

portion of the space in the latter half of the book, and in its course it illustrates a variety of remedies and proceedings. Not all of the proceedings taken in Maryland are set out in this record; information as to cases that did not reach this court is to be found in recitals in others that did reach it, and in records of trial courts; and all that is of record in Maryland is to be supplemented by reference to the records of the Privy Council in England.

Out of one dispute between two parties to a charter party arose eight suits, seven writs of error or appeals within the province and five appeals to the King in Council. On the one side throughout the contest were Jonathan Forward, a London merchant who, under a contract with the British government, had shipped convicts to Maryland to be sold out to service,¹ and contracted for a return cargo to London; and with him, on the same side, agents and factors in Maryland, and their sureties, who made efforts to protect Forward's interests, and had to protect their own personal interests which became involved. On the other side, originally, was Gilbert Powlson, master of the ship "Dolphin,"² who made the charter party with Forward, and, with him, later superseding him, was Thomas Bordley, his attorney, who carried on the contest in his own interest as a purchaser of bills of exchange drawn on Forward. The litigation seems to have been influenced by something more than the grievances and causes of action declared in the proceedings, for the Maryland courts appear inclined to Bordley's side in all things, and Dulany, representing the other side, made no contest before the courts of first instance, and little, if any, before the Court of Appeals, trusting the salvation of his clients rather to the Privy Council in England. The governor fought with Dulany. What the underlying cause may have been cannot be determined now, but a guess that opposition to the importation of convict servants may have had influence has plausibility, although it may be thought hardly sufficient to account for the pertinacious, unrestrained character of the contest made by Bordley.

The charter party, executed in England on September 5, 1717, required, according to Forward, that payment should be made to Powlson upon his return to the Thames, at a fixed rate for each month out from London. When about to return from Maryland, Powlson was arrested there in suits on debts previously incurred by him in the province,³ and from the jail he sent a petition to the governor representing that Forward then owed him £470 and praying that he be relieved from durance by enforcement of payment of the amount. The governor referred the petition to Bordley, then attorney general, and Bordley, on behalf of Powlson, filed a libel in the vice-admiralty court and had goods of Forward's to the value of £2000 seized and held. After an unsuccessful effort in the chancery court to secure release of his goods, Forward obtained from the Privy Council in England, on August 11, 1720,⁴ an order that, upon his giving sufficient security in Maryland, the goods, or their value if already sold, should be restored to him,

¹ *Archives*, XXV, 435.

² The "Dolphin" had previously brought slaves to the province. *Ibid.*, p. 257.

³ *Rousby v. Powlson* (1718), MSS. Provincial Court Records, Liber P. L. no. 4, 109; *Tunstall v. Powlson* (1719), *ibid.*, fol. 261, and Liber W. G. no. 1, fol. 97. Other suits against Powlson were abated or countermanded.

⁴ *Archives*, XXV, 425 *et seq.*; *A. P. C., Col.*, II, 781-785; *Md. Hist. Mag.*, III, 225.