

[T]o the End a future better observance may be made of all Laws Acts of Assembly and Orders of my Self and Council, the Sheriffs are likewise to give Notice to all the Justices, Vestrymen, Overseers of the high ways and other Officers within their respective Counties whom any of the Laws of England Acts of Assembly of this Province, or Orders of Council do or may more immediately concern that they go to the Clerk of the County Courts where they live and there peruse the Laws of this Province as also Consult the Laws of England and likewise take Copy from the Sheriff of what Orders of Council may relate to or Concern them to which if they make due and Constant Compliance they need not fear any molestation or trouble, Otherwise they must expect to be proceeded against according to Law.²⁷

A follow-up appeared in the Council minutes for July 1697:

Ordered that Notice be given by the Sheriffs to the Colonell Justices, Vestrys, Clerks of Indictments County Clerk, Surveyors of the high ways Constables and other Officers and persons concerned to make any Returns to Orders of Council or other matters Enjoyned them, that they without faile make due Compliance therein and Consult the Laws of England and of this Province and Former Orders sent that they may not faile in their Duty, which said Severall Returns are to be Carefully transmitted unto his Excellency at the Port of Annapolis immediately after the End of the respective County Courts held in August next, under pain of prosecution His Excellency being Resolved to Excuse none for the Future, omitting their Duty; but that they be proceeded against according to Law.²⁸

From Nicholson's failure to return to the subject, it would seem likely that these admonitions and threats had some effect upon errant office holders. Or perhaps the governor had grown weary and disillusioned in his attempts at reform.

Jurisdiction Exercised

The jurisdiction actually exercised by the court during the period 1696–99 as disclosed by the *Liber* was much more limited than that conferred by statute or commission. Probably most important was the jurisdiction exercised over offenses against the peace such as assault and battery, drunkenness, fighting and swearing. Some of these, being committed in the presence of the justices, were treated as contempt of court. Many of the offenses against property involved hog stealing or the killing of cattle. Most of the sexual offenses involved "bastardizing" by servants; only one case of fornication appears. Miscellaneous offenses included failing to report taxables, spreading false rumors, neglecting to clear the highways on the part of an overseer and profaning the Sabbath.

Offenses Against the Peace

In August 1696 Thomas Wells, presented for beating and abusing Thomas Swareingen "against his Majesty's peace and good Laws," was found guilty by a petty jury of a breach of the peace only and fined 5 shillings sterling. Upon the statement in court of "Severall persons worthy of Credit" that Wells "hath been of Ill behaviour" the offender was bound in £10 for his good behavior and appearance at the next court.²⁹ At the January 1697/8 court, upon complaint by Thomas Lamar that John Gardiner had "much Abused him," the latter was ordered bound in a recognizance of £10 to be of good behavior and appear at the next court.

27. 23 *id.* 60–61. Cf. the direction that a new Collector of Rates and Customs at Pocomoke "apply himself to the Clerk of the County Court for what Laws of this Province may any ways concern Trade." 23 *id.* 141.

28. 23 *id.* 153–54.

29. *Infra* 15, 26–27.