

State of Maryland Allegany County to wit
At a Special Court of Oyer and Terminer, & General Jail
Delivery, for Allegany County, begun and held at the Court
House in the Town of Cumberland, in and for said County
on the first Monday of August, being the third day of said
Month in the year of our Lord Eighteen hundred and
twenty three, under a Special Commission of the Execu-
tive of the State for that purpose:

Were Present

The Hon^{ble} John Buchanan Chief Judge

Abraham Shriver

Thomas Buchanan

Esq^s Associate Judges

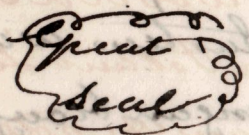
Richard Beall Esq Sheriff

and Edya Beall Clerk

The following Special Commission being produced
was Read to wit The State of Maryland to the Hon-
orable John Buchanan Chief Judge & the Honorable
Abraham Shriver and Thomas Buchanan Associate
Judges of the fifth Judicial District Greeting

Whereas it hath been represented ^{to me} that a certain
George Swearingan is now confined in the Jail of Alleg-
any County charged with the Murder of his wife Mary
Swearingan, and that the purposes of Justice will be
promoted by having the said George Swearingan brought to
trial upon the said Charge before the Regular Term of
the County Court of said County which cannot be done
without a Special Commission for that purpose. Now There-
fore Know Ye that I have appointed and do hereby Com-
mission You the said John Buchanan Abraham Shriver
and

and Thomas Buchanan Chief and Associate Judges
as aforesaid jointly or any one or more of you, to hear &
determine all crimes offences or misdemeanors whatsoever
=ve that have arisen or may arise in Allegany County
and deliver the Jail of the said County from all persons
confined therein charged with any crime offence or mis-
=deemeanor, and therefore in Virtue of the powers vested in
me by the law, I hereby Command you and each of you
that on Monday the third day of August next, you or any
one or more of you attend at Court House in the said
County of Allegany to deliver the Jail as well of the pris-
=oner aforesaid as of any other prisoners that may be confin-
=ed therein charged with any crime offence or Misdem-
=eanor doing thereby what to Justice appertains according
to the Laws of the State and adjourning the said Court from
day to day as may be necessary, and I hereby Command
the Sheriff of the County that on the said day or any oth-
=er day you may adjourn to be cause before you ^{as well} the
said Prisoner and his Commitment as all other prisoners
and their Commitments. Given under my hand and the
Great Seal of the State of Maryland this twenty seventh day
of June in the year of our Lord one thousand eight hun-
=dred and twenty nine and of the Independ-
=ence of the United States the fifty Third
Daniel Martin



Witness the Honorable Theodorick Bland
— Chancellor —

Theodorick Bland Chancellor
and thereupon the officers of Court having severally qualified
under

under the said Commission, and filed the Certificates thereof in Court, to wit, of the Judges, Clerk, Attorney, and Crier, the Court having first appointed Ezra Beall as Clerk, James Dixon as prosecuting Attorney and James Henderson as Crier, whereupon the following Verdict was issued to wit, the State of Maryland to the Sheriff of Allegany County Greeting: You are hereby commanded to cause to come before a Special Court of Oyer and Terminer for Allegany County, to be held in Courtland this third day of August Eighteen hundred and twenty nine forty eight good and lawful men of the best and most understanding of the Body of your County, to serve as Jurors of the said County by whom the truth of the several Matters depending before the same Court, may be the better known and have you that there this writ witness the Honorable John Buchanan Esq. Chief Judge of the said Court the third day of August 1829 Issued 3 Aug. 1829. —
Ezra Beall Clerk

The Sheriff of Allegany County being called upon there returned the following panel of Jurors to wit. —

Thomas Greenwell, Joshua Robinson, Mr White Lewis
& Kiptine Jacob Welsh, Ebenezer Griffith, James Reynolds, Hazeleah Robey, Thomas Beall, Wm Wooder, Samuel N Buskirk, John Shaw, John Dawson, John Poland, John Miller, Philip Sigler, Wm Redgley, Jonathan Arnold, James Moore, Peter Uhl, Benjamin G. Vaughan, Wm Lynn, Joseph Dilly, Thomas Blair, Gabriel M Porter, Wm Wright, Mr Ward, George Mculloch, William Shaw, Samuel Eckles, George Habitzell, Walter Selby, Wm L. Lamar, Charles L
(Shepherd)

Shepherd Jacob Snyder Alpheus Beall George P. Hinkle John
Easter Jr. William W. Laughlin John Taggart Samuel Stuew
Walter Beavers John B. Shieliff John Ash Isaac Wilson
Samuel H. Gilles Daniel Wolford Jeremiah Berry —
Richard Beall Sheriff

Whereupon the Court proceeded to Ballote for a Grand
Jury from the said Test Returned by said Sheriff as follows to wit
George W. Cullloh Walter Selby William Wooden Wm Wright
Peter W. White William White Joseph ~~White~~ Walter Beavers
George P. Hinkle William Shaw Samuel Van Baskerk —
Gabriel M. Porter John Easter Jr. Benjamin G. Vaughan
John Dawson Alpheus Beall George Habitzel John
Ash Thomas Beall Charles I. Shepherd Samuel Calkley
John Taggart & Ebenezer Griffith The Balance of the
Panel being Petit Jurors —

The Sheriff then Returned a Test of Prisoners in the
Jail of said County to George Swearingan for Murder
& Elijah Mores for felony —

In the Record of the Proceedings of the same Court
Amongst Others were the following to wit —

I Susan States of Maryland }
 } Best Reminded that at a
 } County Court begun and
 } held at the Court House in
George Swearingan }
in the Town of Cumbe land on the second Monday of
October 1828 by the Oath of twelve Jurors Good & Lawfull
men of the State aforesaid who were then and there empan-
-nelled sworn and charged to inquire for the said State
and for the Body of allegany County aforesaid it was
presented that we the Grand Inquest for the Body of —

Allegany County upon ^{our} oaths present George Swearingan for a murder committed on the body of his wife Mary C Swearingan in the month of September upon the Testimony of Mary Poland Henry Wrenow Daniel Bruce George Sease Elizabeth McKell Charity Johnson Elizabeth Lindsay Robert Kile Catharine Rowwe Joseph P Killeary William J. G. Killeary & John M Lawrence Doct James Smith and Samuel P Smith ^{& John Templeman forsworn} and the Jurors aforesaid having retired from the Bar, afterwards returned and presented to the Court here the following Indictment to wit. May Land to wit Allegany County to wit The Jurors of the State of Maryland for the Body of Allegany County upon their oaths present, that George Swearingan late of the said County Esquire Not having the fear of God before his eyes but being moved and seduced by the Instigation of the Devil on the eighth day of September in the Year of our Lord one thousand eight hundred and twenty eight with force and arms at the County aforesaid in and upon the Mary C Swearingan late the wife of him the said George Swearingan in the peace of God and the State of Maryland then and there feloniously well fully and of his ill will aforethought did make an assault, and that the said George Swearingan with a certain Hickory Club which he had and held the said Mary C Swearingan in & upon the fore head and nearly between the eye brows of her the said Mary C Swearingan then and there feloniously cruelly and of his malice afore thought did strike and bruise, and that the said George Swearingan with a certain Stone which he the said George Swearingan in both his hands then

(and)

the said Mary & Swearingan intended upon the right side of the head near
the right temple of her the said Mary & Swearingan feloniously
And there had and held the said George Swearingan feloniously
=ously wilfully and of his Malice aforethought did strike
blowes and wound ~~and~~ her the said Mary & Swearingan
then and there by such said strokes, blowes and woundes then
And there feloniously and of his Malice aforethought did
knocke down cast and throw to the Ground and whilst
the said Mary & Swearingan was so lying upon the
Ground, the said George Swearingan then and there with
both the hands of him the said George Swearingan the
Mouth and Nostrills of her the said Mary & Swearingan
feloniously, wilfully and of his Malice aforethought did
fasten and tight close and her the said Mary & Swear
=ingan with both the hands of him the said George Swear
=ingan then and there by such fastening and tight closing the
Mouth and Nostrills of her the said Mary & Swearingan fel
=oniously wilfully and of his Malice aforethought did suff
=ocate and strangle by means of which said strokes, blowes
and wound and also of such knocking, straying, casting
and throwing to the Ground and by means of which said fast
=ening and tight closing the Mouth and Nostrills of her the said
Mary & Swearingan and of such said suffocation & stran
=gling. She the said Mary & Swearingan then and there did
Instantly die and so the Jurors aforesaid upon their oaths
aforesaid do say that the said George Swearingan her the
said Mary & Swearingan in manner and form and by
the means aforesaid feloniously wilfully wickedly & cruelly
of his Malice aforethought did kill and Murder contrary
to the form of the Act of Assembly in such case made & provided
and against the peace Government & Signity of the said State -

And the Jurors aforesaid upon their oaths aforesaid do further present that the said George Swearingan late of the said County Esquire afterwards to wit on the day and year aforesaid with force and arms at the County aforesaid, upon the said Mary C Swearingan late the wife of him the said George Swearingan in the face of God and the State of Maryland then and there being feloniously wilfully and of his Malice aforethought did make an Assault and that the said George Swearingan with a certain Club which he the said George Swearingan in his Right hand then and there hold & held, the said Mary C Swearingan in and upon the forehead and nearly between the eye brows of her the said Mary C Swearingan then and there feloniously wilfully and of his Malice aforethought did strike and Bruise thereby then and there giving unto the said Mary C Swearingan in and upon the forehead ^{namely between eye brows of her the said} one mortal Bruise and ^{of which said mortal Bruise and Contusions} Contusion, ~~the~~ the said Mary C Swearingan then and there Instantly died, and so the Jurors aforesaid upon their oaths aforesaid do say that the said George Swearingan the said Mary C Swearingan in manner and form last aforesaid feloniously wilfully and of his Malice aforethought, did Kill and Murder contrary to the form of the act of Assembly in such case made and provided and against the Peace Government and dignity of the said State —

And the Jurors aforesaid upon their oaths aforesaid do further present that the said George Swearingan late of the said County Esquire afterwards to wit on the day and year aforesaid at the County aforesaid with force and arms at the County aforesaid in and upon the said Mary C Swearingan late the wife of him ^(the)

The said George Swearingan in the fear of God and the State
of Maryland then and there being feloniously wilfully and of
his Malice aforethought did make an Assault and that he
the said George Swearingan with a certain Stone which
he the said George Swearingan in his right hand then and
there had and held the said Mary C Swearingan in upon
the right side of the head on the right temple of her the
said Mary C Swearingan then and there feloniously wil-
fully and of his Malice aforethought did strike bruises and
wounds giving to the said Mary C Swearingan then and there
with the Stone aforesaid in and upon the right temple of
her the said Mary C Swearingan one mortal wound
and laceration of the Breadth of four inches and of the
Depth of one Inch of which said last mentioned
Mortal wound and laceration she the said Mary C Swear-
ingan then and there instantly died And so the Jurors
aforesaid upon their Oath aforesaid do say that the said
George Swearingan the said Mary C Swearingan in man-
ner and form last aforesaid feloniously wilfully and of
his Malice aforethought did Kill and Murder, Contrary
to the form of the act of Assembly in such case made and
provided and against the peace Government and Security of
the said State

James Dupon for the State
on the Oath of said Indictment was aided and assisted by John Templeman Juror
and so the Jurors aforesaid upon their Oath aforesaid did say
that the said George Swearingan the said Mary C Swear-
ingan then and there in manner and form aforesaid felon-
iously wilfully and of his Malice aforethought did Kill
and Murder against the peace Government and Security
of the said State of Maryland

Court adjourns untill Tomorrow Morning 9 o'clock
Tuesday 4th Court met present as on yesterday
Court adjourns untill Tomorrow Morning 9 o'clock
Wednesday 5th August Court met Present as on yesterday
Court adjourns untill Tomorrow Morning 9 o'clock
Thursday 6th Court met present same as yesterday
Court adjourns untill Tomorrow Morning 9 o'clock
Friday 7th Court met present same as on yesterday
Court adjourns untill Tomorrow Morning 9 o'clock
Saturday 8th Court met present as on Yesterday
Court adjourns untill Monday Morning 10 o'clock
Monday Aug 10 Court met present as on Saturday
Court adjourns untill Tomorrow Morning 9 o'clock
Tuesday August 11th Court met present as on yesterday
Whereupon Cometh here into Court the aforesaid George Swearingan
being and under the custody of the said Beall Esq^r Sheriff of the County aforesaid in whose custody in the Jail of the County aforesaid for the cause aforesaid he had been committed and being to the Bar here ~~in~~ in his proper person is committed to the Sheriff aforesaid and immediately being asked how he of the premises aforesaid in the Indictment aforesaid specified and above charged upon ^{him} will be acquitted the said George Swearingan saith that he is not guilty thereof and thereof for good and wil doth put himself upon the Country and James Dixon Esq^r District Attorney for the fifth Judicial District of the State of Maryland who for the said State doth prosecute thereof in like manner
Whereupon let a Jury therein appear before a Magistrate of the County Court here immediately by whom ^{who meet the} ~~who meet the~~

to Recognize ~~see~~ because as well and ~~the~~ who being ^{Comp} called,
that is to say, Thom as Blair, Daniel Wolford, Samuel
H Gellis, George Blocher, John White, John Miller,
John M Twigg, Nathan W Tracey, Isaac Ward, John
North, John Witt & William Conrad, ~~the who being~~
~~selected~~ ~~and~~ sworn to speak the truth upon the premises
whereupon further proceeding was continued from day to day
untill the 22^d day of the same month of August 1829
to examine the Testimony and pleadings of Countess
on which said day to wit the 22^d, the said Jury retired
from the Bar to Consult on their verdict and in a short
time returned to the Bar to give in their verdict and
upon their Oath do say that the aforesaid George Swearingan
is guilty of the felony and murder of the first
degree aforesaid above upon him charged in manner
and form aforesaid as by the said Indictment aforesaid
is above specified against him. and thereupon it is forth
with demanded of the said George Swearingan if he
hath or knoweth anything to say wherefore the said Count
here ought not upon the premises and verdict aforesaid
to proceed to Judgement and Execution against him
who nothing further saith unless as he before hath said
and thereupon the said George Swearingan is committed
to the Sheriff of the County aforesaid and the Court is
adjourned untill Monday Morning at 9 o'clock -
Monday Morning at nine o'clock the Court met present
as on Saturday The prisoner George Swearingan was
set to the Bar and whereupon all and singular the
premises being seen and by the Court here fully understood
(Hood)

understood it is thereupon considered by the Court here
that the said George Swearingan be taken to the Jail of
the County of Allegany from where he came and from
thence to the place of Execution at such time as shall be
duly appointed and that he be there hanged by the neck
until he be dead, and that the said Sheriff see to the Exec-
ution of this Judgment and thereupon he is committed to
the Custody of the Sheriff aforesaid and so forth —

By order of State of Maryland and Allegany County etc
By order of Allegany County Court in the State aforesaid
I transmit to his Excellency the Governor of the State
aforesaid, ~~the~~ the record of the conviction and Judgment
of George Swearingan for felony and Murder of the first
degree, and I do hereby certify that the foregoing record
of the said conviction and Judgment is truly and faith-
fully taken from the record and proceedings of the said
Court

In Testimony whereof I have hereunto set my
hand and affixed the Seal of Allegany County
Court this 29th day of August 1829
Aza Beale Clerk of
Allegany County Court

Deena of the Convention
of George Swanwick
for the 21st under
his wife

Do all the same
Ibid 2 & H. John 1829
John Swanwick 21st
Octo