

the Provincial Court. In the upper court, Blangey alleged errors and cited them. The writ was in a plea of debt, but the declaration in a plea of detinue, so that there was a variation between writ and declaration. Also, there was a vagueness in the declaration which made it vicious: the ages and values of the heifers should have been given. The Provincial Court took account of all these errors and others, and, acting solely on the first one, the variance between writ and declaration, reversed the county court. They also gave the Blangeys 1256 pounds of tobacco for costs.

IMPORTANT CIVIL CASES

There were at this time no criminal cases, therefore no grand juries. If crimes appear, as they do, they are only the grounds for civil suits for damages. In the case of Arthur Sawyer *v.* Edward Gibbs (*post*, 300-306), involving a plea for an account, several items involved charges of theft. A piece of Scotch cloth valued at 102 pounds of tobacco, was said to have been stolen out of Benjamin Lawrence's store. Two hogsheads of tobacco, of a value of 798 pounds of tobacco, were stolen from Henry Mitchell's. But these were only items in the account which the Court allowed Sawyer. Two cases of defamation or slander were likewise settled without jury trial. George Parker sued Joseph Tilley in an action of defamation, but he withdrew the charge when Tilley appeared in court and acknowledged that he had wronged Parker in speaking the words complained of, and he said he would pay the costs and charges (p. 230). Another case, Richard Marsham *v.* Wm. Collins (*post*, 118-121), is completely in the tradition for a slander suit. Richard Marsham of Calvert County sued William Collins, also of Calvert, on a plea of trespass upon the case. Marsham said he had lived in Calvert for twenty years, and that he had practiced "the lawfull and necessary art and mistery of a house carpenter", employing great numbers of servants, living as a good, true and faithful and honest person of the Province, a loving and kind master to his servants, enjoying the favor of his neighbors. Yet Collins, in a public place, before numbers of Marsham's acquaintances, had, on October 2, 1679, said that Marsham had beaten his servant man, Jenkin Price, until he died, and that he, Collins, could prove it. He had repeated these malicious words several times, so that Marsham had lost his good repute. Hereupon Marsham sued Collins for 20,000 pounds of tobacco. When the parties came into court, Collins pleaded not guilty. The jury found him guilty, and the Court awarded Marsham 1600 pounds of tobacco damages and 2072 pounds for costs (*post*, 118-121). The colonists were indeed jealous of their good names.

There were very many cases involving land on the docket at this time, though few of them concerned a grant directly from the Proprietary. Of course all the cases rested finally on such a grant, but only one led to the making of a new one. Major Thomas Truman of Calvert County, tried in September 1676 for at least conniving at the murder of five Indians after they had surrendered, and thereupon removed from his place as a member of the Council (*Archives* II, *passim*), now in March 1679/80 petitioned the Proprietary for a new grant for land. His warrant for 1000 acres called "Trumans Choice" had been