

person carried with it forfeiture of goods and chattels. The accused does not seem to have been called to testify in his own behalf. Key was then cleared by a proclamation. As the record does not disclose the evidence we are left to suspect that perhaps the jury may have felt, that whatever had occurred was perhaps not entirely "against the will" of Mrs. Billingsley (pp. 353, 354, 356, 357).

Upon the complaint of Adam Head, one of the justices of the St. Mary's County Court, Silvanus Gilping was brought before the Provincial Court at the December, 1669, session for an attempted rape upon Rebecca Frizell. After hearing the evidence of the alleged victim and of another woman witness, the charge was dismissed by the court, but two days later the grand jury indicted Gilping for attempted rape "on the naked body of Rebecca Frizell". When brought up for trial at the February, 1669/70, court, and neither Head nor any other witness "appearing to prosecute the said presentment, it is Ordered that he be quitt of the same presentment, and that Adam Head be committed to the custody of the Sheriffe of St Maries County untill he give security for his good abeareance" until the October court. Head gave security for ten pounds sterling (pp. 604-5, 610, 615). It looks as if the charge may have been a frame-up on the part of Head against Silvanus and Rebecca.

Hog and cattle stealing, a very serious crime under the Maryland law, especially after it was strengthened by the act of 1666, was punishable for the third offence by death without benefit of clergy. For the first offence in addition to a heavy fine the culprit was to spend four hours in the pillory before the Provincial Court and to have both ears clipped; for the second offence he was to be branded on his forehead with the letter H; and for the third offence to suffer death. This subject is discussed more fully in the introduction to a previous volume of the *Archives* (*Arch. Md. LII*; xxxi). In all nine cases of this kind came before the court in this five year period, but in only one instance was the accused found guilty, and as in this case, the indictment was deficient in not giving the value of the stolen sheep, which was later declared to be only twelpepence, the accused Patrick Hinderson, was cleared by proclamation (pp. 169, 170, 1989). Daniel Stringer, a planter indicted for hogstealing, was arraigned and pleaded guilty, "whereupon the Act of Assembly being read wherein it is said that none but those whome shall be legally Convicted & ; whereupon he confessing the fact, was not thereof by a Jury Convicted, therefore Clear'd by Proclamacon" (168, 170). This is a good example of the escape of a criminal through a legal technicality.

Peter Bawcomb (Vawcomb) of Choptank, Talbot County, and two of his servants were indicted and tried on two charges before a jury at the December, 1669, court, in both instances charged with stealing the live stock of neighbors. The first case was dismissed because the value of the bull killed, fixed in the indictment at the nominal valuation of sixpence, was less than fifty shillings, the minimum amount as fixed for prosecution under the law, and all three were freed on this count. In the second case, the servants appeared as principal and the master as accessory in the indictment. One of the servants pleaded guilty, the master and the other servant not guilty. The jury found the