

of the province), granting of marriage licenses, the apprehension of pirates, shipping provisions out of the province, the exportation of ammunition, drinking the health of James II, the apprehension of certain disloyal subjects, and the posting of tables of fees and adherence thereto.²⁰

Some of these proclamations contemplated punishment under existing laws or extended or gave new content to such laws; still others seemingly created new offenses and proceeded on the theory that disobedience would constitute contempt. For the most part there is little reference to jurisdiction but it would appear doubtful that these proclamations in practice added significantly to the jurisdiction of the county courts. In any event, the *Liber* yields no evidence of such significance.

In some cases orders of the Governor and Council were used to implement existing laws. For instance, in March 1695/6, upon representation, it was ordered that the several officers "officiating in any publick employ . . . and to whom Fees for doing Business are properly belonging" should not exact or take any other fees than those settled or allowed by law. A November 26, 1698 order gave notice that any person taking or receiving boats or other things from deserting sailors or other runaways, for helping them out of the province, would be prosecuted as accessories to the felonies of such deserting runaways. In January 1698/9 it was ordered that notice be given the several vestries refusing to levy the 40 pounds of tobacco per poll that if any of the poor of their parishes suffered for want of such assistance they must expect to be prosecuted for contempt.²¹

State of Law Enforcement

Before examining the criminal jurisdiction exercised by Prince Georges County Court as revealed in the *Liber*, it may be useful to notice briefly the state of law enforcement in the province generally, at least as revealed in the records of the Assembly and Council.

Apparently in October 1695 Governor Nicholson was disturbed by laxity of law enforcement in the province for at the close of the General Assembly he recommended "unto them the due observation as well of those [made since his arrival] as all other the good Laws of this province now in force, and all Orders and Ordinances now passed and that such as were magistrates among them would see the Same put in Execution without which the making Laws would prove in Effectuall and Useless."²²

Later, in October 1696, we find an order of the Governor and Council that:

This Board does further Strictly charge all the Magistrates and Justices of this Province in generall (in his Majesties name and as they will answer it at the day of Judgment) that they see all the Laws put in strict Execution especially against Sabath breaking, Blasphemy, cursing, Swearing, drunkkenness; and Against known Adulterers, Fornicators and persons that have two wives; but more especially that they take care to punish such Offences as they are Eye and Ear witnesses of.²³

20. 20 *id.* 277, 279, 327, 328, 392, 564; 23 *id.* 76, 132, 268, 336, 464, 470, 471; 25 *id.* 56. See the incident in which William Barton and John White, justices of Prince Georges County, refused to drink the health of James II at the house of Major Walter Smith in Calvert County, expressing their dislike "by telling those persons that did so that they were a parcell of Rogues and deserting their Company." 23 *id.* 461-62. Walter Smith, Richard Smith and Benjamin Hall were brought before the Council Board in July, 1698, and ordered to give security in the amount of £2000 for each Smith and £1000 for Hall to appear at the next Provincial Court to answer what should be objected against them. 23 *id.* 468-69. For several persons taken into custody by virtue of the proclamation for suppression of piracy see 23 *id.* 473.

21. 20 *id.* 387-88; 25 *id.* 20, 41; *infra* 430.

22. 19 *MA* 238.

23. 20 *id.* 518.