

following sessions, held in January and March, Lucy sued Turner for its maintenance, he having since acknowledged that he was the father of the child and made her an offer of marriage which she refused. One of the grounds for her refusal to marry him was that " hee was a lustful, very lustful man ", to which he is said to have retorted in kind with sordid details to substantiate his assertion. The jury awarded her an annual allowance for the care of the child, which aggregated more than 3000 pounds of tobacco (pp. 30-33, 37-38). Turner thereupon appealed to the Provincial Court, which set aside the allowance award on the grounds that Lucy had rejected his offer of marriage and support (*Arch. Md. xli*, 291-294).

Two servants of Mr. Henry Coursey, charged with bastardy at the January 1671/2 session of the Talbot County Court, were ordered twenty lashes each on their bare backs. They were then given permission by their master to marry if they agreed to give him satisfaction by additional service for every child they might have (*Arch. Md. liv*, 518). It is not clear, however, whether this arrangement saved them from the whipping post.

There are a number of cases in all four counties where both men and women were brought before the court, usually upon the information of constables, variously charged with " loose living ", " incontinent living ", " incontinence ", or fornication ". Women in such cases were almost invariably servants. The act of 1654 concerning adultery and fornication left the punishment, which was not to extend to life or member, to the discretion of the court (*Arch. Md. i*, 344-345). Presentment in such cases was usually by a justice or a constable, and later by the grand jury. If the woman would not divulge the name of the father so that he could be held liable for damages to her master, were she a servant, besides the whipping which she ordinarily received, she was ordered to serve an additional term of servitude to reimburse her master for the loss of her time and the maintenance of her child, the court fixing the damages which it thought fit. The punishment inflicted by the court upon the mother and father varied greatly, depending upon the surrounding circumstances of the case. Unless a marriage resulted the court usually ordered that the mother be whipped as soon as she was strong enough after her confinement to receive her punishment. The number of lashes varied from ten to thirty. Whipping was ordered by the Kent County Court in the case of a girl guilty of bastardy, although as proof of her betrothal it was shown that a piece of money had been broken between her and the man, an old custom to signalize an engagement of marriage (*Arch. Md. liv*, 205, 211).

The punishments inflicted in the county courts, which of course did not extend to loss of life or member, ranged from admonition in open court to flogging, although the law of 1642 provided that a gentleman might not be whipped, presumably the court to be the judge as to who was a gentleman (*Arch. Md. i*, 184). Another act providing for the " punishment of certain lesse capital offences ", authorized not only corporal punishment, but also provided that offenders might be " put to shame as the Court shall think the crime to deserve " (*Arch. Md. i*, 158). Gentlemen seem to have been exempt from this punishment also. Thirty lashes appear to have been the maximum number noted in