, gave judgment in favor of the defendant. William Price, as attorney, entered an appeal to the Provincial Court, which was granted, and liberty was given to transmit a copy of the proceedings to the higher court (p. 140). Why this appeal was never heard in the Provincial Court is explained by the spectacular events which soon