

then there master . . . did make an assault . . . with the said Axes . . . did severally strike so that . . . the head of the said Hawkins . . . was then and there broke . . . breaking in Severall pieces the skull . . . of the Depth of Three Inches of the breadth of One Inch and the length of One Inch and a halfe whereupon . . . the said Hawkins instantly of the said blowes Died so that they . . . of their mallice aforethought . . . voluntarily & wickedly feloniously and Traytorously did Kill against the peace of the Lord Proprietary his rule and Dignity (*post*, p. 3). With the indictment the Attorney General laid before the grand jury all the papers about the business. The witnesses were present and were heard. The grand jury withdrew "into a private Roome to consider of their verdict" and came back half an hour later with a true bill. The prisoners were brought to the bar and asked how they plead. Three of the five plead not guilty and chose to be tried "by God and his Country," that is, by a jury. One, Robert Warry, confessed his guilt and the jailer was at once commanded to look to him. When it appeared that Tony the Negro spoke no English, "his pleading was respited that the Court and the Jury . . . might see how farre . . . [he] was concerned in this business." The jury which the sheriff of St. Mary's had summoned was brought into the court and was sworn in. The jurymen were to decide whether the prisoners were guilty or not, and if they found them guilty, they were to ask what lands and other possessions they had. The Baltimore County coroner and three other witnesses testified, and the jurors went from the bar to consult. On their return, with a verdict, the prisoners were called to the bar to hear that verdict. Sall and Speare and John the Negro were declared guilty, and Robert Warry had confessed. Tony the Negro who spoke no English was declared not guilty, and, when no one alleged any other crime or misdemeanor against him, he was freed. On the convicted four the Governor pronounced sentence of death by hanging. The gallows was to be set up at St. Mary's City, and Tony the Negro who had just been acquitted of guilt was to be the hangman (*post*, pp. 2-8).

Petty treason, it goes without saying, would today be no different from any other murder. Besides this interesting case, there were three charges against women for murdering their bastards, and one other murder charge. Isabella Yausley gave birth to a male child secretly and alone, and later she killed the child. She was indicted, and on the indictment the grand jury returned a true bill. Brought to the bar, she plead not guilty and put herself upon the country. The trial jury heard the witnesses and heard Isabella also. Then, after a half hour's retirement, they pronounced her guilty. Amid a general silence, "the Chancelour made a short Repitition of the foulnes of her Offence and advising her to prepare for her End, and the passed Sentence as followeth

"Thou Isabella Yausley art to . . . be hanged by the neck untill thou shalt be dead".

And the sheriff was ordered to see to it that she was hanged on April 17, 1671 (*post*, 9-11). For Mary Stevens and Ann Pattison, also charged with murdering their bastards, the process was almost the same, but the outcome was different. In the case of Mary Stevens, "the Court Examining the busines fully