

An act of 1692 made subornation of witnesses a criminal offense under penalty of forfeiture of £40 (in the event of inability to pay such a fine, one year's imprisonment without bail or mainprize and one hour in the pillory) and disqualification to testify as a witness in any court of record in the province. The same act made commission of wilful perjury an offense under penalty of forfeiture of £20, of imprisonment for six months, and of disability to be sworn in any court of record (in the event of inability to pay, the offender was to be pilloried with both ears nailed).¹⁰ Jurisdiction over these offenses was given any court of record, but the penalties were stiff for the county court level. This law was enacted when the Assembly upon mature and deliberate consideration found the previous laws "altogether inconsistent with the Constitution of this Province or the Laws of England in such Cases made and provided." The provincial act was based on 5 Elizabeth I, c. 9.

Another 1692 law (An Act against Divulgers of False News) conferred concurrent jurisdiction upon the Provincial Court and the county courts over the spreading of false reports tending to the trouble of the province and the malicious defamation of the governor, councillors, judges and justices and other principal officers of the province.¹¹ In October 1697, at a time of Indian disturbances, the commissioners of the several county courts and the persons appointed for deciding differences between the Indians and English were ordered by the Governor and Council to take special care to see that the several acts of Assembly concerning selling cider to the Indians and the divulging of false news "be putt in strict execution and duly observed."¹²

Acts of 1692 and 1699 relating to servants and slaves gave the Provincial Court and the county courts concurrent jurisdiction to extend the time to serve of runaway servants; to punish freemen traveling without passes; and to punish persons trading with slaves or runaways and unable to satisfy the owner or master for the value of goods obtained thereby (if exceeding the sum of 1000 pounds of tobacco).¹³ Concurrent jurisdiction by the Provincial Court and the county courts was also conferred by a 1692 act making offenses of engrossing or regrating of goods, merchandise or servants. Seemingly such concurrent jurisdiction also existed under an act of the same year providing penalties "in some Court of this Province" for disposing of, tampering with the mark on or changing the quality of tobacco previously received or seized by the sheriff for fines, levies or public officers' fees.¹⁴

Although the jurisdictional provisions are vague, the county courts presumably had authority under a 1692 act to impose forfeitures or imprisonment upon constables refusing to serve or to take the required oath, upon justices of the peace, sheriffs or coroners refusing to execute their office or to take the required oaths, upon those refusing to serve as grand or petty jurors, and upon those summoned as witnesses who refused to testify under oath.¹⁵ Similarly, the county courts presumably had jurisdiction to impose forfeitures on sheriffs failing to empanel grand juries at the March and November courts, on constables failing to appear at such courts, on sheriffs wilfully or negligently allowing prisoners in criminal matters to escape, on clerks of the county courts failing to transmit presentments concerning

10. 13 *id.* 458.

11. 13 *id.* 439. This act was repealed in 1699 at the instance of the House of Delegates which represented "its great Latitude which made it very Lyable to be abused of which wee know Severall Examples." 22 *id.* 352-53, 448.

12. 23 *id.* 246-47.

13. 13 *id.* 451; 22 *id.* 546.

14. 13 *id.* 518, 526.

15. 13 *id.* 516-17.