

cial Court and Council . . . keeper of the lesser Seal Records and Registries" and for these offices he was granted "one third part of all & singular the Fees duties and Regards unto the said Office and Offices belonging." He was also "the publick Notary of this Province of Maryland" and had one third of the notary's profits (*ibid.*, pp. 49-50). Blomfeild remained in office for several years this time.

Many attorneys practiced before the Court at this period, most of them in civil cases. Indeed, until now it has been believed that persons accused of crime never had counsel, and truly the general use of attorneys for criminals did not begin until the eighteenth century. But the present record shows, beyond a doubt, that in four cases the defendant not only had a lawyer, but appeared by his attorney instead of in person. On December 19, 1671, "Joshua Guibert p<sup>r</sup>esented last Court for marking John Blomfeilds Cattle with the said Guiberts marke appeared by Robert Carvile his Attorney & stood upon his Traverse Ordered by the Court that the p<sup>r</sup>esentm<sup>t</sup> ag<sup>t</sup> the said Guibert be quashed, and that he goe thereof without day" (*post*, pp. 12-13, 19). On February 13, 1671/2, Justinian Gerard, brought into Court on an indictment for hogstealing (*post*, p. 23) was "admitted by the favour of the Court to have John Morecroft one of the Attorneys of this Court to be of his Counsell" (*post*, p. 28). And the plea made by Morecroft for him brought about his acquittal (*post*, p. 29). On December 11, 1672, James Neale, Junior, presented by the grand jury for hogstealing, on his appearance in Court, "Desired Councill to be assigned him by the Co<sup>r</sup>t who ordered M<sup>r</sup> Morecroft one of the Attorneys of this Co<sup>r</sup>t to be of Councill for the prisoner" (*post*, pp. 45, 47). On the same day, Neale's father, James Neale, Senior, likewise under indictment for hogstealing, likewise "desired Councill to be assigned him by the Court, who ordered Mr Morecroft one of the Attorneys of the Court to be of Councill for the prisoner" (*post*, p. 48). Morecroft persuaded the jury that the elder Neale was not guilty, but the son was declared guilty as a first offender, and, on an abject petition to the Governor, was pardoned by him (*ibid.*). In addition to these four cases, where without a doubt, attorneys represented persons accused of crime, there is another in which an attorney may have figured as counsel. On February 16, 1672, Joseph Weekes, presented for stopping a Kent County highway, appeared and traversed the presentment "And upon the motion of Mr Morecroft the said p<sup>r</sup>esentm<sup>t</sup> was quashed by the Court for the incerteynties thereof." (*post*, p. 25). It is very probable that Morecroft was Weekes's counsel.

Twenty-eight different men appeared and represented clients in this four-year period. Some of them may have been attorneys in fact, not in law: it is often difficult or impossible to be certain. Of course, when they were sworn in, and given the right to practice before the Court, that settles it. Of the twenty-eight, only a dozen or so had more than a few cases, and three or four were the busiest. Kenelm Cheseldyn had more than two hundred clients, and he was himself a party in seventeen more cases. Vincent Lowe, Robert Ridgely and John Rousby also appeared often. What is surprising to a modern student of courts is that court clerks and even the attorney general appeared on the other