

Additional Charts on
Criminal Matters
in
Eighteenth-Century Maryland

Introduction

The charts that are included here, like the seventy-one charts which are also linked to this volume, I started in the mid-1960s when I was doing a long manuscript on crimes and punishments in eighteenth-century Maryland. This manuscript has become a number of manuscripts that I will never be able to finish but that ultimately will be left at the State Archives in Annapolis. Since each of these charts was created for a specific purpose, probably none of them will fully satisfy anyone else. We realize that none of the charts is definitive, but still we hope that people will find them useful.

Since my purpose in collecting the information on criminal prosecutions in Queen Anne's County was to try to get a clue as to whether punishment for deterrence really worked, I did not need all of the information in the entries and so did not record it. While we can never know how many people avoided committing crimes because of their fear of punishment, the recidivism in Queen Anne's County makes it appear that punishments were a very undependable weapon against crime, at least for the

crimes that the county courts could try.

In the charts from Queen Anne's county, two entries close in time for the same person for bastardy probably apply to only one instance of bastardy even when it is not noted that one of the entries is for the ordering of an indictment or an information and the other for the prosecution of the indictment or the information. The entry "taxable" must mean that a person did not report a taxable, and "constable" must mean that the constable did not collect a tax. So many years have passed since I copied these entries onto separate note-sheets that I cannot be sure what those notations mean.

We do not have here all of the alleged murders of bastard children, breaking and entering, or burglary. People will quickly notice also that in the charts on brandings we have very few entries. We include brandings only for the more serious crimes, and not all of those. These are illustrations only. There were hundreds of brandings for the less serious crimes. We also doubt that in the charts on "prison breakings" we have identified all of the escapes from jail.

For petit treason we have not required the identification as petit treason in the records but rather for the definition of the term have followed Sir Matthew Hale's *Pleas of the Crown* (1716), II, 23-25, which has more information than either Sir William Blackstone's *Commentaries* (10th edition, 1787), pages 75, 203-204, or *Black's Law Dictionary* (6th edition), p. 1501.

In the charts on pardons written out and not written out the first means that the pardons are fully written out in the records, with information about the charge, conviction, and sentence, and "not written out" means that there is only an entry that the pardon had been ordered or issued.

That seven of the fifteen people whom we have listed as receiving pardons or

reprieves after their death warrants had already been issued had to leave the province might suggest that the decisions in these cases were very close calls and that the transportation of these convicts resulted more from the suspicions and the fears of authority than from the convicts' having committed any crimes. The sampling, of course, is too small and the evidence too sketchy for any firm conclusions on this.

When we looked again at the chart on the number of days between convictions and executions I was surprised at how long people who had been sentenced to death had to ponder what would in most cases be their final fates. My memory was that usually executions were carried out soon after convictions. Sometimes they were, but often the condemned had to wait for a long time. We have no idea why some executions were delayed for so long, but possibly we have missed some records of reprieves or of escapes from prison. Because I used both the records of the council in the published *Archives of Maryland* and the Commission Records for the dates of the death warrants on these charts, the dates here might be either the dates on which the death warrants were ordered or the dates on which they were issued.

Since in criminal actions there was no appeal, the person who wanted his case to be taken to a higher court had to sue out a writ of error. There appear to have been very few of these, but I believe that I have found most of them. The proportion of the provincial court's reversals revealed in the cases that we have found, though the total number is small, might provide some evidence of the low quality of criminal justice in the county courts, which tried an overwhelming proportion of criminal cases in colonial Maryland. That is not to say, of course, that the other courts in the province — provincial court, assizes, special courts of oyer and terminer, mayor's court in Annapolis — did any better job of achieving justice. We must always remember, of course, that achieving justice was never an object of the courts. The object was to

control the population in the interest of the propertied class.

For creating these charts on the computer all of the credit belongs to Beverly Ann. Since my original charts, in pencil on graph-paper, could not be properly scanned, she has spent many hours formatting them on her computer and typing in the hundreds of entries. She has also spent many hours proof-reading the computerized charts with me and then making corrections. And she has had a strong influence in determining which of the charts would be put on the web.

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