

4700 pounds of tobacco and sued the administrator for 7000 pounds. When, on November 20, 1675, the case came to trial, and Pearse's administrator, like Ditton's, said nothing in bar or avoidance, the Court awarded Hussey 3300 pounds of tobacco for damages and 584 pounds more for costs. Execution was to be stayed until Governor Calvert was paid £67 sterling out of the estate.

The cases in which Robert Harper, indented servant and chirurgeon, cured sick men, to the benefit of his master, have been mentioned (*ante*, xxxvi). There is a similar case where a chirurgeon acted in his own behalf, and the patient was none other than John Coode, later the famous or infamous leader of the Protestant Revolution of 1689. In May 1672, Coode was very sick indeed of a seasoning. A seasoning was any disease affecting especially persons not yet used to the region, so Coode must have come to Maryland only very recently. He sent for John Peerce, Chirurgeon, and asked him to heal him and cure him of the disease. Peerce attended him constantly for six weeks, and made for him "divers medicines plaisters drinckes Cordialls and other wholesome and fitt things to cure" him, and he did cure him. Peerce asked 10,000 pounds of tobacco, Coode refused to pay it, and Peerce sued for 14,000 pounds. The jury awarded him 5000 pounds plus costs. Coode's lawyer, Kenelm Cheseldyn, claimed the judgment was insufficient for lack of details. The justices examined the judgment, declared Coode's allegations were untrue and reaffirmed the award for 5000 pounds with 1743 pounds for costs (*post*, pp. 393-395).

OUTSIDE THE PROVINCE

There were at this time no cases heard by the Provincial Court sitting in admiralty, and not many cases involving ships and mariners in any way. To be sure, whenever there is a case involving a bill of exchange (and there are a dozen or more of them), trade outside the Province is sure to come in. Consider the case of John Litchington *v.* John Maltby (*post*, pp. 65-67). John Maltby, lately a St. Mary's County merchant, and earlier of New Haven in New England, was attached by John Litchington, mariner, master and part owner of the *Mary* of London to answer a charge of trespass upon the case. Litchington said Maltby had given him a bill of exchange on John Nethway of Fyall, for £120 sterling at ten days sight. Maltby of course agreed that if Nethway did not pay the sum, he, Maltby, would do so. Nethway did refuse to pay it, and Maltby had also refused, though he was bound. The jury found for the plaintiff, Litchington, in the full sum of £120 sterling with costs. Hereupon Maltby was "by the Co^{rt} Committed to the Keep of the prison of the said Lord Proprietary in execution" for the total of the decision until he had satisfied it to Litchington. The prison of the Lord Proprietary was at that time on the plantation of Luke Gardner, gentleman, sheriff of St. Mary's County (*post*, p. 211). When Maltby continued to fail to pay the sterling and the tobacco, Litchington sued Sheriff Gardner, in whose custody Maltby was, on a charge that Gardner had permitted Maltby to escape (*ibid.*). The jury decided in favor of the sheriff, and awarded him his costs and charges. Since the