

*To the President of the Senate
of Maryland:*

Sir: I have the honor to acknowledge the receipt of a letter, of which the enclosed is a copy, purporting to come from a Committee of the Senate.

I cannot admit the right of a Committee of the Senate to inquire of the Judges of the Courts, the reasons for their judgments in cases, which are or have been depending before them.

Of the three cases concurring, of which inquiry is made in this letter, two have been argued and submitted to the judgment of the Court, but not decided, while the other is awaiting the return of witnesses whose testimony is deemed material by the petitioners.

It is not the privilege of the Senate, I submit, to know the opinion of the Court in these cases before the parties to the cause and the counsel who argued them, know it.

The Criminal Court of Baltimore, has issued, and will continue to issue writs of habeas corpus in every case where a party alleges illegal confinement, and states the facts required by the Code in his petition.

The writ of habeas corpus is a writ of right. It is the cheap and swift process of the law, which guarantees the liberty of the citizen. It is imperative upon every judge by the law of Maryland, to issue it immediately upon application, and I am not aware that the Court of Appeals ever made any decision to the contrary, as your Committee seem to suppose.

The only way to determine the propriety or impropriety of its issue, is upon hearing, and to have such hearing the parties must be brought before the Court, at, however, "great expense or inconvenience."

If the members of the Senate desire to know the judgment of the Criminal Court of Baltimore in any case heretofore determined by that Court, I suggest an application to the Clerk of the Court for a record of proceedings in such case.

I am not aware that the judgment of this Court, in any case tried before it, has been reversed in appeal by the Court of Appeals, on the contrary the judgments of this Court have always been affirmed.

If it should happen to the contrary, hereafter, in answer to the very indelicate interrogatory of this Committee, I answer I should submit to the better judgment of that Court, with that obedience, its appellate character requires, and with the