

Fishborne pay the chirurgeon 1230 pounds of tobacco and costs. Fishborne prayed for and was granted a writ of error directing the county court to send the entire record up to the Provincial Court. In the Provincial Court, Fishborne's attorney alleged seven errors. The Court saw, understood and diligently considered them, decided that there had been error, and directed that the judgment should be reversed. The errors alleged are given in full in the text (*post*, 172-173).

There was one case decided on an appeal. In 1678 the Widow Ann Jones got a judgment in the Calvert County Court against a storekeeper, John Staynes. Staynes appealed the judgment to the Provincial Court. When, after several delays, it came up for trial, Defendant Anne "came not to defend the same [the appeal], Whereupon itt is ordered by the Court here . . . that the Recognizance entred into by the said John Staynes & his Sureties for prosecuting the Appeale aforesaid & the judgm^t aforesaid be & is hereby adnulled & made void." (*post*, 244). There was another case between Staynes and the Widow Jones at this time, but it arose originally in the Provincial Court and it was settled there (*post*, 8-9).

The case of John Edmondson *v.* Mary Tilghman turns on that rare happening, an appeal from the Provincial Court to the Upper House of Assembly. Since all the justices were members of the Upper House, even if not all the members of the Upper House were justices, it is hard to see why parties to a suit would appeal from one body to the other, but here they did. Richard Tilghman and John Edmondson, who had gone bail for Ralph Blackhall when John Quigley sued him, had judgment given against them when Blackhall did not pay, judgment for 96, 123 pounds of tobacco. Tilghman died, and his widow and executrix bargained with Edmondson to pay half the costs, if he prosecuted an appeal from the judgment of the Provincial Court to the Upper House. He did sue out a writ of error, and the Upper House did reverse the decision of the Provincial Court. In the Upper House there were present the two Calverts, Baker Brooke and Thomas Taillor, all active justices of the Court. The bail was ordered to be discharged, and each party was to pay his own costs. The judgment of the Provincial Court as to Blackhall was sustained (*Archives* II, 502, 505, 506). Mrs. Tilghman did not pay her half of Edmondson's expenses, and he had to sue her for it (*post*, 18-20).

IMPORTANT CIVIL CASES

No criminal cases are heard at this time, but there are hundreds of civil cases. Of these there are many to interest the legal or the social mind, or the irreverent modern. The background of most of them was some form of debt, whether the obligation was written or unwritten. In the short space of a year covered by these proceedings there were more than fifty writings obligatory produced in court by plaintiffs who had not been able to collect the tobacco called for. With but one or two exceptions all the writings obligatory called for tobacco. In one case where the bond called for the payment of lawful money of England, the plaintiff was a London saddle-maker, who might well have preferred sterling over tobacco (*post*, 205). In another case the defendant