

educated according to their estates or properly taught their trades as apprentices. Commissioners were also authorized to demand increased security from guardians of orphans upon learning of the commission of waste upon the real property in the estate or to remove such guardians and appoint others in their place. As to orphans in the care of executors, the justices were to report to the Deputy Commissary if they found the securities likely to be insolvent or the orphans ill-used.<sup>18</sup>

While the commissions to the justices of the county court excluded jurisdiction in matters involving title to land, a 1699 act provided that the justices might grant a warrant of resurvey and a *venire* for a jury, if required, where the reason for the resurvey was only the ascertaining of bounds according to the provisions of the act. In addition, this act provided that in certain cases persons holding land not accurately described in their patents might have to reimburse other persons attempting to take up such lands for the reasonable charge of their survey upon petition or motion to the county court, the first taker being called and heard by the court before judgment and award of execution by *feri facias* or attachment.<sup>19</sup>

A 1697 act empowered the commissioners of the several counties to acquire the lands upon which the several court-houses were located, specifying the procedure to be employed in evaluating and surveying the lands in case the owner was unwilling or incapable of selling. A similar procedure was authorized in the event the vestry of any parish sought lands for a church or chapel.<sup>20</sup>

Certain administrative duties were also imposed upon the justices by the Governor and Council. In July 1696, for example, upon complaint of the "very Great abuse done to the Countrey through the Constables remissness and Negligence in taking the List of Taxables," it was ordered that the sheriffs give notice to the justices at the August county courts "that they issue their strict Order and Charge forthwith to the Constable of each hundred within their respective Counties, thereby Commanding them to goe to every individuall house of the said hundreds in which they Officiate and there Demand, and take an Account from the Master, Mistress or Dame of every such house in writing, under such Master and Mistress or Dames own hand what number of Tithables they have." These lists were to be returned under seal by certain specified dates, "under pain of being prosecuted, to the Utmost Severity of the Law for Contempt."<sup>21</sup>

On October 8, 1696 Robert Bradley and Robert Tyler, two of the Prince Georges County justices, pursuant to summons, appeared before the Council Board to explain why the court had disobeyed the above order. Bradley stated "that he was not any ways knowing thereof nor ever heard the said Order Read." Tyler said that "Mr. Holiday the Cheif Justice acquainted the Court that there was an Order of the Governor and Council for taking a New list of Taxables but he Aded that the Lists had been taken already pursuant to the directions of the Law and thereupon Ordered the Clerk for to Enter an Order that no such order of their Court should

18. 13 *id.* 430, 498; 22 *id.* 533; 38 *id.* 41. *Cf.* the May 1695 report of the Committee of Grievances of the House of Burgesses that the Commissary was neglecting to make reports to the several justices on orphans' estates. 19 *id.* 183-84. In March of each year the justices in each county were to transmit to the deputy commissary the current price of tobacco to be allowed executors and administrators in making up their accounts. 38 *id.* 43.

19. See 22 *id.* 481-94. When the Council suggested that copies of the bill be sent to the justices of the county courts for their opinion thereon, the House remarked that "for the referring of a Matter of soe great importance to the Justices of the resspective Counties and to such a popular approbation it is feared that the True intent and meaning thereof will be strained according to the Private Interest of Severall Private persons contrary to the true intent and meaning of the said bill." 22 *id.* 321-22, 324-26, 404-05.

20. 19 *id.* 589, 592. For operation of the law in Prince Georges County see *infra* 248-49.

21. 20 *MA* 471.