

and stabling facilities. Selling without lawful license of strong liquors for consumption on the premises was also prohibited. A 1696 act prohibited selling of strong liquors or knowingly permitting drunkenness, gaming or exercise at one's house or at an ordinary on the Sabbath.¹⁷

Maintenance of the highways constituted the subject matter of several acts. These punished the neglect of any commissioner to appoint overseers for the highways; the neglect of his duties by any overseer so appointed; the refusal or neglect of any laborer to work on the highways; the failure of the clerk of the County Court to grant or of the sheriff to deliver *ex officio* warrants for the appointment of overseers; and the refusal of a master to send his servants to work on the highways. Penalties obtained for unlawfully altering or changing a public road; for the neglect by a justice to present and prosecute any overseer derelict in the performance of his duties; and for the neglect of an overseer to observe certain rules concerning the marking of public roads.¹⁸

A number of laws provided penalties for abuse of office. Such abuse included the taking by clerks and officers of the Assembly of excess fees for naturalization; the exaction by naval officers of excessive fees; the exaction by sheriffs of fees in excess of those statutorily established or levying execution for fees without first delivering a true and just signed account of the fees due; the marking or seizing by sheriffs of tobacco houses or hogsheads containing more tobacco than due for levies; the issuance of any summons or other process in any criminal matter without a grand jury presentment or a special court order; the taking of excessive bail by sheriffs in actions on the case; the pleading, as attorneys of residents of the province, of commissioners, sheriffs and deputy sheriffs, clerks and deputy clerks in the courts in which they were officers; the remaining in office for more than two years of any sheriff or under-sheriff; and the levy of execution for public officers' fees by the sheriff when the person from whom the fees were demanded made it appear that the fees had been paid.¹⁹

Miscellaneous neglects of office for which penalties were provided included failure of persons appointed for that purpose to provide the required standards of English weights and measures; neglect or refusal of any sheriff to make a return of delegates elected in his county or the making of any improper or illegal return; neglect or delay by the sheriff in conveying public letters and packets; failure of sheriffs to deliver copies of allowances in the public levy to the clerk of the county courts and of such clerks to record and post copies; failure of commission officers to take certain measures to apprehend privateers and pirates; the failure of various officers of the Provincial Court and witnesses in criminal causes to comply with statutory provisions designed to expedite procedure; the failure of the clerk of a county court in third offense theft cases to send a transcript of the earlier convictions to the Provincial Court and to bind over all parties, prosecutors and witnesses to appear at the next such court. Also penalized were the accepting by purchase or pawn arms bearing militia marks or the attaching or levying execution on horses or arms so marked; the failure to give notice to the parish register of births, baptisms, marriages or burials; the failure of vestrymen to provide a parish register; the neglect or refusal of parish registers to record births, baptisms, marriages or burials; the refusal of church wardens to take office or to perform

17. 38 *id.* 44, 116; 19 *id.* 420.

18. 13 *id.* 486; 38 *id.* 95; 22 *id.* 475.

19. 19 *id.* 212; 13 *id.* 463, 471; 22 *id.* 504; 13 *id.* 506; 22 *id.* 570; 13 *id.* 484; 22 *id.* 504; 38 *id.* 113; 22 *id.* 502; 38 *id.* 94; 22 *id.* 504; 13 *id.* 483; 13 *id.* 468 (*cf.* 22 *id.* 504, 509); 22 *id.* 504.