

THE CASE OF THE HEADLESS BABY: DID INTERRACIAL SEX IN THE MASSACHUSETTS BAY COLONY LEAD TO INFANTICIDE AND THE EARLIEST HABEAS CORPUS PETITION IN AMERICA?

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I. INTRODUCTION[†]

Seventeenth-century Massachusetts Bay Colony court records remain largely unpublished and electronically inaccessible.¹ Among the

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[†] All documents cited in this Article are available on request from the Barbara and Maurice A. Deane Law Library at the Hofstra University School of Law.

1. Records of the General Court and County Court for Suffolk, Essex, and Middlesex are partially published. Full versions of *Records and Files of the Quarterly Courts of Essex County, Massachusetts* can be found on the University of Virginia's website as part of its Salem Witch Trials Documentary Archive and Transcription Project. See Univ. of Va., Records and Files of the Quarterly Courts of Essex County, <http://etext.lib.virginia.edu/salem/witchcraft/Essex/> (last visited Mar. 28, 2010). Private manuscript transcriptions exist for some "Old" Norfolk County Court records, Essex County Court records, and Suffolk County Court records after 1680, in the possession of this author. Manuscript Works Progress Administration transcripts, indices, and arrangements of some Suffolk County Court, Middlesex County Court, and Essex Quarterly Court records exist. See Jean Nielsen Berry, *The Historical Records Survey in Massachusetts: Failure or Phoenix? 16-20* (Sept. 1995) (unpublished M.A. thesis, University of Massachusetts). A photostat of the Suffolk County Court minute book from 1680 to 1698 resides in the Judicial Archives collection at the Massachusetts Commonwealth Archives at Columbia Point. Microfilms of Middlesex County Court records were filmed by Harvard University and preserve thousands of documents, including many that are now lost. See generally RECORDS OF THE SUFFOLK COUNTY COURT 1671-1680, PART I, in 29 PUBLICATIONS OF THE COLONIAL SOCIETY OF MASSACHUSETTS (Allyn Bailey Forbes ed., 1933) [hereinafter RECORDS OF THE SUFFOLK COUNTY COURT 1671-1680, PART I]; RECORDS OF THE SUFFOLK COUNTY COURT 1671-1680, PART II, in 30 PUBLICATIONS OF THE COLONIAL SOCIETY OF MASSACHUSETTS (Allyn Bailey Forbes ed., 1933); 1 RECORDS AND FILES OF THE QUARTERLY COURTS OF ESSEX COUNTY, MASSACHUSETTS 1636-1656 (George Francis Dow ed., 1911); 2 RECORDS AND FILES OF THE QUARTERLY COURTS OF ESSEX COUNTY, MASSACHUSETTS 1656-1662 (George Francis Dow ed., 1912); 3 RECORDS AND FILES OF THE QUARTERLY COURTS OF ESSEX COUNTY, MASSACHUSETTS 1662-1667 (George Francis Dow ed., 1913); 4 RECORDS AND FILES OF THE QUARTERLY COURTS OF ESSEX COUNTY, MASSACHUSETTS 1667-1671 (George Francis Dow ed., 1914); 5 RECORDS AND FILES OF THE QUARTERLY COURTS OF ESSEX COUNTY,

dusty, sometimes tightly-folded court file packets, rest precedent-setting cases whose history and influence wait to be rediscovered.

Zipporah's unique struggle is such a case. It has no docket number or minute book entry, is tactfully ignored by the diarists and letter-writers of the day, but tells its tale through a few depositions, an inquisition post mortem, and a hastily scrawled request from jail—arguably the earliest habeas corpus petition in America—signed with New England's first known mark of a free African woman.²

II. MODERN EYES

To the modern eye, Zipporah's case is one long string of seemingly inexplicable occurrences.³ The complex system of presenting suspected fornicators after an unwed mother's childbirth ceased over two centuries ago.⁴ Zipporah's status as a free African woman in Boston in 1663 is

MASSACHUSETTS 1672-1674 (George Francis Dow ed., 1916); 6 RECORDS AND FILES OF THE QUARTERLY COURTS OF ESSEX COUNTY, MASSACHUSETTS 1675-1678 (George Francis Dow ed., 1917); 7 RECORDS AND FILES OF THE QUARTERLY COURTS OF ESSEX COUNTY, MASSACHUSETTS 1678-1680 (George Francis Dow ed., 1919); 8 RECORDS AND FILES OF THE QUARTERLY COURTS OF ESSEX COUNTY, MASSACHUSETTS 1680-1683 (George Francis Dow ed., 1921) [hereinafter 8 RECORDS OF THE QUARTERLY COURTS]; 9 RECORDS AND FILES OF THE QUARTERLY COURTS OF ESSEX COUNTY, MASSACHUSETTS 1683-1686 (George Francis Dow ed., 1975); 1 RECORDS OF THE GOVERNOR AND COMPANY OF THE MASSACHUSETTS BAY IN NEW ENGLAND, 1628-1641 (Nathaniel B. Shurtleff ed., Boston, William White 1853); 2 RECORDS OF THE GOVERNOR AND COMPANY OF THE MASSACHUSETTS BAY IN NEW ENGLAND, 1642-1649 (Nathaniel B. Shurtleff ed., Boston, William White 1853); 3 RECORDS OF THE GOVERNOR AND COMPANY OF THE MASSACHUSETTS BAY IN NEW ENGLAND, 1644-1657 (Nathaniel B. Shurtleff ed., Boston, William White 1854) [hereinafter 3 RECORDS OF MASSACHUSETTS]; 4 RECORDS OF THE GOVERNOR AND COMPANY OF THE MASSACHUSETTS BAY IN NEW ENGLAND, PART I, 1650-1660 (Nathaniel B. Shurtleff ed., Boston, William White 1854) [hereinafter 4 RECORDS OF MASSACHUSETTS, PART I]; 4 RECORDS OF THE GOVERNOR AND COMPANY OF THE MASSACHUSETTS BAY IN NEW ENGLAND, PART II, 1661-1674 (Nathaniel B. Shurtleff ed., Boston, William White 1854); 5 RECORDS OF THE GOVERNOR AND COMPANY OF THE MASSACHUSETTS BAY IN NEW ENGLAND, 1674-1686 (Nathaniel B. Shurtleff ed., Boston, William White 1854); ROBERT H. RODGERS, MIDDLESEX COUNTY IN THE COLONY OF THE MASSACHUSETTS BAY IN NEW ENGLAND: RECORDS OF PROBATE AND ADMINISTRATION, OCTOBER 1649-DECEMBER 1660 (1999).

2. Zipporah was the daughter of Richard Done and his wife Grace, African servants of Robert and Anne Mansfield Keayne. Zipporah was alive in 1654 when she received a legacy in the will of her widowed mother's master. *See* Will of Robert Keayne (Dec. 28, 1653), in A REPORT OF THE RECORD COMMISSIONERS OF THE CITY OF BOSTON, CONTAINING MISCELLANEOUS PAPERS 1, 25 (William H. Whitmore ed., Boston, Rockwell & Churchill 1886) [hereinafter Keayne's Will]. For more on Keayne's legacies and family tragedies, see generally Bernard Bailyn, *The Apologia of Robert Keayne*, 7 WM. & MARY Q. 568 (1950).

3. All statements of fact for this case are supported by depositions taken on October 4-5, 1663, which are numbered and transcribed in the Appendix. *See infra* app. at 271-74, document 4.

4. *See* MELINDE LUTZ SANBORN, LOST BABES: FORNICATION ABSTRACTS FROM COURT RECORDS, ESSEX COUNTY, MASSACHUSETTS 1692 TO 1745, at ix-xi (1992) (discussing the components of fornication cases). The frequency of presentments for suspected fornication in Essex County dropped precipitously in the 1740s and was rare thereafter. *Id.* at 63-67 (identifying twenty-

startling. She was one of only ten known African children born in the Massachusetts Bay during the period when no person could be born enslaved.⁵ Her parents, Grace and Richard Done, the property of Boston's richest man, Robert Keayne, were two of the so-called "first two hundred"⁶ enslaved people in Massachusetts Bay Colony.

Zipporah was likely at or near adulthood in 1660 when her mother's widowed mistress, Ann Mansfield Keayne, married Samuel Cole.⁷ Rather than join the new household, Zipporah sought employment

one presentments for suspected fornication in Essex County in 1739, but only twenty-six presentments between 1740 and 1744).

5. See A REPORT OF THE RECORD COMMISSIONERS CONTAINING BOSTON BIRTHS, BAPTISMS, MARRIAGES, AND DEATHS, 1630-1699, at 11, 55, 78, 91, 99, 107, 111, 113 (Boston, Rockwell & Churchill 1883) [hereinafter BIRTHS, BAPTISMS, MARRIAGES, AND DEATHS]. To become enslaved, an individual had to willingly sell him or herself or be captured during war time. See THE BODY OF LIBERTIES OF 1641, in A BIBLIOGRAPHICAL SKETCH OF THE LAWS OF THE MASSACHUSETTS COLONY FROM 1630 TO 1686, at 29, 53 (William H. Whitmore ed., Boston, Rockwell & Churchill 1890) [hereinafter THE BODY OF LIBERTIES]. One of the ten free children did not survive to adulthood; Martha, daughter of Matthew and Dorcas, died in Boston in 1654. See BIRTHS, BAPTISMS, MARRIAGES, AND DEATHS, *supra*, at 47.

6. The "first two hundred" refers to Edward Randolph's June 13, 1676 report to the Privy Council, which states that there "are no servants but upon hired wages, except some few, who serve four years for the charge of being transported thither by their masters, and not above two hundred slaves in the Colony, and those were brought from Guinea and Madagascar." JOHN GORHAM PALFREY, 3 HISTORY OF NEW ENGLAND 298 (Boston, Little, Brown & Co. 1892); see also CARL N. DEGLER, OUT OF OUR PAST, THE FORCES THAT SHAPED MODERN AMERICA 37 (3d ed. 1984). This number might include Pequot and Scottish slaves. On May 18, 1680, writing to the Commissioners of Trade and Plantations, Governor Simon Bradstreet wrote that there were about 120 Africans brought to the colony and "as many Scots brought hither and sold for servants in the time of the war with Scotland." JOSHUA COFFIN, A SKETCH OF THE HISTORY OF NEWBURY, NEWBURYPORT, AND WEST NEWBURY, FROM 1635 TO 1845, app. f at 336 (Boston, Samuel G. Drake 1845). The names and biographies of 178 Africans present in the Massachusetts Bay Colony before 1680 are found in Melinde Lutz Sanborn, *The First Two Hundred* (Mar. 20, 2010) (unpublished manuscript, on file with author), an ongoing effort to identify the colony's earliest African inhabitants.

7. Zipporah's age is estimated. She was born before 1653 when her father died. See BIRTHS, BAPTISMS, MARRIAGES, AND DEATHS, *supra* note 5, at 42. To have conceived in 1662, she was surely beyond the age of menarche, suggesting she was born before 1648. See *infra* app. at 270-71, document 3 (indicating that the child was born September 23, 1663, from which it can be inferred that Zipporah conceived near the end of 1662). No reference is made to Zipporah's age during the 1663 depositions, which indicates that she was at least eighteen, and more likely at least twenty-one. A minor deponent would be described as not of "lawful age." See 1 MELINDE LUTZ SANBORN, AGES FROM COURT RECORDS 1636-1700, at 2 (2003). For a discussion of deponents' ages, see *id.* at 2-4. Following Keayne's death in 1654, his widow Ann Mansfield Keayne married Samuel Cole on October 16, 1660. BIRTHS, BAPTISMS, MARRIAGES, AND DEATHS, *supra* note 5, at 76. Keayne's three slaves received small legacies and were dispersed. See Keayne's Will, *supra* note 2, at 25. Zipporah's father, Richard, predeceased Keayne, who transferred Richard's legacy to Zipporah in a codicil. Zipporah's mother, Grace, remained enslaved by the new Mrs. Cole, and witnessed a conversation regarding Mansfield family inheritances. See RODGERS, *supra* note 1, at 239. Her testimony was sought by John Mansfield in June 1661. See *id.* at 240. Angola's time was sold to Sebastian "Bus-Bus" Kane, and he became free five years later. See Melinde Lutz Sanborn, *Angola and Elizabeth: An African Family in the Massachusetts Bay Colony*, 72 NEW ENG. Q. 119, 123 (1999). It is likely that the third slave who received a legacy was James Bitts, "the Scotchman." See

among Keayne's powerful Boston connections. By 1662 she had chosen to work as a servant in Mr. Richard Parker's household—a decision with fatal consequences.⁸

The Parker household was quite large. In addition to three generations of both Richard Parker's family and that of his wife, and all their servants, Richard's nephew, Jonathan Parker, was frequently present in the home.⁹ In his early twenties, Jonathan drew the attention of Boston authorities exactly once. One night while a newly married neighbor was out of town, Jonathan climbed through a window and accosted the young wife in her bed.¹⁰ Servants responded to the woman's screams and brought the Boston watch, to whom Parker claimed he meant only to protect the young woman and "he would take his oath that there was a theefe in the house."¹¹ Jonathan did not stay to face the authorities but flourished abroad and was a "gentleman" of London in 1674.¹²

The speed of his removal suggests that this was not the first time Jonathan Parker made importunate advances. Many of the events in this case make sense only if Jonathan was the headless baby's father.

III. FORNICATION "LAW"

In late summer after Jonathan's precipitate departure, two respected African women approached Richard Parker's housekeeper and asked why her servant, their clearly pregnant countrywoman, Zipporah, had not been taken to the Boston magistrates.¹³

Keayne's Will, *supra* note 2, at 52; Sanborn, *supra*, at 122 & n.11. This slave was probably newly purchased. *See* Sanborn, *supra*, at 122.

8. *See infra* app. at 271, document 3 (indicating that Zipporah was a servant in the Parker household and that she had a baby, which she reported as stillborn).

9. Jonathan Parker, son of Nicholas, was born in Boston on December 2, 1639. *See* BIRTHS, BAPTISMS, MARRIAGES, AND DEATHS, *supra* note 5, at 9. Richard Parker and Nicholas Parker were likely, but not demonstrably, brothers. Richard served as Nicholas's attorney in 1656, and the two had other close relationships. They lived in the same house in 1639. *See* NOTE-BOOK KEPT BY THOMAS LECHFORD, ESQ., LAWYER, IN BOSTON, MASSACHUSETTS BAY, FROM JUNE 27, 1638, TO JULY 29, 1641, at 116-17 (Cambridge, John Wilson & Son 1885); RECORDS OF THE SUFFOLK COUNTY COURT 1671-1680: PART I, *supra* note 1, at 470-71.

10. *See In re Parker* (Gen. Ct. Boston June 12, 1663), No. 532, in 4 SUFFOLK FILES (n.p. n.d.) (on file with the Massachusetts Supreme Judicial Court, Division of Archives and Records Preservation).

11. *See id.* (deposition by Mary Hudson, age nineteen).

12. Jonathan Parker, "gent" of London, was named in the September 30, 1674 deed of his brother, Captain Nicholas Parker, as the heir to a farm at Rumney Marsh. *See* MELLECHAMBERLAIN, 1 A DOCUMENTARY HISTORY OF CHELSEA INCLUDING THE BOSTON PRECINCTS OF WINNISIMMET RUMNEY MARSH, AND PULLEN POINT 1624-1824, app. 5 at 150 (1908).

13. Elizabeth was the African servant of Edward and Abigail Vermase Hutchinson in 1654 when she married Angola, the then servant of Robert and Anne Mansfield Keayne. *See* BIRTHS,

Zipporah was unmarried, and despite its absence in the first two sets of Massachusetts laws, fornication was a presentable crime routinely heard by the county courts, usually punished by a fine.¹⁴ Failure to complete any of the required steps would deprive Zipporah of remedies such as child support.¹⁵

On finding herself pregnant she should have gone to a magistrate and reported the fact, named the father, and detailed the time or times when the child could have been conceived.¹⁶ Other steps had to wait for the actual birth, but the pre-notification was essential.¹⁷ It is likely that her friends knew the law would protect Zipporah if she followed it to the letter.¹⁸ Likewise, failure to fulfill the law's requirements was an indication that something was amiss. If she was pregnant, none of the reasons Zipporah was being denied access to a magistrate could be good.

BAPTISMS, MARRIAGES, AND DEATHS, *supra* note 5, at 48; Sanborn, *supra* note 7, at 122. The status of Elizabeth's former owners and that of her free husband established her as Boston's most influential African woman. See Sanborn, *supra* note 7, at 122-24, 129. Mary Negro, wife of Francis Flashego, was a servant, first in the household of Mr. Atherton Haugh, and during Zipporah's case, in that of Samuel Haugh of Reading, Massachusetts. See BIRTHS, BAPTISMS, MARRIAGES, AND DEATHS, *supra* note 5, at 31, 107; see also Will of Samuel Haugh (Sept. 28, 1661), in 2 MIDDLESEX COUNTY PROBATE RECORD BOOK 28-29 (David Pulispher ed., 1850) [hereinafter Haugh's Will] (indicating that Samuel Haugh included "Frank and Mary" in his will). Of a similar status to Elizabeth, the two were apparently friends and confidants who acted in concert in the matter of Zipporah's baby. See *infra* app. at 272, document 4, pt. C (referring to Elizabeth as "Besse"). Samuel Haugh left the Flashegos a cow and their freedom in a codicil dated September 28, 1661. See Haugh's Will, *supra*, at 28.

14. See, e.g., RECORDS OF THE COURT OF ASSISTANTS FROM OCTOBER, 1641, TO MARCH 5, 1643-4, in A BIBLIOGRAPHICAL SKETCH OF THE LAWS OF THE MASSACHUSETTS COLONY FROM 1630 TO 1686, *supra* note 5, at xxv, xxxi, xxxvii-xxxviii (identifying individuals presented to the county court on fornication charges).

15. Jane Soams, presented for fornication, acted as though married but did not accuse Nathaniel Wharf in travail. Wharf was dismissed. See R v. Wharf (Ct. Gen. Sess. Essex County Mar. 29, 1709), in 3 ESSEX GENERAL SESSIONS 203 (n.p. n.d). Ebenezer Kimball of Bradford was dismissed since Ruth Eaton did not name him during travail. See R v. Kimball (Ct. Gen. Sess. Essex County Mar. 28, 1710), in 3 ESSEX GENERAL SESSIONS 217 (n.p. n.d.); see also THE GENERAL LAWS AND LIBERTIES OF THE MASSACHUSETTS COLONY 55 (Cambridge, Mass., Samuel Green 1672), reprinted in THE COLONIAL LAWS OF MASSACHUSETTS (William H. Whitmore ed., Boston, Rockwell & Churchill 1890) ("[W]here any man is legally convicted to be the [f]ather of a [b]astard child[], he shall be at the care and charge to maintain and bring up the same, by such [a]ssistance of the [m]other as nature requireth, . . . and in case the [f]ather of a [b]astard, by confession or other manifest proof, upon trial of the case, do no appear to the Court[']s satisfaction, then the [m]an charged by the [w]oman to be the [f]ather, she holding constant in it, (especially being put upon the real discovery of the truth of it in the time of her [t]ravail) shall be the reputed [f]ather, and accordingly be liable to the charge of maintenance . . .").

16. Magistrate Nathaniel Saltonstall's interrogatories describe the procedure in the 1703 case between Judith Kimball and Nathaniel Peasly. See, e.g., SANBORN, *supra* note 4, at xi-xiii (referring to the magistrate's records that articulate the proper procedure for fornication cases).

17. See *id.* at xi.

18. See *id.*

The eventual reply was that Zipporah was just fat,¹⁹ yet a few days later she gave birth to a son who was reportedly stillborn.²⁰ The three Parker women, Mrs. Parker, wife of Richard Parker; her daughter Mrs. Manning; and Mrs. Sands, the housekeeper,²¹ did as little as possible when the moment came. Mrs. Parker wondered if Goody Baxter should be sent for, but Mrs. Sands suggested they wait since it might just be a “fitt of the Collick.”²² When Mrs. Sands finally wondered if Mrs. Parker should be told, Mrs. Manning urged silence “because providence had ordered it to be secret,” and the birth was “not Coming to its prime,” and she was “not willing her father should know of it because he was on his oath.”²³

The labor was only a few hours, but Mrs. Sands made time to attempt to convince Mrs. Makepeace²⁴ to come up, but “being weary she did not come.”²⁵ Eventually, Mrs. Sands went to Zipporah’s assistance and caught the baby that came “at the next payne.”²⁶

The Parker women looked at the child and later all deposed that “the face of her child was blackish & the haire of the head was blacke,” or words to that effect.²⁷ The maid, Elisabeth Mellows, was in the house

19. See *infra* app. at 272-73, document 4, pt. E.

20. See *infra* app. at 271, document 3.

21. Mrs. Sands was probably Ann Holmes, who married John Sandys in Boston on June 7, 1653. BIRTHS, BAPTISMS, MARRIAGES, AND DEATHS, *supra* note 5, at 43. Richard Parker gave land to John Sands on Sands’s marriage to Parker’s granddaughter, Ann Manning, in 1669. See RECORDS OF THE SUFFOLK COUNTY COURT 1671-1680: PART I, *supra* note 1, at 419-20; Deed from Richard Parker to John Sands (Oct. 9, 1669), *reprinted in* 6 SUFFOLK DEEDS 136 (Boston, Rockwell & Churchill 1892).

22. See *infra* app. at 273-74, document 4, pt. I. The Parker women stayed away until the last moment, possibly to maintain ignorance of the pregnancy, a ploy that failed. See *infra* note 45 and accompanying text (discussing the scandal and repercussions that would result from such a pregnancy).

23. See *infra* app. at 272-73, document 4, pt. E. For the meaning of “on his oath,” see *infra* notes 32-33 and accompanying text.

24. See *infra* app. at 273-74, document 4, pt. I. Mrs. Makepeace, the second wife of influential merchant Thomas Makepeace, was apparently a respected midwife. See *infra* app. at 272-74 document 4, pts. E & I. (noting that Mrs. Makepeace’s assistance was sought at the time Zipporah went into labor). Elizabeth Hawkredd, wife of Thomas Makepeace, was the widow, successively, of John Coney and Oliver Mellows. 2 GENEALOGICAL AND PERSONAL MEMOIRS RELATING TO THE FAMILIES OF THE STATE OF MASSACHUSETTS 1023 (William Richard Cutter & William Frederick Adams eds., 1910); 61 THE NEW ENGLAND HISTORICAL AND GENEALOGICAL REGISTER 55 (Henry Ernest Woods ed., 1907). She may have been an in-law of the Parker household maid, Elisabeth Mellows. See *infra* app. at 271, document 4, pt. A. This is the only known record in which she is called to attend a birth. If Mrs. Sands actually did go for help, Mrs. Makepeace’s answer may have been a shrewd social choice to stay out of a bad situation.

25. See *infra* app. at 273-74, document 4, pt. I.

26. See *infra* app. at 272-73, document 4, pt. E.

27. See *infra* app. at 273-74, document 4, pt. I.

during the birth, but came in only afterwards and saw the baby's legs, which were "darkish."²⁸

Mrs. Parker claimed she "bid her get a Negro woman to her" but that Zipporah desired that it not be made public.²⁹ Perhaps Mrs. Parker was unaware that Besse and Mary had already inquired or that they would be called as witnesses later.

The attempt to hide the entire event proceeded with Mrs. Parker pinning the tiny corpse in a linen cloth and sending Zipporah out to bury it in Mr. Parker's field the next day.³⁰ And so it might have ended, but that someone made a complaint.

IV. LEGAL REPERCUSSIONS

As a member of the Massachusetts Bay Colony's Council, Mr. Richard Parker³¹ was a man "on his oath."³² An officer of the court, he was responsible for his servants and if irregularities occurred, it was his duty to report them.³³ If the women of the house shielded him from knowledge of scandal, he had plausible deniability of things illegal, if not moral exemption from a disorderly household.

The attempt at concealment failed and Zipporah was jailed, ostensibly for fornication—a fact she freely confessed, naming Jeffere, the African servant of Lieutenant William Hudson, as her partner in sin.³⁴ The odd part of this arrest was that never before had the colony jailed a mother for fornication.³⁵

28. See *infra* app. at 271, document 4, pt. A.

29. See *infra* app. at 273-74, document 4, pt. I.

30. See *infra* app. at 271, 273, document 4, pts. B & F.

31. Richard Parker, born about 1594, as calculated from his age of 76 years in a 1670 deposition in Middlesex County, Mass., died in 1672/73 when his will was proved. See Long v. Paine (Mass. Middlesex County Ct. Dec. 20, 1670), in Middlesex County Folio Collection, 1649-1686 (fol. 54) (on file with the Massachusetts Supreme Judicial Court, Division of Archives and Records Preservation).

32. Richard Parker's wife's daughter, Ann Manning, asserts that her father was not to be told of his servant's unwed pregnancy because he was "on his oath." See *infra* app. at 272-73, document 4, pt. E.

33. "[T]he master is answerable for the act of his servant." See JOHN MACDONELL, THE LAW OF MASTER AND SERVANT 257 (London, Stevens & Sons 1883) (quoting 1 WILLIAM BLACKSTONE, COMMENTARIES *429).

34. See *infra* app. at 270, 273, documents 1, 4, pt. H.

35. In the more than three hundred fornication cases documented in the Essex Quarterly Court records; nine cases from Suffolk Quarterly Court; 135 cases from Suffolk County Court, and over ninety cases from Middlesex County, all before 1692, there is no example of the mother being jailed for fornication. For example, Mary Hood and Abigail Hart, both of whom were charged with fornication, were not jailed but rather they were to be either whipped or fined. See, e.g., 8 RECORDS OF THE QUARTERLY COURTS, *supra* note 1, at 274; see also SANBORN, *supra* note 4, at x (stating that a common penalty for fornication was fines).

The unprecedented warrant ordering Zipporah's jailing for fornication, read:

Yo^u are to tak into yo^r costody Zippoer a negro woman for comittinge
 fornication wth Jeffere a negro man and haveing a bastard it was in a
 secret way buryed by the sd Zippoer as shee confeseth but the child
 where she saith it was buryed is not yet found
 Dat 1-8-1663
 To the keep of the Prison
 in Boston Ri. Bellingham Dept Govr³⁶

Although rife with suspicion of infanticide, the warrant does not specifically mention the concept of murder. Zipporah's marital status was well known and easily established. So, too, would be the evidence that she had recently given birth. The warrant addresses the fact that her child's body had not been found and the point of law that proper notification of authorities before and after the childbirth had not been observed.

In 1663, Zipporah's unique status as Boston's only adult African resident never to have been enslaved may have baffled the court. Although she was in theory as free as her mistress, the laws were retreating from a stand for equality.³⁷ Less than eight years earlier, the 1656 General Court had reversed itself in the 1652 matter of arming "all Scotsmen, Negers, & Indians, inhabiting with or servants to the English" between age sixteen and sixty, and requiring they attend military trainings.³⁸ The selectmen of Boston had recently begun to put laws into effect restricting the activities of Africans, specifically denying them employment in any skilled trades.³⁹ Zipporah would become Boston's

36. See *infra* app. at 270, document 1. This arrest warrant is written in the hand of Deputy Governor Richard Bellingham. See *id.* Bellingham knew Zipporah's parents' owner very well and soon would be indebted for his life to Angola, Elizabeth's husband, who had served with Zipporah's parents. See Sanborn, *supra* note 7, at 122, 124-26. Sometime between 1667 and 1668, Angola rescued a drowning Governor Richard Bellingham from the Charles River. See *id.* at 124. There is no doubt Zipporah and Bellingham were well acquainted. *Id.* at 124-26.

37. See *infra* notes 38-39 and accompanying text.

38. See Order for the Military (Gen. Ct. Boston May 14, 1656), in 4 RECORDS OF MASSACHUSETTS, PART I, *supra* note 1, at 257 (reversing the 1652 order settling the militia as applied to Africans and Indians); Order for Settling the Militia (Ct. Election Boston May 27, 1652), in 3 RECORDS OF MASSACHUSETTS, *supra* note 1, at 267.

39. On September 5, 1661, Boston forbade Africans from following a trade and enforced a specific case. "Whereas M[r.] Tho: Deane hath employed a Negro in [the] manufacture of a Coop. contrary to [the] orders of [the t]owne," it was ordered that the employer "shall not[] employ [the said] Negro in [the said] manufacture as a Coop. or any other manufacture or science after [the] 14th day of this month on [the] p[en]alty of 20^s for e[v]ery day . . . [the said] Negro shall continue in such employment." A REPORT OF THE RECORD COMMISSIONERS OF THE CITY OF BOSTON, CONTAINING THE BOSTON RECORDS FROM 1660 TO 1701, at 5 (William H. Whitmore & William S. Appleton eds., Boston, Rockwell & Churchill 1881).

first African woman to own her own house and land there,⁴⁰ but at the birth of her son, she was an enigma.

In the colony's 1641 "Body of Liberties," Liberty 18 reads, "No mans person shall be restrained or imprisoned &c. before the lawe hath sentenced him thereto, if he can put in sufficient baile, &c. except in crimes capitall, &c."⁴¹

Possibly there was suspicion that Zipporah or someone else had killed the child, since her treatment fit a capital crime. None of the Parkers were jailed, however.⁴² Nor was Jeffere, as Zipporah pointed out.⁴³ Apparently never offered the option to post bail, Zipporah had a scribe write a letter to the General Court asking that she be charged with something or released.

To the honord County Courte now sitting at Boston
 The humble petition of Zipporah a negro woman priso^r
 humble beseecheth this Courte to take her and her miserable Condition
 into yo^r pious Consideration, for that she hath most justly deserved
 gods displeasure and yo^{rs} for her sinn in being so wicked as to committ
 that sinn of fornication with that Jeffere the negro man, and is therefore
 justly imprisoned, but in regard he is bound to appeare before this
 Courte, to answer it, and she not bound over, to appeare anywhere doe
 therefore humbly beseech this honored Court, to call her before you,
 and to deal with her, as to yo^r wisdomes and mercy shall see meet,
 that she may not lye where she is to perrish
 And yo^r pour peticion^r and prisoner shall dayly pray

WO the mark of Zippora⁴⁴

The depositions made it clear that the family wished to protect Richard Parker from the scandal and responsibility of an interracial child

40. See Deed from Thomas Stevens to Zippora Potter (Nov. 11, 1670), reprinted in 7 SUFFOLK DEEDS 43-44 (Boston, Rockwell & Churchill 1894); Deed from Edward Rawson to William Stoughton (Aug. 18, 1693), in 16 SUFFOLK DEEDS 284-85 (n.p. n.d.), microformed on Record of Deeds, vol. 16, Dated 1692-1694 (Reprod. Sys., Inc.) (on file with the Hofstra Law Review); Deed from Zipporah Manne to Peter Gardner (Nov. 23, 1693), in 17 SUFFOLK DEEDS 104-05 (n.p. n.d.), microformed on Record of Deeds, vol. 17, Dated 1694-1697 (Reprod. Sys., Inc.) (on file with the Hofstra Law Review); Deed from Zipporah Atkins to William Hewes (Aug. 9, 1699), in 20 SUFFOLK DEEDS 443 (n.p. n.d.), microformed on Record of Deeds, vol. 20, Dated 1700-1702 (Reprod. Sys., Inc.) (on file with the Hofstra Law Review).

41. William H. Whitmore, *Introduction* to THE BODY OF LIBERTIES, *supra* note 5, at 17.

42. Since the Parkers gave testimony about Zipporah and there is no record of them being jailed, it can be inferred that none were jailed. See *infra* app. at 273-74, document 4, pts. F-I.

43. See *infra* app. at 270, document 2.

44. Letter from Zipporah to the County Court, No. 605, in 5 SUFFOLK FILES (n.p. n.d.) (on file with the Massachusetts Supreme Judicial Court, Division of Archives and Records Preservation). Zipporah's letter to the Suffolk County Court is undated.

and the further repercussions of an improperly conducted birth in the household.⁴⁵ Their inconsistent stories clashed with the law, as did their failure to ask Zipporah to name the father of her child during childbirth.⁴⁶ Goodwife Baxter or Mrs. Makepeace would not have failed to ask.⁴⁷ Any paternity testimony Zipporah gave after the birth was not binding, as it would have been while facing death in childbirth.⁴⁸

While Zipporah sat in jail, a search for the body of her stillborn son commenced.⁴⁹ James Howard, Samuel Howard's wife, Smith Woodward, Mathew Coy, and Thomas Swan, discovered a headless infant in the general location Zipporah claimed to have buried her child.⁵⁰ On October 4 and 5, 1663, an inquest was held on the headless corpse.⁵¹

Surviving papers do not indicate the identity of the "coroner"⁵² and the count of jurors' signatures was one short of the traditional twelve disinterested but responsible freemen.⁵³ A further irregularity was the questionable status of the jury's foreman, William Hudson.⁵⁴ Lieutenant William Hudson's servant Jeffere was the accused father of Zipporah's stillborn son.⁵⁵

Boston the 5th of October 1663

Wee whose names are underwritten being by warrant from the honored
Deputie Governor summoned for to view the dead body of an Infant &
to make inquiry of the manner of the death thereof, & of p^{ties}

45. See *infra* app. at 272-73, document 4, pt. E (referring to a conversation between Mrs. Sands and Mrs. Manning in which Mrs. Sands advocated that they tell Mrs. Parker about Zipporah's pregnancy; however, Mrs. Manning believed that "providence had ordered it to be secret").

46. See *infra* app. at 271-74, document 4, pts. B, E & I; SANBORN, *supra* note 4, at xi (discussing the required practice of asking an unwed mother to name the child's father during childbirth).

47. See *infra* app. at 272-74, document 4, pts. E & I. Midwives were required to ask the unwed mother to state the name of the child's father during labor. See SANBORN, *supra* note 4, at xi.

48. See *supra* note 15 and accompanying text. Midwives asked unwed mothers repeatedly during the childbirth to swear to the child's father's identity. Once established in this way, the accused unmarried father could not avoid paying support for the child unless he could prove the mother had seen other men near the time of conception. See SANBORN, *supra* note 4, at xi.

49. See *infra* note 56 and accompanying text.

50. See *infra* note 56 and accompanying text.

51. See *infra* app. at 271-74, document 4.

52. Cf. Thomas Rogers Forbes, *Crowner's Quest*, in 68 TRANSACTIONS OF THE AMERICAN PHILOSOPHICAL SOCIETY HELD AT PHILADELPHIA FOR PROMOTING USEFUL KNOWLEDGE 10 (1978) (describing the duties of the coroner and noting that during an inquest, the coroner would submit a handwritten warrant to assemble jurors).

53. See *infra* note 56 and accompanying text (listing the names of the eleven jurors).

54. See *infra* note 56 and accompanying text (including "Willm Hudson" in the list of the eleven jurors).

55. See *infra* app. at 273, document 4, pt. H (identifying the child's father as "William Leift Hudsons Negro").

suspected about it; upon inquiry & dilligent search made; wee finde a child was borne in the house of mr Richard Parker by a Negro woman dwelling in the house being servant of Mr John Manning whose name is Zipora which child was borne the 23th 7th 63 nere the Evening; as will appeare by Mrs Manning & Mrs Parker & Mrs Sands, and the servant maide of the house that was moving too & againe at the same time the child was borne, the aforesaid three women apprehended the child was not at the full birth by sixe or eight weekes which child as they say is burryed by the foresaid Negro in Mr Parkers feild, which is not farr from the place where a child was found without a head But the child wee were Called to view & have viewed & upon view & serious Consideration thereof wee judge this Child to be timely borne & that the head of this child was Cut off & that it is not the child of a Negro as wee co [] & further wee conceive this child was not many days dead before it was found

Upon all which wee judge this child to be murdered but by whome wee cannot find

The first discoverers of
the dead Corpps are these
James Howard taken upon oath this 5th of October 1663
Samll Howard wife
Smith Woodward
Math: Coy
Thomas Swan
The two Last have given testimony upon the view of the child

Willm Hudson
James Everitt
Thomas Matson
William Cotton
Nicholas Phillips
Robert Bradford
Thomas Walker
Phillip Wh[a]rton
William English
Hope Alline
Simon Rogers⁵⁶

Curiously, the jury failed to mention the sex of the headless infant. This suggests that it was male, otherwise there would have been little

56. Jury Verdict Regarding the Inquest in the Matter of Zipporah (Oct. 5, 1663), No. 605, *in* 5 SUFFOLK FILES (n.p. n.d.) (on file with the Massachusetts Supreme Judicial Court, Division of Archives and Records Preservation).

point in pursuing Zipporah's secret childbirth.⁵⁷ Also curious is the omission of the testimony of a knowledgeable midwife on the likely age of the dead infant. Even in the 1660s, it was usual for men to defer to a woman who was an expert in such matters.⁵⁸

During the course of the inquest, all the women deponents detailed how Zipporah's babe was small, appeared to have been premature, perhaps did not have nails, looked to be dark complexioned, and had its head complete with black hair.⁵⁹ Mrs. Sands, who performed the delivery, described the limber nature of the child's neck.⁶⁰

The jury described the headless baby, on the other hand, as "not the child of a Negro" and "timely borne."⁶¹ It was "not many days dead" when it was found—presumably on or just a day before the inquest.⁶² Inquests were usually begun within hours at the spot where an unattended or suspicious death occurred.⁶³

All agreed that Zipporah's child was born on the twenty-third day in September.⁶⁴ Further, she stated she had lain with Jeffere for the first time at the beginning of March, thus was in her seventh month of pregnancy when she was delivered.⁶⁵ The babe was reportedly buried by the twenty-fourth day of September.⁶⁶ The headless infant, larger, whiter, and perhaps with nails (a sign of maturity), was found within a day of October 4, 1663, when depositions were taken for the inquest.⁶⁷

57. As the indictment identified Zipporah's child as male, had the child found been female, it could not have been hers. Therefore, presumably the child found was male. *See infra* note 70 and accompanying text.

58. Humphry Devorix and his wife were dismissed "on midwife's testimony." *See* 8 RECORDS AND FILES OF THE QUARTERLY COURTS OF ESSEX COUNTY 1680-1683, at 145 (1921). For a discussion of other examples of courts deferring to women, see Kathleen Brown, "Changed . . . into the Fashion of Man": *The Politics of Sexual Difference in a Seventeenth-Century Anglo-American Settlement*, 6 J. HIST. SEXUALITY 171, 181 (1995). *See also* Forbes, *supra* note 52, at 45-46 (stating that in cases of suspected infanticide, the mother was often examined by a midwife). For more information on the prevalence and motivations for infanticide in the colonies, see Randolph Roth, *Child Murder in New England*, 25 SOC. SCI. HIST. 101, 116 (2001), which states that in colonial New England, black children of slaves were more likely to be victims of infanticide.

59. *See infra* app. at 271-74, document 4, pts. A-B, E & I.

60. *See infra* app. at 272-73, document 4, pt. E.

61. *See supra* text accompanying note 56.

62. *See supra* text accompanying note 56.

63. For examples of coroner's inquests in this time period, see Melinde Lutz Sanborn, *Inquests from the Inferior Court of Pleas: Another Source of Death Records*, 25 N.H. GENEALOGICAL REC. 174, 175-76 tbl. (2008).

64. *See infra* text accompanying note 70.

65. *See infra* app. at 273, document 4, pt. H.

66. *See infra* app. at 270-71, 273, documents 3 & 4, pt. H.

67. *See supra* text accompanying note 56.

“[N]ot many days dead”⁶⁸ does a poor job of describing the difference between eleven days and “not many.”

The inquest concluded that the headless baby—whose characteristics plainly differentiated it from Zipporah’s son as described by the witnesses—was murdered by a person or persons unknown.⁶⁹

Zipporah’s demand to be charged or released succeeded. An indictment was presented to the grand jury.

Zippora Negro: Servant to m^r John Manning of Boston in New England yo^u are hereby Indicted by the name of Zippora Negro having by your owne confession brought a male child into the world on 23^d of September last or thereabouts pretending it to be stillborne & that you have buried it nor able to find the child (& a child being found in or neere about the place you pretend to have buried [] that [] wth its head cutt of & murdered you are Indicted for not having the feare of God before yo^{ur} eyes have wickedly & malitiously murdered y^e said Child: Contrary to the lawes of God the peace of our Sovereigne Lord the King his Crowne & dignity & the wholesome lawes of this Jurisdiction:⁷⁰

But, not surprisingly in light of the inquest testimony, the grand jury refused to charge her. After a long winter, on March 1, 1663, the indictment for murdering her child was returned:

1st March 1663
Wee doe not fynd This bill
Hugh Mason in the name of the rest⁷¹

Freed from jail, it is unlikely that Zipporah returned to the Parker’s household.⁷² While the court never charged the Parker women, later the church turned no such blind eye.⁷³

Zipporah prospered after her release. She purchased land and a house bounded by Thomas Stanbury on November 11, 1670, where she

68. See *supra* text accompanying note 56.

69. See *supra* text accompanying note 56 (noting that the child was “not the child of a Negro,” but not determining to whom the child belonged).

70. Indictment in the Matter of Zipporah, No. 605, in 5 SUFFOLK FILES (n.p. n.d.) (on file with the Massachusetts Supreme Judicial Court, Division of Archives and Records Preservation).

71. *Id.*

72. Zipporah was free to go wherever she wished and viable options included a return to her mother, Grace, or marriage. Deeds state she was widowed, perhaps more than once. See *infra* notes 74-77 and accompanying text.

73. See 39 PUBLICATIONS OF THE COLONIAL SOCIETY OF MASSACHUSETTS, THE RECORDS OF THE FIRST CHURCH IN BOSTON 1630-1868, at 59 (Richard D. Pierce ed., 1961) (“Our sister mistres Ann Parker and mistres Ann Maning was admonished in the publick Congregation for Concealing the sin of fornication in their negro servant on the 15th day of the 9th moneth 1663.”).

is described as “Zippora Potter of Boston widow.”⁷⁴ On August 18, 1693, she is “Zipporah, a Negroe woman,” when her land is described as a boundary in a neighbor’s deed on Salem Street and Mill Pond.⁷⁵ As “Zipporah Manne,” a “spinster,” she sells land at Mill Pond and Salem Street on November 23, 1693.⁷⁶ Then August 9, 1699, as “Zipporah Atkins, widow, a free Negro Woman, formerly called Zip Potter,” she sold the land bounded by Thomas Stanbury.⁷⁷ The land connects these four very different descriptions and proves they pertain to one woman.⁷⁸

Notice of the burial of “Zapporal,” a “Negro woman,” on March 18, 1705 appears in Boston records.⁷⁹

74. Deed from Thomas Stevens to Zippora Potter, *supra* note 40, at 43.

75. Deed from Edward Rawson to William Stoughton, *supra* note 40, at 285.

76. Deed from Zipporah Manne to Peter Gardner, *supra* note 40, at 104-05.

77. Deed from Zipporah Atkins to William Hewes, *supra* note 40, at 443-45.

78. At this time it was unusual for an African in the Massachusetts Bay Colony to have a last name. Only two of the first seventy documented Africans in Massachusetts Bay Colony had a surname, Francis and Mary Flashego. *See* Sanborn, *supra* note 6. Zipporah could not have married an Englishman and acquired a surname in that manner, as there was an unwritten prohibition on the mixing of “nations.” This prohibition was brought down on “black Will” of York when he attempted to marry Elizabeth Turbat, an Englishwoman, and published his intention November 22, 1714. SYBIL NOYES ET AL., GENEALOGICAL DICTIONARY OF MAINE AND NEW HAMPSHIRE 699 (1972). There are no prior or contemporary New England examples of a servant, enslaved or otherwise, taking the name of her former or current master. Additional research may determine Zipporah’s husband(s) and whether she bore children after her stillborn son.

79. ROBERT J. DUNKLE & ANN S. LAINHART, DEATHS IN BOSTON 1700 TO 1799, M-Z AND INDEX TO OTHER NAMES 1059 (1999).

APPENDIX

*Transcription of selected documents found in 5 Suffolk Files, No. 605.
Depositions were taken on October 4-5, 1663.*

DOCUMENT 1

Yo^u are to take into yo^r costody Zippoer a negro woman for comittinge
fornication wth Jeffere a negro man and haveing a bastard it was in a
secret way buried by the sd Zippoer as shee confeseth but the child
where she saith it was buried is not yet found

Dat 1-8-1663

To the keep of the Prison
in Boston Ri. Bellingham Dept Govr

DOCUMENT 2

To the honord County Courte now sitting at Boston
The humble petition of Zipporah a negro woman priso^r
humble beseecheth this Courte to take her and her miserable Condition
into yo^r pious Consideration, for that she hath most justly deserved
gods displeasure and yo^{rs} for her sinn in being so wicked as to committ
that sinn of fornication with that Jeffere the negro man, and is therfore
justly imprisoned, but in regard he is bound to appeare before this
Courte, to answer it, and she not bound over, to appeare anywhere doe
therefore humbly beseech this honored Court, to call her before you,
and to deal with her, as to yo^r wisdomes and mercy shall see meet,
that she may not lye where she is to perrish
And yo^r pour petticion^r and prisoner shall dayly pray

WO the mark of Zippora

DOCUMENT 3

Zippora Negro: Servant to m^r John Manning of Boston in New
England yo^u are hereby Indicted by the name of Zippora Negro having
by your owne confession brought a male child into the world on 23^d of
September last or thereabouts pretending it to be stillborne & that you
have buried it nor able to find the (& a child being found in or neere
about the place you pretend to have buried [] that [] wth its head cutt of
& murdered you are Indicted for not having the feare of God before

yo^{ur} eyes have wickedly & maliciously murdered y^e sayd Child:
 Contrary to the lawes of God the peace of our Sovereigne Lord the
 King his Crowne & dignity & the wholesome lawes of this
 Jurisdiction:

1st March 1663
 Wee doe not fynd This bill
 Hugh Mason in the name of the rest

DOCUMENT 4

[A] Boston the 4th of october 1663
 Elisabeth Mellowes servant to mr Rich Parker being sent for on
 examination sayth
 what doe you know of the birth of ye negroes child:
 Ansr yes that it was borne on wendsday sennight aloe neere night that
 shee was in the house but not in the roome
 that her ms Came downe & bid her take up Coales for her negro was
 delivered of a dead child that she sawe it but did not well observe it
 that it was of a darkish Coulor the thighs & leggs
 wt Consultation was there about it
 Ansr she heard mrs manning hir mrs & mrs sands speake about it [] bid
 hir to so keep it secret seng it was deadborne that she Ansrd mrs
 manning that she never heard that such a thing was kept secret that mrs
 manning sayd she meant to send the negro to the Barbadoes
 that is was pinned up being Askt who did it she sayd she knew not
 Have you not spoken wth the negro since dids you not Ask how ye
 head Came of[f] she Ansd yes but she Ansrd she knew it not

[B] Zipporah the negro of mrs Manning
 wh child was yours
 Ans a boy
 had nayles
 I cannot tell but mrs Sands said it seemed to have none
 that Mrs Parker pinned it
 That she is sure her child she buried had its head on
 that it was blackish when it was borne & yt it was not so whitish as this
 found not so bigg as this
 who was wth you when you wer delivered
 She said that mrs manning & mrs sands was in the roome yt mrs parker
 came into the roome
 she sayd she knew not she was wth child till she was quicke
 she said she remembered not that she hurt herself
 she sayd yt mrs parker mrs manning & mrs Sands Came that night to
 see it

she sayd that mrs parker bid hir goe & bury the child & yt she went & made a hole nere the sand where the water was yt she buried it in a hole pretty deepe that she had made wth a peece of a paile being a muddy place that she went a pretty way into the mudd about a foote & a halfe

[C] Angolas wife a negro Called Besse

when did you know Zippora was wth child

Ansr about 3 weekes since & yt she spake wth & told mrs sands of it who sayd she would tell hir mrs and that on thursday last shee meeting wth mrs sands she asked whether she had Aquainted mrs parker wth Zipporas & she sayd She had & that hir mrs sayd she was not wth child

[D] Mary negro ye wife of Franck Negro sayd that hearing her Country woman Zipporah was ill abed she went to see her on thursday last was senn & meeting her in ye entry mrs manning Came by & she told hir she was to Come & see hir Countrywoman that she heard was ill abed mrs manning said no she was well on her leggs

[E] Mrs Sands being sent for

were you are at the birth of this child

Ansr^d yes

did you see the head

yes

that it had black Haire & that m^rs parker & m^rs manning were only at the birth y^t she felt the head & neck to be limber

This Besse the Negro Coming into my shop told me m^rs mannings negro lloks very bigg & y^t she should doe well to tell hir ms of it w^{ch} she did y^t her m^rs sayd shee would inquire into the [] shortly after asking hir m^rs about it & she sayd it was fatt & she was not wth child as she apprhended & Gave her reason bee shee had y^e Custom of women upon her & so she Came away till she was sent for y^e wench being in payne that she desired mrs makepeace might be sent for & y^t she went hirsself for hir but Could not prevaile yth hir to come so that when she Came back in a very little time the negroes payne Increasing she Gone to helpe yhe woman she felt the head Come to the birth and at the next payne the child Came into her hands ye head limber & child dead

M^rs sands sayd on m^rs manning enquiry what should be donne about it she sayd she thought m^rs parker should be acquainted wth it but m^rs manning Replyed she thought not so because providence had ordered it to be secret & she lookt as it as not Coming to its prime & was not willing her father should know of it because he was on his oath she also sayd that shee lookt on y^e child rigtly & saw y^e face & head & y^e be[] & it was black as a negro

[F] M^rs parker wife to Richard Parker

She acknowledged that she had pinned on the cloath about the child & that ye child had a head on when it lay dead in their house & of [] child found be yet child she cannot say it is or is not absolutely y^e Child & Cannot Give any account of the head of it.

[G] Mrs Anne Manning

being a child was borne in yo^r house (why did you not discover it because Zipporah did so Crye & desire it might be kept secret

[H] Boston the 5th of October 1663

The 5th of the 8mo viz Zipora Mr Mannings negro being examined by the Jury inQuest Concerning a Child wch she had borne in the house of mr Richard Parkers upon the 23: 7mo 63 It being demanded of her whose child it was, she Answered Wiliam Leift Hudsons Negro that he had Layen with her three times, the first time that he Lay with her was in the beginning of Last march past And at her delivery there was present with her mrs Parker Mrs Manning & mrs Sands, And the said Zipora saith that the child was dead borne & that she was in paines an houre & a halfe before delivery, in which time for the most part these three women above mentioned were with her and she saith that the child did stick halfe an hour in the []eth & that Mrs Sands did re[] the child from her into the world, Mrs Parker & Mrs Manning bid her carry forth the child, & to bury it in the field of Mr Parker this she did about seaven oClocke in the Evening next after the child was borne Mrs Parker wrapped up the child in a Linnen cloth in wch she the said Zipora Carryed forth wht the Child, Further she saith that the other Linnen cloth that was found in Mr Parkers feild fell from her owne body. The Negro upon Examination saith having seene the child in question doth not know whether it be her child or no, for she saith her child was lesse and blacker she also saith that she was acquainted that mrs Sandes did feare she was with child, & had Informed her mrs of it This examination was taken before the Jury this 5th of october 1663 as Attest Willm Hudson foreman

[I] Boston the 5th of October 1663

Mrs Parker being Called before the Jury inQuest, It was demanded of her whether she knew her daughter Mannings Negro was with child, she answered, she had no feare at all of her being with child, only a day or two before when mrs Sands came to my Daughter, for she never had no thought of it, for she was not sicke nor nothings as wee saw did aile her, for then she should not have done what she did doe, there was only at the Labor Mrs Sands my Daughter Manning, myselfe & my maide

It was demanded how Long she was in her Travaile her answer was about halfe an houre; she was not well about noone time & my Daughter went out about two hours, & when wee came home the maide said the Negro tooke on very badly whereupon wee went up & seeing of her so ill wee sent for Mrs Sands to come, because she had some thoughts of such a thinge before, & Mrs Sands went to Mrs Makepeace to come up, but she being weary she did not come Mrs Sands comeing againe I said what shall wee doe shall wee send for Goody Baxter, noe says Mrs Sands let her alone a little while She goe & see her It may be a fitt of the Collick so she went up & urged her that she was with Child. As for a child there was a Child borne in the house & it was dead borne, & I tooke the child & putt it in a Ragg & I bid her get a Negro woman to her & she desyred me that it might not be publicke And so I did Let it alone, the face of her child was blackish & the haire of the head was blacke. And as I put a Ragg about the body so I did about the head I suppose it was some sixe weekes before the time. I did not looke upon it to know whether it had nayles or no the Question was asked whether she bid her Negro burry it in the feild or no her answer was she did

[J] The testimony of Mrs Manning & Mrs Sands doth much concurr with the above written

The servant maide doth testify some things to the case in hand
These examinations were taken before ye Jury on 5 october 1663
as attests Willm Hudson fore man