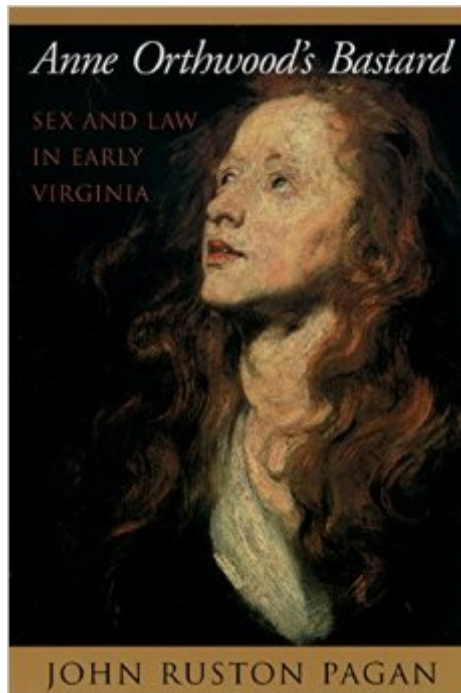


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# Anne Orthwood's Bastard: Sex And Law In Early Virginia



## Synopsis

In 1663, an indentured servant, Anne Orthwood, was impregnated with twins in a tavern in Northampton County, Virginia. Orthwood died soon after giving birth; one of the twins, Jasper, survived. Orthwood's illegitimate pregnancy sparked four related cases that came before the Northampton magistrates -- who coincidentally held court in the same tavern -- between 1664 and 1686. These interrelated cases and the decisions rendered in them are notable for the ways in which the Virginia colonists modified English common law traditions and began to create their own, as well as what they reveal about cultural and economic values in an Eastern shore community. Through these cases, the very reasons legal systems are created are revealed, namely, the maintenance of social order, the protection of property interests, the protection of personal reputation, and personal liberty. Through Jasper Orthwood's life, the treatment of the poor in small communities is set in sharp relief. Anne Orthwood's Bastard was the winner of the 2003 Prize in Atlantic History, American Historical Association.

## Book Information

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## Customer Reviews

Prof. John Ruston Pagan has plucked a young 17th Century woman from deepest obscurity to

become the subject of his book: Anne Orthwood's Bastard : Sex and Law in Early Virginia. This is a scholarly effort - it is heavily footnoted and supported by a large bibliography - and a first-rate work of investigation and authorship. Central to Anne Orthwood's detailed history was the availability of original records from the earliest days of English settlement in America. These records are preserved in an old courthouse on Virginia's Eastern Shore. Dating from 1632, they are said to be the oldest English-language court records in America. First a word about "bastard." Today, it is little more than a curse word. As recently as the 1930s, however, it was still imprinted on birth certificates and, as in 1632, described a child born out of wedlock. In 1632, however, bastardy was considered a serious breach of morals, as well, and was deeply resented for the costs it might impose on taxpayers and church parishioners. Caring for bastards was provided for in detail by church and state law. Someone must pay for the midwife, lying-in expenses, wet nurse, etc. and fund the child's early years. That person was the putative father, if he could be discovered, and if he had any money. Failing that, the church and state stepped in. Punishment, too, must be portioned out upon the mother and father for their immoral behavior - and shame would burden the blameless child. Anne is, herself, born out of wedlock. Rather than bear the humiliating penance the church imposes, Anne's mother escapes to the city of Bristol. That city just happens to be England's western port and the jumping-off point for the New World.

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