

ought to have any Jurisdiction, power Superiority or Authority Ecclesiasticall or Spirituall within the Kingdom of England or the Dominions thereunto belonging.

So help me God.

The oath of a justice or commissioner (as found in the Somerset County Court records c. 1693–94), derived in part from the oath of a justice of the peace in England, read as follows:

You doe Swear as Commissioner for this County of Somerset and Province of Maryland to doe equall right to the poor, and to the rich to the best of your Cuning Witt and power, according to the laws [?] of England and Acts of Assembly. You shall not debarr or hinder the prosecution of Justice to take any guift, bribe or fee, to the intent of delaying of judgment but shall behave yourself justly and truely to the best of your understanding, So long as you shall persist in this Office, and until you shall be by lawful authority discharged therefrom. So help you God.

Subscribing to the Test oath in Prince Georges County Court apparently took the following form, judging by several *Liber* entries:

Wee the Subscribers doe declare that wee do believe that there is not Any Transubstantiation in the Sacrament of the Lords Supper or in the Elements of bread and Wyne at or After the Consecration thereof by any person Whatsoever.<sup>10</sup>

In a few cases justices were challenged. At the trial of *Burgis v. Mockeboy*, plaintiff objected that he did not think it "convenient" for Thomas Holliday to sit as a justice in the cause whereupon Holliday went off the bench. However, he returned when the court judged the allegation not sufficient to bar Holliday from sitting as a justice to try the action. In *Addison v. Groome*, Robert Bradley, apparently an interested party, went off the bench. At the August 1699 court two of the justices, Robert Tyler and Robert Wade, went off the bench "by reason the new Laws are not downe from Annapolis", but the four remaining justices, nothing daunted, carried on.<sup>11</sup>

In only one instance did a justice evince any reluctance to serve. At the March 1697/8 court the sheriff was ordered to summon Robert Bradley, named in the June 4, 1697 commission, to come into court and take the oath of a justice of the peace. Bradley appeared and the commission being read to him, he answered that he was willing to serve "King and Country" but at present "thought himselfe not Capable of Serving in the quallity of a Justice for the Peace" and refused to take the oaths. However, Bradley apparently had a change of heart later since he took the oaths and his place on the bench at the September 1698 court.<sup>12</sup>

By law each commissioner was allowed the sum of eighty pounds of tobacco per day for the defrayment of his expenses during the time he attended the county court. However, all the justices, or eight or more, sitting in court might consent to lessen or eliminate such allowance and such rule, entered in the record, was to be absolute law and rule for every justice of that county court for the year.<sup>13</sup> No such judicial self-abnegation appears in the *Liber*.

10. *Infra* 15, 210. Compare the wording in *Piscattoway Parish Minutes, 1693/4–1794*, 4 (Hall of Records, Annapolis) and the form transmitted from England. 25 *MA* 68. See also the declaration in 25 *Car. II*, c. 2, s. 9.

11. *Infra* 100, 417, 522.

12. *Infra* 324, 375.

13. 19 *MA* 109. In May 1697 the Council proposed that "a law be made to lessen the commissioners Expences in attending their County Courts the present Allowance being complained of and found to be burthensom . . . and that the number of Justices in each County be lessened if thought Convenient." 19 *id.* 509. The House proposed only reduction of the number of justices in Somerset, the complaining county; "the County Commissioners expences are already well settled." 19 *id.* 509, 515–16.