

While the justices as a group showed devotion to duty, some were more regular in attendance than others. A levy by the October 1699 court, apparently covering a two year period, shows attendances during this period as follows: Magruder—33, Holliday—29, Wade—25, Bradley—23, Tyler—23, Hawkins—22, White—18, Sprigg—17, Barton—11, Smith—11, and, for those most recently commissioned, Stoddart—8, Hutchison—6, and Tannyhill—2.¹⁴

The above 1692 act appointing court days in each county also provided that every commissioner who did not attend the court at the day appointed by law was to be fined 200 pounds of tobacco, unless lawful excuse was made and allowed of by the court. Since this act did not refer to Prince Georges County, it appears doubtful that the commissioners appearing in the *Liber* were subject to fine for non-attendance under this enactment. Whether the 1697/8 act, the text of which has not been found, contained the same provision for fines is not known.

The Governor and Council acted as a watchdog over judicial attendance. By an October 3, 1695 order the sheriffs and the clerks of the county courts were to "take a constant Account in writing of the hour the Court sits and of the hour when they break up (during the severall times of the said Courts Sitting) And for to Express and Remark therein, whether all the Justices then Sitting doe actually continue sitting those hours." After each court's sitting these accounts were to be sworn to before some magistrate and returned to the governor. However, in December 1696 we find both Thomas Greenfield, the sheriff of Prince Georges County, and the clerk of the court listed, among others, as having failed to return an account of the justices' sitting.¹⁵

In July 1696 the Council proposed "that on Ordinance pass for to Oblidge the Justices of the severall County courts to sit in court twelve Hours in Summer and Eight in Winter every day otherwise to be paid Accordingly and that the Clerk keep an Exact Account of their complying therewith and of what Justices are present or Absent and that they dont adjourn unless upon extraordinary Occasion." However, the Lower House was of the opinion "that the Commissioners of the severall County Courts are by their oaths sufficiently obliged to do their duties and dispatch Business without such restrictions especially considering the said commissioners have power to fine their Brethren omitting their duties." Upon receipt of this opinion the governor hoped the commissioners would for his Majesty's service and their own credit comply with the proposal and ordered "that the Clerks of the said Countys Courts keep an Exact Account of the said Justices sitting from time to time to be returned unto his Excellency . . . together with Copy of the County Leavies therein expressing the reason of every particular Article Allowed."¹⁶

In September 1696 the governor, in an attempt to increase the dignity and learning of the county courts, proposed to the Lower House that an ordinance pass obliging the justices of the several county courts to send for the King's arms to be put up in the several county courts and for a gown for the chief justice to wear in court, to be paid for out of ameracements, and the necessary laws books where wanting. The House was of the opinion that, as to the King's arms, it would be necessary to draw an ordinance enjoining the justices to send for them out of ameracements; as to the law books, this was already provided for by law; and as to the gown, "it may be better let alone at present till Religion and Education hath better Ground in the Province."¹⁷

14. *Infra* 614–15.

15. 20 *MA* 510, 580.

16. 19 *id.* 386–87.

17. 19 *id.* 443, 446, 486–87.