

which they as Exr^s . . . have lost be restored—& also y^t they recover agt the said Geo: Wells two thousand three hundred sixty nine pds tob costs" (*post*, p. 354). Stockett did not stop when the Provincial Court revoked the judgment in his favor: perhaps George Wells did not give up, either. But if he did persist, nothing further is known now.

IMPORTANT CIVIL CASES

Only civil cases were heard at this time, and of them there were hundreds. Pages and pages of them have but one not very enlightening entry; they were continued or discontinued, the defendant imparles until a later court, or the parties were able to settle the dispute by agreement (see *post*, pp. 36-42, 47-50, 146-151, 273-279, 426-430). Aside from these (and some of them appear later in another form), there are hundreds that have in them something to interest the modern lawyer or the sociologist, or the irreverent descendant of the old worthies. Many of them deserve comment or explanation, and all of them deserve reading. Most of them arose out of some form of debt, whether the obligation that gave rise to it was written or unwritten. In a hundred and thirty-three cases the plaintiff produced in court a writing obligatory sealed with the seal of the defendant, and asserted that he had not been able to collect the tobacco called for in the bond. The payment is always in terms of tobacco: at this time there is not one bond or writing obligatory that called for the payment of sterling, and in some of these cases where a debt is reckoned in terms of sterling, it is paid off in tobacco (*post*, pp. 169-170, 257-258).

Land matters also took up much of the time of the Court. The Land Office was not yet separated from the Provincial Court, and therefore the land records were still kept in the Secretary's office, along with all the other records of the Province (*post*, pp. 88-89, 346), and the same clerk took care of them all. In past years, indentures for the sale of land were often put into the Provincial Court record, not because there was controversy about them, but solely for safety's sake: this year there are none inserted in this way, though the record in some of the cases of ejectment may recite the indenture on which the suit is based. There are no cases of the escheat of land to the Proprietary. But there are more than twenty cases of ejectment, largely of ejectment to try title. All of them are interesting, but not all of them can be told about here. In the case of Charles Boteler *v.* George Lockier, Boteler was the lessee of Thomas Clegatt and Mary Hooper Clegatt his wife. Mary was the mother and guardian of Sarah and Ellinor Hooper who were heirs of their fathers, Richard Hooper deceased. Lockier, the casual ejector, was replaced as defendant by Henry Hooper, to try title to a messuage and five hundred and fifty acres of Calvert County land. William Traverse, Hooper's tenant in possession, was served with a declaration in ejectment, and Hooper appeared and got a continuance until the next court (*Archives* LXVI, p. 491). Now, at the October court, Clegatt and his wife appeared but Hooper "came not but made default". Accordingly, Clegatt received a writ of *habere facias possessionem* which would restore to the Hooper girls the messuage and the land (*post*, p. 115). The same steps were taken in the case of Thomas Gerard *v.* John Lewellin (*post*, pp.