

State of Maryland }  
vs. }  
Robert Swan }

In Circuit Court for Allegany County  
April Term, 1832.

I, Joseph J. Merrick, do hereby swear that  
I will try the case between the above parties without partiality  
or prejudice to the best of my skill and ability.

May 6<sup>th</sup> 1832.

Sworn to in Open Court  
Jest. Horace Kelsey, Clerk.

The following is a postscript by Mr. Harbison:

P. S. I have underscored part of Judge Terry's decision in for the  
purpose of showing that he considered himself as acting upon the  
additional exemption in Act of Assembly, his language being  
totidem verbis with the Act.

Executive Department,  
Annapolis, August 25<sup>th</sup> 1832.

Secy of State to Henry May, Esq.,  
Attorney at Law,

H. May Esq.  
in relation  
to the sub-  
ject of the  
sueing  
communication

Sir.

I herewith enclose you a letter just re-  
ceived by the Governor from the State's Attorney of Washington County,  
in relation to the case of the State vs. Swan. The Governor considers  
the views presented by the State's Attorney as very forcible, and deserv-  
ing of the most careful consideration. If action be at all necessary,  
it must be prompt; and you are therefore respectfully requested to  
give the case, as presented by the State's Attorney, your immediate  
and careful examination, and report the result thereof, without  
delay, to the Governor. Whilst the Governor would be much averse  
to the adoption of any course which might tend, unnecessarily, to  
harrass a party who has been discharged upon bail, by what  
appears to be, upon its face, a due process of law, he nevertheless  
feels it to be his duty to see, and will see, that proper proceed-  
ings be taken to avert the consequences apprehended by the  
State's Attorney, should his view of the law, as expressed in the  
enclosed communication, be found to be correct.

Very Respectfully

Your Obedt. Servt.

Thomas H. O'Neal  
Secretary of State