

the judgment at law, was received, the governor and council called Bordley to account for his purchase of Cockey's first bill of exchange while an appeal was pending, but Bordley somewhat defiantly answered that he was merely dealing in a bill of exchange offered for sale, and his dealings had no relation to Powlson's suits before the courts. He then put in suit Cockey's second bill for £720 and the bond of Cockey, Gordon, and Rogers given to secure its payment; and he threatened suit on Moale's note, but apparently did not file it.

Dulany resorted to chancery again, for restraint of these proceedings, and failing in the chancery court and in the Court of Appeals, appealed again to the King in Council. Judgments were rendered for Bordley against Cockey, Rogers, and Gordon, on the note for £720, and the bond to secure payment of it, and notwithstanding the further proceedings taken by Dulany, Bordley had execution issued, and Cockey, Rogers, and Gordon were lodged in jail.

Forward again pressed the Privy Council in London to enforce its orders.¹ The year 1726 was now reached, and Bordley went to England, and died there. In the province, Edmund Jenings came into the case as attorney on Forward's side, and William Beckingham was enlisted for Bordley. The statute limiting attorneys' fees² caused the withdrawal of both Dulany and Jenings from practice for a time, and Cockey, Gordon, and Rogers protested to the governor and council against desertion by their counsel while proceedings were being taken against them; but Dulany and Jenings replied that they had been retained not by those litigants, but by an agent of Forward's with whose approval they were withdrawing.

Here the record now printed leaves the contest. The Privy Council records, however, show that on April 10, 1729, after some intermediate proceedings, it was ordered by that body that the decrees appealed from be reversed, that the appellants be relieved from the bills of exchange and the bond, that a perpetual injunction be awarded to stay proceedings upon any of the judgments or any of the bills, and that by mutual consent £850 be paid to Forward by one William Hunt, of London, executor of Bordley, now dead, in satisfaction of £828 admitted to have been paid by Cockey to Bordley, Hunt being thereupon excused from the payment of costs of the proceedings in Maryland and on the present appeal.³

Definite evidence of the fact is not known, but that the general royal instructions of March 23, 1727 for stay or suspension of executions during appeals from the colonies to the King in Council were to some extent induced by Bordley's jugglery in Maryland seems to be a substantial conjecture. He probably did more than anyone else to make the need manifest.

The Litigation Generally

II. ACCOUNT AT COMMON LAW

Ariana Frisby, Executrix of James Frisby v. John Snow. The only suit that began as an action of account. Snow, the plaintiff below, complained that Frisby had received of him a quantity of elephants' teeth (ivory), of the value of £500,

¹ *A. P. C., Col., II, 781-785.*

² Act 1725, ch. 14, *Archives, XXXVIII, 372.*

³ *A. P. C., Col., II, 785.*