

presented by the grand jury but no entry of trial appears. A similar absence appears in the case of John Waker presented for living incontinent with Alice Jures.⁶³

Miscellaneous Offenses

Some miscellaneous offenses appear in the *Liber*. James Boulton, presented for failing to report one of his taxables to the constable, pleaded guilty and was fined according to the applicable act of Assembly. One presentment was made in June 1697 concerning an orphan's estate. Richard Groome, presented for spreading false reports that civil war had broken out in England, was sentenced to 20 lashes. John Thickpenny, overseer, presented for not clearing the highways, pleaded that he had been in the custody of the sheriff for lack of special bail in a civil action and thus incapable of acting as overseer. The *venire facias* was accordingly quashed. Peter Hay, presented for carrying a gun on Sunday with the intent of killing turkeys, a violation of the Sabbath, submitted to the court with the excuse that he was afraid of Indians and was fined 100 pounds of tobacco. At the June 1699 court a servant, probably a runaway, received 20 lashes but the nature of the offense does not appear.⁶⁴

There are also some scattered entries which do not reflect the nature of the offense. Process to appear to answer complaints is found but the *Liber* is silent as to the gravamen of the complaint or the disposition thereof. In several instances notation is found of the issuance of *venire facias* but no further entries.⁶⁵ John Davis at a June 1696 sitting was bound in the sum of £20 for his good behavior but the nature of the offense charged is not apparent. At the September 1699 court James Watts, bound in a recognizance for good behavior, appeared and was cleared by proclamation but the offense charged does not appear.⁶⁶

VII. CIVIL JURISDICTION

The first Nicholson commission constituted and appointed the commissioners judges in civil causes with authority to issue out writs, process and attachments, to hold plea of oyer and terminer in all personal actions not exceeding the sum of 10,000 pounds of tobacco and, after judgment, to award execution in all civil causes, whether real or personal, according to the laws, orders and reasonable customs made and provided in the province. The intent of this commission was to grant jurisdiction in personal actions only; the phrase "all civil causes, whether real or personal," was apparently carelessly adopted from the proprietary commission used as a model.¹ The second Nicholson commission conferred the same

63. *Infra* 326, 350. For the incontinent behavior of Alice Jures and John Snugg, see *PGCJ, Liber B*, 27a, 50, 70a-71. In a 1695 case in Kent County Court it was unsuccessfully urged in arrest of judgment that no law of the province required persons to live continently. *KCP, Liber I*, 514.

64. *Infra* 71, 166 (Boulton); 183-84; 458, 466 (Groome); 458, 484, 497 (Thickpenny); 393, 452, 485 (Hay); 490.

65. *Infra* 42, 58 (Daniel Buckmaster summoned or subpoenaed to answer complaint of John Waters); 21, 39 (Mary Davis discharged paying her fee); 22, 39 (runaway servant of Walter Evans); 456 (*venire facias* for Samuel Williams by order of court); 548 (*venire facias* for Godfrey Barnes and Mary Dunhue). For presentments of Barnes for fornication with Mary Dunhue and Mary Moody see *PGCJ, Liber B*, 3a-4a (November 1699). For Mary Dunhue's punishment for bastardizing, as a second offender, see *id.* 163a.

66. *Infra* 8, 518, 548.

1. *Infra* 1-2. For the proprietary model see 15 *MA* 396-98; Karraker, *op. cit. supra*, 183-86. The following entry appears in the Council minutes for Oct. 17, 1694: "Afterwards produced and Read a County Court Commission and Ordered by Advice that the County Court Commissions be limited to Ten Thousand pound's Tobbacco and that no Action be brought in the said Courts exceeding the said Summe. . . ." 20 *MA* 137-38.