

in all fifteen such sex cases recorded. The records show that the woman involved might be ordered a whipping or be fined, but whippings seem to be less frequent than in the previous decade, servants alone being the victims. The father of a bastard child, if a servant, was usually accorded the same treatment as the woman, but if a freeman, was obliged to give bond that the child would not become a public charge. The criminal record for the period covered by this volume was, however, so badly kept by the changing and irresponsible clerks or deputy clerks, that we are left in the dark as to whether a whipping or any other punishment was meted out to eight of the women presented for bastardy. Bastardy and unlawful cohabitation cases were ordinarily brought before the grand jury by one of the constables and, if the evidence justified, were presented for trial. Thus, at the 1671 court, Francis Lamb was ordered to give security for 10,000 pounds of tobacco to keep the county harmless from the care of "a bastard child by him begotten on the body of Anne Broadhead." The latter, a servant, was presented at the same court for bastardy, but the record does not disclose her punishment. The amount of the bond alone proves that Lamb was not a servant (pp. 355-356). Obadiah Dunn and Elizabeth Francis were presented for having a "bastard child abortive they both burying of it & concealing of it", but the punishment was voided when a planter, Robert Rowland, agreed to pay to the Lord Proprietary the 200 pounds of tobacco fine imposed on each of the principals (p. 519). At the same court Margaret Ward, living at Captain Hugh Oneal's was fined 500 pounds for bastardy, Ralph Coates going security to pay the fine due to the Lord Proprietary (p. 519); while Ann Ward, whose case was called the same day, could not be found by the sheriff (p. 519). Margaret Evans was fined 500 pounds of tobacco at the January, 1674, court, for bastardy, and Peter Carr "where she liveth" paid the fine to the Lord Proprietary (p. 518).

Two cases where a man and a woman were unlawfully living together, and a near breach of promise suit, came before the court. Joane Langford had George Harris summoned before the court and accused "th^e said George for begetting a Bastard Child on her Body, and for Nonperformance of his promise to Marry her, or set her free." George was ordered to give bond for 1500 pounds of tobacco to save the county harmless for the maintenance of the bastard child, and to pay "Two hundred and fifty pounds of tobacco to th^e Wife of John Cofer for tending on th^e said Joane in her Laying in." He also paid a fine of 500 pounds to "acquit and set free the said Joane of th^e penalty of Whipping" (pp. 141-142). At the court held in November, 1672, there were two similar presentments by the grand jury. Elinor Warren was charged with "beading [bedding] and entertaining Thomas Howell for the space of Six weeks in her house and not lawfully married to him" (p. 439). There is evidence that Elinor Warren was a woman of some property (pp. 350, 364). Susanna Dunn, the wife of Thomas Dunn of "the upper county of Rappahannock in Virginia" and Philip Cary of Mattawoman, Charles County, were presented, she for absenting herself from her husband, and he for keeping her over two years and living together as man and wife; and she also for having had a bastard child by him about a year previous (p. 439). The outcome of neither of these cases is revealed by the record.