

Laws. Its true there has been severall Justices lately Questioned for levying Tobbacco on his Majestys Subjects Contrary to law some of whom appeared Innocent and were discharged and others manifestly guilty And are you in earnest aggrieved that those were questioned for their misfeazance and the Country reimbursed the tobbaeco so wrongfully taken from them or must none be questioned tho upon ever so strong Grounds but such as are before hand proved guilty we are sorry to find such an Arbitrary Temper as reigns in some of you and that you Can soe easily disguise and Impose it upon others. <sup>12</sup>

Other portions of the Council minutes indicate that the governor expressed the opinion that "the law obliges" the justices of the peace "to returne their accompts, and that he is obliged to punish all offences that are against the Laws" and that he "will not suffer the Justices to impose what Taxes they please on his Majestys Subjects." <sup>13</sup>

Under a 1698 temporary act two justices, the vestry and four of the most responsible parishioners (one justice and a majority of the vestry and parishioners constituting a quorum) were authorized to levy and assess on the parish a sum not exceeding 10 pounds of tobacco per taxable year for the purpose of purchasing a parish register and of finishing and repairing the church. By a 1699 act this authority was transferred to the justices of the county court to be exercised at the time of laying the county levy, upon application of the vestry and church wardens; the purposes of the levy were broadened to include other parochial charges and the vestrymen were required to account to the justices for the tobacco received. <sup>14</sup>

In July 1699 the Council upon consideration of "the many Irregularitys and undecent Marriages Contracted in this province" questioned whether it might not be advisable "to prohibit Justices Marrying of persons where there is a Minister in the County or in the next Adjacent." However, the House of Delegates voted to continue the existing act as "sufficient." <sup>15</sup> The several county courts were authorized to grant certificates that persons intending marriage had made publication thereof at the county court. <sup>16</sup>

The owners of marks of hogs and other cattle, in order to obtain the benefit of such marks, were required to record them with the county court of the county in which they lived or the Provincial Court within twelve months after the assumption of such marks. A substantial number of such marks was entered at various times in the *Liber*. <sup>17</sup>

Matters of probate and administration were primarily under the jurisdiction of the Commissary General. However, in cases of intestacy, after the division of the estate was made, an account thereof was to be transmitted to the justices of the county court who were authorized to put the lands, goods and chattels of orphans into the hands of such persons as they thought fit, taking bond with two sufficient securities, for securing and delivery of such estate to the orphans or their guardians when lawfully required to do so, in accordance with certain prescribed rules and directions. These rules and directions required intervention of the justices to take such action as apprenticing orphans, appraising the value of slaves on the estate, supervising the collection of debts, seeing that the security for the estate was sufficient and removing orphans to other guardians or masters if not maintained or

12. 22 *id.* 182, 185, 252.

13. 22 *id.* 245, 253.

14. 38 *id.* 120; 22 *id.* 468. In July 1699 the Council ordered that the vestries should render to the county courts "their Accounts of their disposing of the ten pounds of Tobbacco per head" which they had been authorized to levy. 22 *id.* 338.

15. 22 *id.* 165-66, 342, 347-48, 441-42.

16. 13 *id.* 450.

17. 13 *id.* 477.