

10, 1678/9. Henry Coursey, first of Kent County, then later of Talbot County, who had reappeared in court November 28, 1676 after an absence of five or six years, is not present in court now, except, to be sure, as a litigant. He continued to be a member of the Provincial Council, and to devote much time to Indian relations. He lived until 1695. At no time were there more than six justices.

The Court sat, as before, every three months, except in midsummer, and except on Sunday and Monday. At the session called for December 4, 1677 only one justice was present. That was Philip Calvert, who lived at St. Mary's City. Calvert, having a writ of adjournment from the Proprietary, tried again to hold a session and then, because of the hardness of the weather, adjourned until February 1677/8. Even the February session had to be adjourned for one day. The attendance at the June session was better than at other seasons, but at no time was it really good. There were never more than five justices present, and it took four to constitute a court. There were no criminal cases before the Court at these sessions, and therefore none of them began with the old formula that bade the justices keep the peace and hear and determine "Diverse felonies murders Transgressions and other misdeeds in the said Province Comitted" (*Archives* LXV, pp. 1, 8, 11, 16, 22, 30, 33, 43, 58). Crimes committed in the past figured in some damage suits. Of the cases heard and decided by the Court, the great majority were original: only five came up from a county court.

Two men served as clerk of the Provincial Court during these sessions. The clerk for part of the time was John Blomfeild, who had been in and out of the office more than once before. On February 13, 1677/8, Nicholas Painter was sworn in as clerk of the Court, and, almost simultaneously, Blomfeild was sworn in as an attorney before it (*post*, pp. 143-144). Like Blomfeild, Painter was also keeper of the lesser seal, and register and examiner in chancery (*post*, pp. 239, 311, 419). The clerk of the Provincial Court was paid, at this time, by fees for anything he did, fees the same as those received by the county clerks. If he wanted assistants, he appointed them and paid them himself. As far as his duties as clerk of the Court were concerned, he was responsible for keeping the records of its proceedings, either doing the work himself, or using his deputies. There are at least three different handwritings, of varying legibility, in the original liber. Like the other court clerks, he kept a minute book, from which later the official record was written out. Sometimes he was ordered to put into the minute book material that did not appear in the official record (*Archives* XX, 14). Often he did not enter cases into the record in the order in which they had been heard, and sometimes he grouped them according to the nature of the cases, several in which the defendant had nothing to say in bar of the plaintiff's action, then several more where there was a warrant issued for the arrest of the defendant, to which the sheriff returned that he could not find him in his bailiwick.

The clerk surely had latitude in making up the record from his minute books, but sometimes he abused his discretion and made careless mistakes. Two pages he numbered 540: in the following text the second has been numbered 540a.