

sion of the judgem^t aforesaid hath lost be restored," (*post*, p. 350). At once Stockett asked and got a writ of error and *supersedeas* to have his case argued before the Upper House, of which all the justices of the Provincial Court were members, and he gave security to prosecute (*post*, p. 354). The Chancellor ordered that the writ of error be stopped until Peca or his attorney be heard (*Archives* LI, pp. 278-280) and until Stockett gave better security. The record does not show that this was ever done. There was no session of Assembly from June 15, 1676 until October 20, 1676 or from November 15, 1678 until August 16, 1681 (*Archives* VII, p. 109). The idea of the Upper House of Assembly sitting also as a court did not seem strange to the seventeenth-century Englishmen who were in charge of the government of the Province, even when some of the members of the Upper House were also judges of the Provincial Court. August 26, 1681, ten days after the Assembly began to sit again, Stockett presented to the Upper House a Petition for the confirmation of the judgment he had had against Peca on October 17, 1676, and for the quashing of all judgments Peca had obtained against him. To this petition his Lordship, then in the Province, said "*fiat justitia*". November 28, 1681 Peca's attorney, Robert Carvile, assented to the writ of error (*Archives* VII, pp. 127-128, 244). That assent implies that more was to come, but, if it did, it is not set forth in these records.

The case of Howell's Executors *v.* George Wells, which arose in Cecil County, was similar to that of Peca *v.* Stockett, but it did not take so long to decide. It came to the Provincial Court on writ of error and *certiorari*, and when the executors had filed their errors, defendant Wells appeared on April 28, 1677 by his attorney, and the case was ordered to come to trial next court (*Archives* LXVI, p. 489). At the next court after April 1677, the one that met on June 19, 1677, it was continued (*post*, p. 39) until October court; October 5, 1677 it was continued until December; December court was adjourned until February 12, 1677/8; February 22 the case was continued until April (*post*, p. 179); April 11, 1678 the case was again continued until next court. On June 17, 1678 the case came to trial. Wells had said that Capt. Thomas Howell, father of John and Nathaniel, owed him 2267 pounds of tobacco (of which 30 pounds was for pills, 60 pounds for a "pectorall Julip" and 40 pounds for one cordial), and the county court had ordered that the debt be paid out of Howell's estate. The sons said that they had not been summoned to the Cecil County court, and that therefore the trial there was extra-judicial and illegal. They said furthermore that when they were not summoned and given a chance to defend themselves, they were condemned unheard "which is expressly ag^t the twenty eighth Chapter of the Statute of Magna Charta" (*post*, p. 353). As to the account Wells had presented, it had not been proven in any way, to that he was in the position of being his own carver, of deciding for himself what his portion should be. Howell's executors therefore asked that the judgment be revoked and that they be restored to what they had lost. At the June 1678 trial, the Court listened to what both sides had to say, and "considered that the judgem^t aforesaid be revoked adnulled & altogether held for nothing And that the said John Howell & Nathaniell Howell unto all things