

of witnesses and in the findings of the coroner's jury before the case was "sent downe to the next Provincall". The verdict of the coroner's jury, signed by Thomas Goddard, chirurgeon, describing the brain injury, shows considerable anatomical knowledge of the brain membranes (*Arch. Md. LIV*; 390, 391). In the Provincial Court, April 6th, 1666, Carpenter was presented and indicted; he pleaded not guilty, and asked a trial "by his country", but did not exercise his right to challenge any of those called by the sheriff as jurymen. The testimony showed that he had beaten the boy over the head with a stick on two separate occasions. At the first beating, he inflicted a scalp wound two fingers' breadth wide and one finger's breadth deep which later became foul and suppurating. Three weeks later he again struck the boy a blow on the head, this time over the right ear, which resulted in his death a few hours later from a fracture of the skull. Following this second and fatal beating, the dying victim was left out for several hours on a cold February night, until his death occurred, in a "thatcht cabbin where [he] lay uppon the Ground w<sup>th</sup> out any Clothes to Cover [him] being a very Cold and bleake place". The jury, by Thomas Hynson, the foreman, who was a neighbor of Carpenter, returned the verdict "Wee finde Manslaughter". Asked by the court what he had to say for himself, why according to law "you should not have Judgm<sup>t</sup> to suffer death" . . . . "The Prisoner then Claim'd benefitt of Clergy Which to him then was allow'd The Ordinary then shewing him the booke The Clarke askt him Legit ut Clericus vel non Answere, legit Whereupon Ordered the Prisoner be burnt in the hand acording to law, which was in open Court forthw<sup>th</sup> done and performed, by the Under Sheriffe of St<sup>t</sup> Marys County". At the February court following, as was customary in criminal cases, it was ordered that Carpenter pay the sheriff, Thomas Vaughan, imprisonment costs at the rate of thirty pounds of tobacco a day, and all other charges, these fees to be determined by the Talbot County court (pp. 59-65, 153). That court later fixed the total costs assessed against Carpenter at 2998 pounds of tobacco (*Arch. Md. LIV*, 410).

Murder committed by an inn-keeper while drunk, and who was unable to claim benefit of clergy, ended in a somewhat bizarre hanging in front of his own inn. Walter Pake, a landowner and inn-keeper at St. Lawrence in Bretton's Bay, St. Mary's County, killed the notorious William Price at the inn with his sword. Pake, brought before the December, 1668, court, and indicted for murder, pleaded not guilty and asked trial "by God and his Country", and a jury with Mr. Christopher Rousby as foreman was chosen. Incidentally, two men summoned as grand or petit jurors were fined—one a Quaker who refused to take the oath, and the other because he did not answer the sheriff's summons. The accused, told that he might challenge any of those called as jurymen before they were sworn, did not exercise this right. The charges in the indictment, which were supported by witnesses, showed that the inn-keeper, with a sword valued at five shillings, did "Peirce through to his right Side under the shouldier and by the same thrust a Certaine mortall wound of the length of seven inches and the bredth of one inch to the said william Price did give of which mortall wound the said william Price immediately did dye", and that he then