OPINION.

File No. 3789 Continued. piration of his two months' sentence. Mr. Glenn says, moreover, that the Supervisors originally refused to commit the man to Bay View, as they had authority to do under Section 108 of the Charter if they had considered him indigent or destitute. In this connection, however, I would say that the man was subsequently committed in an entirely legal

In the first place, Mr. Poe, who was formerly State's Attorney, Way . tells me that some years ago Judge Dobler decided that, after a commitment, the committing magistrate has no jurisdiction to release the person committed before the expiration of his term. Moreover, habeas corpus does not lie except for some defect in the commitment, and in this case the commitment appears to be entirely regular. Finally, there exists no statute providing for the release of persons of this kind before the expiration of their term.

I, therefore, think that the case is just like any other case in Which a person has been convicted of an offense, and it is afterwards claimed that he was in fact not guilty. I understand that in such a case the only remedy is a pardon from the Governor. The only thing I see for the Supervisors to do is to put the man to work, under Section 871 of the Charter. Mr. Poe agrees with these conclusions.

(Signed) Albert C. Ritchie, Assistant City Solicitor.

TAT DEPARTMENT

Baltimore. November 28,1905.

John M. Glenn, Epq., President of the Supervisors of city charities.

Referring to your letter of the 22nd inst., relative to a man named Freburger, who was committed to Bay View for a few months on his own application, I beg leave to say that I referred the inquiry contained therein to Mr. Albert C. Ritchie, Assistant City Solicitor, and that I am in receipt of a report from him dated the 27th insie, which I herewith enclose. I concur in the conclusions reached by Mr. Ritchie.

(Signed) W. Cabell Bruce, 

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