

session or the opening of the next case, but by the opening of the next session. Although there must be at least four justices present to constitute a session of the court, some actions could take place before a single justice. In October 1680, Henry Exon borrowed 12,332 pounds of tobacco from William Digges, and he did not repay, though often thereunto required. Justice Digges sued Exon, and, on April 22, 1681, the innholder appeared before Chancellor Philip Calvert, who was also a justice, and confessed judgment for the amount of the loan plus 600 pounds of tobacco costs, with a stay of execution for six months (*post*, pp. 18-19). A little later the account between the same two men showed Exon in debt to Digges for 27484 pounds of tobacco unpaid. Again Exon confessed judgment before a single justice, this time before Vincent Lowe, surveyor-general of the Province (*post*, p. 323). Because Exon came in the instant he was summoned, nothing was added to his penalty beyond debt and costs.

The clerk of the Provincial Court when the session of April 1681 began was Nicholas Painter. Painter had been appointed by the Secretary General, and he was, in addition to his work with the Court, also keeper of the lesser seal of the Province and chief clerk of the Secretary's office. Painter was succeeded as clerk of the Court by William Cocks (one time when the spelling of a proper name, if unusual, was uniform) on March 1, 1681/2, and on the same day Painter was admitted and sworn in as an attorney of the Court (*post*, p. 115). Cocks was sworn in a second time on March 28, 1683. The clerk was supposed to take notes of the proceedings in the court room, possibly in shorthand, but it was up to him how he compiled the official record from his notebooks (*Archives* XX, p. 314). Like his predecessors and his successors, Painter was careless. The Court comes to a decision and Painter does not give the month and day (*post*, p. 186). In another case, the parties appeared by their attorneys, and Defendant John Nickolls by her attorney sayeth . . .". Her attorney, not his attorney. (*post*, p. 130). John Doyly on March 2, 1671/2, submitted to the Court a petition for relief from the bondage in which he was being held. Such petitions were not unusual, and very often indeed, the Court granted them. But this time they said the purported indenture was invalid, and that the "said Thomas Doyly" serve five years from the time of his arrival (*post*, pp. 166-167). Was the man John or was he Thomas?. In the case of *Bowling v. Slye* (*post*, 270-272) both parties had the same attorney. As the clerk recorded it, at least. Sometimes he just left out things, in excess of his discretion. Thomas Bland, suing Richard Hill for slander, said, among other things, that he (Bland) had been, on December 10, 1672, admitted and sworn as an attorney of the Court, (*post*, p. 9). But careful search of the Court records and of the Assembly records as well for December 10, 1672, which are printed in volume LXV of the *Archives*, shows no such admission. In the very first case set forth in this volume, the clerk seems to have gone quite wrong. William Phelps sued Edward Pindar, administrator of William Foorde, on a plea of trespass on the case. When the case came up in court, administrator Pindar said he had fully administered all of Foorde's goods. The Court said he had not thus fully administered, and ordered that Phelps have what was still due