

Gardiner appeared but the complaint was not prosecuted.<sup>30</sup> At the November 1698 court John Davis, indicted for assaulting William Conley "against his Majestyes Pease and Contrary to his Rule and Dignity," was found guilty by a petty jury and fined 5 shillings. The offender and his surety were ordered to give recognizances of £20 for his good behavior and appearance at the next court, where he was cleared by proclamation.<sup>31</sup> James Bigger, brought before the November 1698 court for breach of the peace, submitted to the court, stating he was sorry for abuses committed against Alexander Magruder. The court thereupon discharged him from its order that he give security for good behavior and appearance at the next court.<sup>32</sup> At the same court William Scott was indicted for striking the constable of Mount Calvert hundred but at the June court a *nolle prosequi* was entered when none appeared to prosecute.<sup>33</sup>

At the August 1696 court four persons were presented by the clerk of the indictments for being drunk and drunkenly abearing themselves "against the Laws of God and this province." However, the grand jury found a true bill only against Matthew Mockeboy; it returned *ignoramus* with respect to Benjamin Berry, Thomas Keniston and Robert Robinson, although the same three witnesses swore to offenses seemingly committed at the same time and place. The same grand jury returned *ignoramus* on a presentment against Mockeboy for swearing divers profane oaths against the laws of God and of the province and found a true bill on a presentment charging him with assaulting William Bladen; apparently all the charges arose out of the same incident. The criminal docket for the following court records that in one case the *venire facias* for Mockeboy was quashed and in the other he submitted and the *venire facias* was dismissed, without further identification of the causes.<sup>34</sup> At the October 1696 court Benjamin Berry, rather than sit in the stocks as ordered for swearing in open court, submitted and paid a fine according to law.<sup>35</sup>

At the November 1696 court two offenders, Benjamin Berry and Robert Gorden, having been found by three justices drunk at an ordinary and profanely cursing and swearing were, upon the order of such justices to the sheriff, put in the stocks during the court's sitting and then, having made their submission, discharged paying their fees. At the same court three offenders were put in the stocks for being drunk and abusing the court. At the August 1699 court William Sewell, put in the stocks for being drunk, abused the justices who thereupon ordered that he receive ten lashes and be returned to the stocks.<sup>36</sup>

On March 28, 1699 a true bill was found against Paul Busey, Matthew Mockeboy, John Rooke, William Gaskin, John Mortemore and Henry Butler for being drunk, fighting and breaking the peace on that very day at Charles Town, on the information of Robert Bradley, one of the justices, and Edward Willett, clerk of the court. Gaskin and Mockeboy submitted to the court and were fined 100 pounds of tobacco; Butler was put in the stocks for three hours instead of being fined. Both Gaskin and Butler were required to enter into recognizances for their good behavior and appearance at the next court. At the June court Busey also submitted to the court, was fined 100 pounds of tobacco and cleared by proclamation. Rooke

30. *Infra* 294, 324.

31. *Infra* 375, 394, 435.

32. *Infra* 402, 410.

33. *Infra* 393, 498-99.

34. *Infra* 24-25, 38-39. The laws of England were also referred to in the presentment against Mockeboy.

35. *Infra* 52.

36. *Infra* 60, 84, 92, 98, 523.