

the original dramatic record in the Proceedings of the Provincial Court (*Arch. Md.* xlix; 166-168, 233-235, 453, 496, 538-546, 555). Alvey had been found guilty of murdering Alice Sanford, a young indentured servant-maid, who had died a few hours after she had been cruelly beaten by her master. He was sentenced to be hanged, but had escaped the gallows by pleading "the benefit of clergy", and upon showing his ability to read the Book had been branded in the hand and released. The following year he stole and killed a neighbor's cow, and for this felony was tried and found guilty by a jury and again sentenced to be hanged, the Court, according to the regular practice, refusing to entertain a second time a plea for the benefit of clergy. For some reason not very clear, but possibly on the grounds of Alvey's mental irresponsibility, and perhaps even by prearrangement, immediately after sentence of death was imposed, the record shows that "Then Came Severall persons & upon their knees humbly beg of the Lienten^t Gen^l [Charles Calvert] the life of the said Pope Alvey & that he would please to Reverse the Judgm^t." The Governor forthwith gave Alvey Respite of Execution and Liberty to depart to his own house * * * Yet Nevertheless the Judgm^t & Sentence past against him to Remain in full force & Effect on the Records dureing the pleasure of the Governour & according as the Said Alvey Shall hence forward behave himself in his Remaining Course of Life." In the formal pardon, granted nine years later, which is signed by Gov. Charles Calvert, it is recited that the pardon was granted at the reasonable request of the Lower House of Assembly made at a recent session (pages 121-130). The records of the Assembly for the May-June, 1674, session show the passage, by a unanimous vote of the Lower House, of a resolution, concurred in by the Upper House, requesting the Governor to pardon Alvey (*Arch. Md.* ii, 370, 377). This is perhaps the earliest case of a suspended sentence and release on probation in a capital case to be found in the history of Maryland jurisprudence.

Pardons were issued in favor of thirteen other persons in the decade covered; four of these pardons were granted to persons who had caused the death of others "by misadventure". Thomas Curre was a minor "under the age of discretion", who had killed a certain Elizabeth Walton by misadventure, but notwithstanding was under actual presentment in the Provincial Court (pages 202, 210). Three other individuals under indictment for killing by misadventure were: John Richardson of Talbot County, who in 1670 had caused the death of his wife Mary; Thomas Cocher of Portobacco, Charles County, for killing a certain Richard Turner in 1668/9, and Thomas Floyd in 1677 for killing one Eagle Durant. These were all pardoned, although it appears that Floyd had been previously "indicted, arraigned and convicted" in the Provincial Court (pages 246-248, 222-224, 210-211). Six persons were pardoned for hog-steal-