

In the Anne Arundel County court, Samuel Bagbey brought action of trover and conversion against Thomas Smithwick for a gun. In the lower Court, Bagbey was nonsuited, but he appealed to the Provincial Court, and, on giving security to prosecute, he had his appeal allowed. Samuel had a gun "about five foot by the barrell marked with N: B: with a brasse plate about the Stock of the Said Gunn of the value of foure hundred pounds of tobacco as of his owne proper goods". On October 20, 1675, "Colonell Samuell Chew did impresse [the gun] for the service of the Country against the Indians and [it] was casually lost. . . ." Several months Thomas Smithwick found it, and he refused to return it to Bagbey. On the appeal, the owner sued the finder, the finder pleaded not guilty, and both parties put themselves "upon the judgment of the Court. . . ." After the trial, the Court granted that "the said Samuel Bagbey recover against the Said Thomas Smithwick the Gunn aforesaid or three hundred pounds of tobacco damages . . . together with One Thousand ninty & Eight pounds of tobacco Costs of Suite." (*post*, p. 22).

In the case of Moy's Executors *v.* Philip Burges, the executors of Elizabeth Moy who had been executrix of her husband Richard, sued Philip Burges in Calvert County court on a bill for 820 pounds of tobacco. Burges pleaded *non est factum*, and the lower court held that the bill was not sufficiently proven, and ordered a nonsuit against the executors. They appealed to the Provincial Court, and the Court issued a *capias* to the Calvert County sheriff to produce Burges before them on June 19, 1677. On that day, Sheriff Darnall returned that Burges could not be found in his bailiwick, and on June 23, Robert Carvile, one of the executors, asked the Court to declare that the bill was proven. The Court ruled that the evidence was good. In October, Carvile laid the opinion of the Provincial Court before the Calvert County court and asked that the executors have judgment for the debt and for their costs. This the lower court refused to do, but when this refusal was made known to the Provincial Court, they granted the executors the debt, and 854 pounds of tobacco more, for their costs (*post*, pp. 107-108).

Sometimes when a case was appealed from a county court, the Provincial Court did no more than send it back. By a *procedendo*, it ordered the case back to the county court for retrial. This happened three times in these sessions, and in all three cases, one or the other of the parties failed to appear. In the Cecil County case of Young *v.* Hyland, or Highland, Defendant Hyland failed to appear, and the Court had patience enough to warn his lawyer, before issuing the writ (*post*, p. 140). In Thompson *v.* Atkey (*post*, p. 178) and in Clayland *v.* Parnes (*post*, p. 206), the *procedendo* was granted now.

The case that appears in these proceedings as Peca *v.* Stockett was a long time in getting settled. Robert Peca and Henry Stockett were both persistent. In 1675, Peca had a tenant, Thomas Knighton. Knighton gave to Col. Samuel Chew his note for 2400 pounds of tobacco on Peca's account for rent, and Col. Chew gave a receipt for 1800 pounds (*post*, p. 146). Thomas Taillor got from the Anne Arundel County court a writ of *feri facias* against Knighton for 2400 pounds of tobacco. Henry Stockett, then sheriff of Anne Arundel, went to Knighton's tobacco house on Herring Creek and levied by way of execution