

156, 240). The smallest number that could constitute a court was three (*Archives* III, 53), and sometimes the Court had to be adjourned and then adjourned again because there were not enough justices present to make a court. The Court sat, as usual, every three months except in midsummer, and except on Sunday and on Monday (*Archives* III, 546). In theory every justice was obliged to be present every day, upon pain of a 40-shilling fine, but in practice sometimes there was but one justice on hand, so that the Court adjourned from day to day, and sometimes from one day until the following session (*Archives* LXVI, 390). Not only did the justices have to appear; they had to come, each "w<sup>th</sup> his ribon and medle upon paine of a Noble [a gold coin worth 6/8] for euery default to the Lord Prop<sup>r</sup>" (*Archives* III, 547). So the Proprietary himself had said (*ibid.*, XV, 16).

The clerk of the Court, who was also clerk of the secretary's office and register in chancery, was Nicholas Painter. He had been sworn in, in February and in April, and he remained in office until 1680. As clerk of the Court, his duty was to keep the record of proceedings: he could do the work himself or employ deputies—at his own expense. He had and used latitude in making up the record from his minute book (*Archives* XX, 314). Often he groups several cases in which the point at issue was the same, even if they do not follow in chronological order. On page 146 *post.*, for example, he enters five cases from four different counties, in which the sheriff returns that the defendant is not to be found in his bailiwick. Again and again he records five or six cases of the allowance of witness fees (*post.*, 47, 69, 78, 111, 120), or of the reply by the defendant that he can say nothing in bar of the claim of the plaintiff (*post.*, 31-34). Too often, though, he just makes errors. He leaves out words which make the sense uncertain (*post.*, 39), or he writes Solomon instead of Rosamond (95) or Job instead of John (52). And he follows folio 675 with 677 (*post.*, 1-2).

In all there were seventeen different men who appeared in the Provincial Court as attorneys. There were, to be sure, attorneys in fact, agents who looked after a man's interests but did not represent him in court (*post.*, 170). But these others were attorneys at law, sworn in at earlier sessions or at these (*post.*, 121, 219), and henceforth entitled "to the liberties & priviledges to such like Attorneys & other Officers & Ministers of the same Court used & allowed . . ." (*post.*, 121). Attorneys duly sworn in were officers of the Court, and when the justices consulted them, they were consulting their own associates. When, in 1694, the governor and council were debating the organization of a court of appeals, it was "Resolved that the Kings Attorney Gen<sup>l</sup> w<sup>th</sup> the rest of the Attorneys now in Towne be sent for imēdiatly to give their Advice & Opinion about the same" (*Archives* XX, 135-136; XIX, 40). Of the seventeen attorneys now practicing, only half had many cases, and five or six of them handled the greater number. Kenelm Cheseldyn, his Lordship's attorney general had fifty-two cases in his private capacity, in addition to eight in which he represented the Proprietary. Robert Ridgely had more than eighty cases; in one of them he sued a former client for his attorney's fee. What seems odd to a present-day lawyer is that the justices could and did represent clients before the court of