

INTRODUCTION

This volume, LXVIII, begins on October 8, 1678 and ends, with the end of Liber NN of the proceedings of the Provincial Court, on October 16, 1679. "Finis huius liber.", says Clerk Nicholas Painter. The jurisdiction of the Court remains substantially as it had been. All important cases had to originate in the Provincial Court, and minor cases might be heard there, if the Court wanted to hear them. Cases appealed from county courts came to the Provincial Court, whether on appeal or on writ of error. After November 1678 the person appealing the county court decision had to give bond in double the sum from which he was appealing to pursue the appeal and to pay the judgment, if the Provincial Court sustained the lower court (*Archives* VII, 70-71). There are, in these pages (*post*, 156, 244), examples of that kind of bond. As to chancery cases, though the Court of Chancery had been set up in 1669, the same men served in both courts, and both had the same clerk. It is, therefore, not surprising that cases begun in one court sometimes appear later in the other (*post*, 80, 210).

In 1678 the justices of the Provincial Court were still members of the Upper House of Assembly and of the Council, and justices of the Probate Court and of the Chancery Court. For none of these offices did they get any salary. Most of them, however, were wealthy holders of much land, and most of them held some other well-paid office. In this period ten different men appeared as justices, though nothing like all of them were present at any one session of the Court. Philip Calvert, uncle of the Proprietary, was, besides being a justice, chancellor and commissary general, and he held these lucrative offices until his death in 1682. As Justice of the Court, he was present at every session, and he gave time to its other businesses. William Calvert, son of Governor Leonard, and therefore cousin of Charles, third Lord Baltimore, was principal secretary in addition to being justice. As secretary, he had a large and complicated revenue, for he was keeper of the Provincial Court records and of the land records, and he was also chief notary public. Like his uncle, Chancellor Phillip, he was present at every sitting of the Court. Baker Brooke was surveyor general until his death in office in March 1678/9. He attended the Court until he died. Henry Coursey, who had been commissioned a justice in 1660 (*Archives* III, 394), served regularly until 1670 (*ibid.* XLI, 507). At that time he disappears and does not return to sit until 1676 (*ibid.* LXVI, 315), although he may well have been held to be a member. He was made surveyor general in 1673, but, since he lived and flourished on the Eastern Shore, he resigned his surveyorship. In these sessions of the Provincial Court, he appears but once (*post*, 1). He was, at this time, giving much attention to the affairs of Kent and of Talbot County. It was not that Coursey moved from one county to the other, but that Talbot County was created out of Kent some time in early 1662. Like several of the other counties, Talbot's erection was not marked by any official edict. In April 1667 Col. Coursey was commissioned to make a treaty with the Susque-