

mony, the verdict of the jury, and the judgment of the court, followed by the sentence if the accused was found guilty, or "cleared by proclamation" if not guilty.

It is to be noted that the number of grand jurors was not fixed, varying in this record from fourteen to twenty-two. The petit jury was almost invariably composed of twelve men, but in one case the jury is said to have numbered thirteen (p. 197). In one instance two men, accused of entirely different crimes, one of murder and another of rape, were tried consecutively before the same jury, which having heard the testimony in both cases, retired and returned with separate verdicts in each case. In the case of Joane Colledge, found guilty of infanticide and sentenced to be hanged, upon the petition of a number of persons then in court, the justices suspended her execution until the will of the Lord Proprietary was known. This case will be referred to in more detail later (p. xxxix).

In all, fourteen cases of murder, or suspected murder, came before the court during this five year period. In the majority of these cases, death was either found to have been due "to misadventure", or the accused was cleared on the evidence. There were four persons, however, who were found guilty and sentenced to death. Two of these, Carpenter and Morrice, escaped death by claiming benefit of clergy, one Joane Colledge, whose case has just been mentioned may later have been pardoned, and one, Pake, was hanged.

There were two instances, the cases of Thomas Corker (Cocher) and John Richardson, in which death was found by the jury to have been "by misadventure", followed by a pardon by the Governor, which was required to free them. Corker accidentally shot a man, and Richardson was unwittingly the cause of his wife's death. Both were tried by juries with all legal formalities. The verdict of "Manslaughter by misadventure" was rendered in the case of Corker, whose trial is very fully reported, and the accused was thereupon cleared by proclamation. In Richardson's case, however, his trial being sketchily reported, we are left in the dark as to just what happened at the trial after the jury brought in their verdict "that the said John Richardson is guilty of misadventure" (pp. 353-358, 599-600). That neither of these verdicts was in itself sufficient to clear Corker or Richardson of taint, or even to secure their release from imprisonment, is shown by the fact that the Governor, in the name of the Lord Proprietary, in each case later issued a pardon out of Chancery (*Arch. Md. LI*; 324-4, 348). In two of the remaining murder trials those presented were found by a jury on the evidence "not guilty", and in the remaining presentments for murder no indictments were found.

The four trials for murder in which the sentence of death was imposed have sufficient human interest to be described in some detail. The case of Francis Carpenter, a planter of Broad Creek, Talbot County, who murdered his servant boy Samuel Youngman, was particularly revolting, and is an example of the cruelty so often shown by masters to indentured servants at that time. One only regrets that the murderer was able to save his neck by claiming benefit of clergy. The case had first come up in the Talbot County court on March 31st, 1665/6, the accused being called Mr. Francis Carpenter in the depositions