

presented and prepared the application throughout.

Mr. Preston gave his word and his own personal vouchers to the Governor for the truth of the representations made, which were as follow: That the act was sworn to have been committed late on the night of the 11<sup>th</sup> of January, 1849, in Baltimore County; that Watts was tried first and convicted, that many months afterwards Hemming was arrested, charged as the accomplice of Watts; that Hemming was taken on the 22<sup>nd</sup> of December, 1849; that he was not tried until December, 1850, twenty three months after the attack upon Hooker. That Hooker and the youths present in the house, at the time of the assault, could not and did not identify Hemming; that only one witness swore to the identity, namely a lady, (keeping a tavern near Hooker's) who had extremely weak eyes, and wore green glasses; that she said she saw Hemming the day before the assault, and never saw him but the once; that Hemming was fifteen years of age when the act was committed, and seventeen at the time of the trial; that he had been at sea between the 11<sup>th</sup> January 1849, and December 1850, and that his appearance had so changed as to render it almost impossible for the witness, (who had seen him but once nearly two years before,) to identify him with certainty at the trial; that Hemming, entirely conscious of, and always insisting upon his innocence, voluntarily returned from abroad to stand his trial; that he (Mr. Preston) had not the slightest doubt of his acquittal, because on his "Conscience and honor" he believed him innocent; that two witnesses had sworn at the trial, that Hemming left Baltimore for St. Louis Missouri, on the 28<sup>th</sup> December, 1848, that it was only whilst the trial was progressing that he, (Mr. Preston) for the first time, heard of the witnesses in St. Louis who could prove the alibi, when he immediately prepared a telegraphic despatch, which could not be sent to St. Louis in consequence of a breakage or other accident to the wires; that accordingly the party was convicted, and the motion for a new trial overruled; that the William Hemming in this case was altogether a different person from the William Hemming who had become notorious in Baltimore City for his Criminal Acts; that this was a "manly, quiet, well conducted boy"; that his family were decent and well behaved people.

The record of the case, baptismal Certificate, and other evidences were produced upon the above points.

The proof of the alibi offered at the trial having been disregarded by the Jury, was not considered in itself by the Governor.