

Contempt of Court

Several instances have been noted in which drunkenness in court was punished by the justices. Other more serious cases of contempt of judicial authority appear in the *Liber*. At the October 1696 court it ordered that William Luddell be taken into custody until he found good security for his good behavior and his appearance at the next court to answer what should be objected against him for abusing the justices and officers of the court. Such security was given and then, upon Luddell's appearance at the November court, it was ordered that new security in the amount of £30 be taken for his appearance at the January court. However, no entry of punishment imposed appears.⁴⁴

At the September 1697 court Hugh Riley was indicted for stating of Thomas Holliday, one of the justices, that "All the beasts of the Forrest meaning the Suitors to the Said County Court are Come in to wait upon an Ass," thus tending to a breach of the peace, contempt of the crown and royal dignity and against the form of the statute in that case made and provided. At the same time Joshua Hall was presented for saying that Holliday was a fool and a rogue, also tending to disturbance of the peace, etc. Both submitted to the judgment of the court and were ordered to give security (£20 and two sureties of £10 each) for their good behavior and appearance at the next court. At such court the recognizances were continued but no further entries are found.⁴⁵

At the November 1696 court one of the justices, Thomas Holliday, complained against Captain Henry Munday for writing and signing a warrant, apparently as a prank. However, all the court except Holliday thought it a frivolous thing which ought not to be taken notice of, "they haveing Consulted with Mr. Bladen the Kings Attorney about the Same." At the January 1698/9 court David Small, presented for becoming drunk in contempt of the laws of the province and of England and taxing Robert Bradley, one of the justices, with injustice, against the good laws of God and the province, made submission to the court and his fine was remitted.⁴⁶

Benjamin Berry and Robert Wade were summoned to appear at the November 1696 court and answer for their contempt in not appearing when the rest of a jury in a civil action came into court to render its verdict. Upon appearing they gave a good reason for their failure to appear and the matter was dismissed. At the June 1697 court a grand juror was fined 200 pounds of tobacco for not appearing when the remainder of the jurors came in with their presentments.⁴⁷

In this connection it is of interest to note that Governor Nicholson in his exchanges of messages with the House of Delegates in the Cranford matter, defending against a charge of harsh treatment of some justices and vestrymen, stated:

[H]ee is afraid that the reasons why Some of the Justices and Vestrymen have not that honor Obedience and respect shewed to them, but Slighted and Contemned by the Vulgar is their owne Actions and behaviour And he is affraid they suffer themselves to be abused and affronted in open Court without punishing the offenders That they suffer Cursing swearing, drunkenness and quarelling too oft in Court terms.⁴⁸

44. *Infra* 52, 64.

45. *Infra* 256-58, 285.

46. *Infra* 93, 458, 464-65.

47. *Infra* 42, 59, 184.

48. 22 *MA* 56. *Cf.* the orders of court in Somerset County providing fines from bringing horses into the court-house and for coming within the bar without being called while court was sitting. *SJR* (1695-96), 267.