

life or member to the Provincial Court, on press-masters refusing to serve and on ordinary keepers refusing to extend credit under certain circumstances.<sup>16</sup>

*Exclusive Statutory Jurisdiction*

The county courts were given exclusive jurisdiction over a relatively limited number of offenses. A 1692 act, designed to mitigate the severity of the laws of England, granted jurisdiction to hear and determine all cases of theft or stealing (robbery, burglary and house breaking excepted) "whether it be a horse, mare, Gelding, Colt, Cow, Calfe, Ox, Bull, Steer, Ram, Ews or Lambs, Goats, Hoggs, Piggs, Poultry or other goods or Chattles Whatsoever," not exceeding the value of 1,000 pounds of tobacco, and all offenses arising under an act of the same year against hog stealers. Punishment was to be by whipping or pillorizing or both, as the justices thought most agreeable to the demerit of the offender, plus restoration of fourfold the value of the stolen property. By a 1699 act this jurisdiction was altered to "all Matters relating to theiving Stealing Pilfering and Purloyning (Felonys of a higher nature as Robberies Burglarys House breaking etc. Excepted) whether Cattle Sheepe fowle or other Creatures Necessary for the food and Nourishment of Mankind or horse Mare or Gelding or other Creature that may be Serviceable and usefull or other goods and Chattels whatsoever" not exceeding 1,000 pounds of tobacco in value. The punishments were changed to whipping, pillorizing, setting in the stocks or restoring fourfold the value of the property stolen, as adjudged by the court, with the trial of third offenders reserved to the Provincial Court, which was to proceed as near as might be according to the laws of England.<sup>17</sup>

Other offenses over which the county courts had exclusive jurisdiction to fine or inflict corporal punishment or declare property forfeited included entering upon another's plantation without permission in order to drive away horses and cattle not owned by the trespasser; ranging in the woods after wild horses and cattle without license from the governor; failing to bring servants without indentures before the county courts for determination of their age and term of service; dismembering or cauterizing slaves or mistreating servants or slaves by denial of food, lodging or clothing or by imposing unreasonable working conditions; refusing to give or giving a false account of taxables to the constable.<sup>18</sup> Also in the exclusive jurisdiction of the county courts was the punishment of constables failing to take a list of taxables in their hundreds and of coopers or other persons failing to observe gauges in making tobacco hogsheads.<sup>19</sup>

*Proclamations and Conciliar Orders*

At this period the governor from time to time resorted to the use of proclamations under the broad seal of the province to implement or supplement existing laws. These proclamations covered a wide range of subjects including such matters as the gauge of tobacco hogsheads, trade with Pennsylvania, exportation of corn from the province, enticing persons to remove from the province, runaway or deserting seamen, disposition of parish levies, enforcement of an act restraining assembling of negroes, harboring or assisting John Coode (a fugitive disturber

16. 13 *id.* 477; 22 *id.* 511; 38 *id.* 44.

17. 13 *id.* 479; 22 *id.* 553. The act against hogstealers is at 13 *id.* 377.

18. 38 *id.* 77 (corporal punishment could be imposed if the offender could not satisfy the judgment in a popular action); 13 *id.* 451; 22 *id.* 546 (omitting reference to any penalty for dismembering or cauterizing slaves); 13 *id.* 538; 22 *id.* 514.

19. 13 *id.* 538; 22 *id.* 514; 19 *id.* 104.