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Handwriting example 17

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Handwriting Example XVII

Det vid lifva Ting förklarade Målet N^o 52. som
 till följande Rättegångs Dagen af nåd införunderas.
 Härvid Ting uphölls, att emellan Förlikth och dödsakt,
 och anfaller Allverasmykthets om Roflige Ting-
 rättens Frihallande Ufflag från Allt vidare Tiltalande
 För Sittas Införändra Sagetsmåhl, Med Sjua Rorsnue
 Främjarda vi. Våhl Comog Herr Karads Hög Sjagens samt
 Roflige Ting rättens Römjuktets Genara
 Till Vittne
 Carl Magnus Theoren
 Petr P. i. S. Ingemarson
 Thorsås Kirkege.

Jon i. P. S. Persson
 Smörhöga
 Elin E. D. Danielsdotter
 Thorsås

This letter was found in the records of the Allbo District Court (*häradsrätt*) in Småland. The year was 1811 and the case a sadly common one: fornication (*lägersmål*).

According to the law of 1734 (*Missgärningsbalken* Cap. LIII, § 1) a woman who gave birth to an illegitimate child, and was not married, should be fined 5 daler, and her boyfriend 10 daler. If they could not pay, the man should spend 14 days in prison and the woman 7 days in prison. They should also pay a fine to the parish church, and be admonished by the parish priest in private.

It was the duty of the bailiff to prosecute these cases, but during the middle part of the 1800s they became

rarer, partly because times changed and people moved around much more, and people felt that this had become a private problem.

In 1864 the law was changed and fornication was no longer a crime, but a private affair. The mother, however, could still sue the father of her child for breach of promise to marry, or for child support, but the latter half of the 1800s is a difficult period to trace absent fathers.

The illegitimate (*oäkta*) child did not inherit the mother until 1866, and from the father not until 1970, unless there was a will written.

The present case is about the maid *Elin Danielsdotter* who gave birth to a baby girl in the parish of Skatelöv in Allbo legal district. The baby,

Carin, was born 1 June 1811 in the Klockargården in Västra Torsås parish, and is listed as being illegitimate.

During the court process Elin had named *Jon Persson* of Smörhöga as the father of her child, which he denied first. The court then referred the case to the next meeting, and in the meantime Jon was to be taught the dangers of perjury, as he was supposed to take an oath on his innocence. Evidently he decided to confess to the paternity and accept the fines, and come to an agreement with Elin, which is shown in this document.

The transcription is on page 24.