

he would pay the Captain as "much as the same should be reasonably worth. . . ." Captain Longden thought that the two trips for the two men were reasonably worth £18. The fare for the master was set at twice as much as that of the man. But Clarke refused and failed to pay the £18, and Longden sued for £40. When, after several continuances the case came to trial, Defendant Clarke pleaded *non-assumpsit* and put himself upon the country. The jury summoned by the St. Mary's County sheriff said, on their oaths, that Clarke did assume and promise as Longden had declared. The defendant moved in arrest of judgment on the failure of the plaintiff to take out a *venire facias*, but the Court judged that the reason was not sufficient in law to arrest the judgment and awarded Longden not only the £18 damages but also 1364 pounds of tobacco for costs (*post*, 157-158).

One day in late April 1678, John Quigley, being on board the ship *George* of London, asked the master, Robert Ellys, on his way up the Patuxent, to buy him "one Pype of good St Georges or ffyal wine att the store of Charles Gosfright M^rchant in Petuxent River in Calvert County to which place the said Ribert was then intended. . . ." Ellys agreed to turn the wine over to John Anderson, with directions to deliver it to Quigley, wherever he might be. For buying and shipping the wine Quigley promised to pay Ellys as much as he deserved. Ellys did as he had agreed to do, and demanded of Quigley 2500 pounds of tobacco. This price for buying a hundred and twenty-six gallons of wine and for delivering it at an unspecified place comes to twenty pounds of tobacco per gallon. When Quigley refused to pay, Ellys sued in the Provincial Court. Quigley claimed in court that he had not promised as Ellys said, and he prayed a jury trial. When, at the next Provincial Court, the case was set for trial, both parties appeared by their attorneys, and Quigley confessed judgment. Therefore the Court considered that Ellys recover the 2500 pounds of tobacco damages, and also 1246 pounds more for costs (*post*, 42, 85, 166-167).

JACOB LEISLER

The obstinate, tactless Jacob Leisler comes into the story of the Province at this time. In 1677 he had not yet become such a figure as he was, some thirteen years later: in 1677 he was only a wealthy New York merchant. When the Council of the Province sent Col. Henry Coursey up to Albany, to join Virginia and New York in a conference with the Five Nations, and to try to make a separate treaty with the Susquehannocks, they gave him long and detailed instructions, but they also left him much discretion. He was told to give Governor Andros a present of £100 in recognition of his "Kindnesse Shewne to this Province," and to "apply y^r selfe to M^r Jacob Leslier or any other for such monyes, Wampom, ffurrs or Truck you shall stand in need off which shall be paid him by the publick next Levy." (*Archives* XV, 152). Coursey did apply himself to Leisler and he got from the New Yorker a letter of credit for £250. When time came for payment, the Province did not pay at St. Mary's and did not pay in prime tobacco. Leisler petitioned the Proprietary for redress. His Lordship was willing to reimburse Leisler for the loss and the damage, if the Assembly would in turn reimburse him (*Archives* XV, 262-263). The