

“the Hon^{ble} Thomas Taillor Esq^r one of the Justices of this Court” had promised to pay a Virginia merchant.

There were several cases involving land, cases of ejectment to try title. Although not all of them occurred at the same time, the clerk, using his discretion, grouped them together just the same. They followed the familiar pattern. The owner of the title, who might or might not have possession, leased the land to someone. That lessee entered onto the land, and was ejected therefrom by the casual ejector. Then the lessee to whom the holder of the title had demised the land sued the casual ejector. The Court ordered that “Unless the tenant in possession or they under whom he claimeth doe the next Provinciaall Court appear to this Declaracōn, & make him or themselves defend^t thereunto, & by rule of Court confesse the Lease Entry & Ejectm^t & insist only upon the title, the def^t . . . will confesse judgm^t & possessio will be deliuered accordingly to the plaintiffe.” (*post*, 142, 223, 224, 225). Sometimes, to be sure, the usurper did not give in easily. Bernard Johnson, a German or Dutch cooper, settled himself on land owned by Mrs. Elizabeth Letchworth, and he refused to leave when she ordered him off, even when she did so in the presence of witnesses. So she leased the land to Edward Ball, a Calvert County planter, and Johnson ejected Ball after he had taken possession. Ball sued Johnson, and, when Johnson failed to appear at the time and place set for the trial, the Court awarded Ball the manor, messuage and land for the time of his lease, and gave him, too, a writ of enquiry of damages because of Johnson’s actions. The jury to enquire into damages declared that Johnson should pay Ball 2500 pounds of tobacco, with costs, and of course awarded judgment for the 2500. Sheriff Darnall reported, October 8, 1678, that he had put Mrs. Letchworth in possession, but her attorney told the Court that Johnson had re-entered forcibly the same day, and that he had kept possession of the dwelling house. The Court ordered that any two Calvert County commissioners should forcibly remove Johnson, and restore Mrs. Letchworth (*post*, 58). We do not now know whether the persistent cooper was finally discouraged.

SERVANTS

Concerning servants there is nothing new in this period of a year. There is only one case in which a servant was unlawfully absent from the service of her master, and there, though the woman was gone for three hundred and sixty-five days, and should, by act of Assembly, have served ten days for every day’s absence, the jury and the Court declared her not guilty and set her free (*post*, 35). There were only two petitions for freedom, and, in both cases the Court took the side of the servant (*post*, 46, 202). Yet servants were still chattels, subject to replevin just as if they had been unliving merchandise. Thomas Pattison took a manservant named Rowland Morgan “of the Goods & Chattels” of Thomas Harris, and detained him until Harris had the man replevied by the Dorchester County sheriff. When Harris sued Pattison for 4000 pounds of tobacco, the defendant said nothing in bar of the action, and the Court ordered a writ of enquiry of damages. The result of the writ is not now known (*post*, 60-61).