

As noted earlier, on April 15, 1698 there was produced and read before the Council a presentment by the grand jury of the Provincial Court of the justices, the sheriff and the clerk of Prince Georges County for levying and receiving more tobacco of the inhabitants than by law empowered. As noted earlier, this presentment stemmed from certain allowances made to the sheriff and the clerk in the levy. On September 2, 1698 the Council read a petition from the justices in which they submitted themselves and prayed that a *nolle prosequi* might be entered upon the prosecution against them. The crown lawyers advising that the governor might order a *nolle prosequi* to be entered and that "the Law will oblige the Sheriff and Clark of the County to refund the Tobacco so to them allowed," it was accordingly ordered that a *nolle prosequi* be entered.⁸

In this connection it should be noted that a "humble Address" sent by the House of Delegates to the governor in March 1698 in the Cranford matter complained, in part, as follows:

The Justices of the severall County Courts have been arrested and by strict and unusual means compelled to make their appearance at Annapolis, as grievous offenders when in truth their faults if any were very Small, and pardonable to the lessening the esteem due to their offices, and to their great damage and Expences, and in like manner have the Vestrymen of Severall parishes been dealt with all upon very slight occasions to their great loss and hinderance.⁹

To this address the following reply was made:

As to what you represent as grievances that Severall of the Justices and Vestrymen of the Severall countyes have been arrested etc: his Excellency wants to know their names so that if any of them have been dealt with contrary to Law, care should be taken that they have right and Justice done them.

But it is hoped you don't imagine that a Justice of peace or a vestryman is not liable to the law as you would seem to insinuate.

You may remember his Excellency told you at the beginning of the sessions that he had and would endeavour to support the Credit and reputation of all those who were in employ under his Majesty's here with all the power he had, provided they behaved themselves well, and if there be any thing wanting that is reasonable in answering your address concerning them his Excellency will be willing to pass any law or ordinance to that effect . . . some of the Justices have allowed themselves and others Tobacco out of the publick contrary to Law Viz. St. Mary's, Calvert, Prince Georges, Dorchester and Sommersett Countyes as by Coppies of the said County Leavies herewith sent may appear.¹⁰

In November 1698 the House of Delegates in an address to the governor requested, among other things, that "your Excellency receive into your Speciall protection all such Gentlemen as for no reward Serve his Majesty in the office of Justice of peace and other offices and not Suffer them to be harrast and troubled upon obsolete Laws or otherwise unjustly and nothing materiall proved Against them."¹¹ To this the governor made the following reply:

In your 4th Article you desire that the Governor would receive into his Protection the Justices of Peace as those that serve his Majesty for no reward and you seem by this to intimate that the Justices are all out lawed for all other persons are under his Majesty's protection and his Excellency has never restrained that protection either to Justices or others so long as they Carried themselves in Dutifull Obedience to his Majesty and his

8. 23 MA 416, 513.

9. 22 *id.* 35, 87, 109.

10. 22 *id.* 56, 140-41. See also 22 *id.* 106.

11. 22 *id.* 179, 237, 243.