

these records, although the Provincial Court sometimes ordered a larger number. These lashes may always have been given on the bare back, but that this is sometimes not specified, raises a question as to this point. Both men and women were whipped indiscriminately, women on the bare back apparently as frequently as men. Jail sentences do not seem to have been imposed in criminal cases, although of course pending trial in both criminal and civil cases, where security was not given, imprisonment in the custody of the sheriff was usual, and debtors were imprisoned until their debts were paid. Those convicted by the court were frequently given the alternative of a fine or whipping. There are several cases where offenders were ordered to work on the roads. There are other instances where men were ordered to repair bridges as punishment (*Arch. Md. liv*, 51, 103). There is a case where the Kent County Court ordered twenty-five lashes for a chronic runaway servant, and directed that if he again ran away, "the inhabitants that find him shall whip him home again" (*Arch. Md. liv*, 184). A servant, Elizabeth Lockett, of Kent, found guilty of bastardy at the April 1661 court, and ordered twenty lashes, escaped by claiming the benefit of the recent act of indemnity (*Arch. Md. liv*, 211).

Under the act of 1663 each county, except Baltimore and Talbot then sparsely settled, was ordered to set up a pillory and stocks at the court house, and a ducking stool at the most convenient place (*Arch. Md. i*, 490). The Assembly probably thought it unnecessary to order a whipping post as this punishment was so constantly inflicted there must be one already at hand. At the January, 1663/4, Charles County Court the sheriff was ordered to have erected a ducking stool "at Mr. Pope's Creek", and the pillory and stocks at the court house, as well as a new whipping post, and 1500 pounds of tobacco was appropriated to pay William Robinson for making them (pp. 432, 459, 523). The activities of the court seem to have been stimulated by this new equipment for during the next year or two there was a marked increase in the number of floggings ordered. The pillory and stocks were occasionally used but there is no reference in any of these county court records to the ducking stool having been employed, although suits for slander against women, who would have been the victims, were quite frequent. In March, 1663, the Provincial Court ordered the commissioners of every county to provide branding irons (*Arch. Md. xlix*, 16-17). There is no instance in which a county court ordered branding as a punishment, and it is likely that the Provincial Court alone had the authority to do so, doubtless directing that convicted persons be branded by the sheriff in their respective counties as an example to evildoers (*Arch. Md. xlix*, 16-17). There are instances in which, for this reason, the Provincial Court ordered that criminals be hanged in their own counties.

There are a large number of cases in which the offender was obliged to apologize in open court, occasionally "upon bended knees" (*Arch. Md. liv*, 169, 316). On one occasion it was ordered by the Kent County Court, February 1, 1655/6, that the offender, William Price, under suspicion of hog-stealing, "shall in Open Cou^{rt} stand with a papper upon his breast declaring his offence, soe longe tym as th^e Court shall appoint, And shall make a publicke acknowledgment of his fault, and also shall Repaire Cranie bridge so as to be halfe a Foote above a Common high watt" (*Arch. Md. liv*, 51, 60).