

conferred upon the Lord Proprietary in the Maryland charter were extraordinarily broad and were those of a medieval bishop of Durham in his palatinate. As equity in England was defined as the King's conscience, in Maryland equity represented the Lord Proprietary's conscience.

Although the case was entered on the docket of the Court of Chancery in 1671, it does not seem to have ever come to actual trial in this court. Here John Morecroft with Richard Langhorne are entered as representing Scarborough as attorneys, although of course the latter did not appear in person in the Maryland court (*Arch. Md. LI*, 99). It appears on the Chancery docket as the case of Henry Scarborough against Richard Perry and Mary Bateman, the latter the daughter and heir of John and Mary Bateman, deceased. After numerous postponements over a period of three years it was obviously settled out of court, for a deed dated November 8, 1674, was recorded in the Court of Chancery in 1675, which unquestionably marks its final settlement. This deed from Mary Bateman, spinster now of London, and Henry Scarborough of North Waltham, England, conveyed to Richard Perry of Patuxent, Maryland, merchant, Resurrection Manor in Maryland, together with the servants, negroes, merchandise, stock, household goods, and other personal property upon it. The consideration named was £100 paid by Perry to Mary Bateman, and £412 paid by him to Scarborough. Whether Scarborough was paid anything more in satisfaction of his claims against the estate of John Bateman, the record does not disclose. Thus seems to end the long drawn-out Bateman case (*Arch. Md. LI*, 446-450, *passim*).

Another dispute which dragged its weary way for some ten years through the courts, first in the Provincial Court, then in the Court of Chancery, and which finally was heard on appeal in the Upper House of the Assembly, was one marked by suits and counter-suits between John Balley and Raymond Staplefort. The original case as summarized in the preceding volume of Provincial Court records first came before that court in 1664. These two men were joint owners of a vessel, the barque *Providence* of Patuxent. While Balley was out of the Province, Staplefort removed from his partner's room a large quantity of merchandise, to a part of which Balley claimed full ownership, and a half interest in the remainder as owned jointly with Staplefort. When the case was first tried before a jury, Staplefort was cleared (*Arch. Md. XLIX*, xxiii). Later at the April, 1666, session of the court, another suit was instituted by Balley against Staplefort to recover his share of the value of the goods imported by them in the *Providence*, which goods Staplefort was declared to have fraudulently borne away when he broke into Balley's chamber and opened three great packs owned jointly by them. Balley also sued to recover his share of the plantation, owned jointly with Staplefort, and the cattle upon it, and also for his share of the barque *Providence*. The court appointed auditors to bring in a detailed account, and after a lengthy hearing, judgment was given in favor of Balley for 6000 pounds of tobacco and costs. This suit is an interesting one because it gives a picture of the business methods of provincial merchants trading in their own ships (pp. 36-40). But the difficulties between Balley and Staplefort did not end here. The dispute later