

to me at the time this statement was made, that the nearest hack stand would have been a more appropriate place to search for a conveyance than the Circuit Court room of the city of Baltimore. Whether this is but a part of the system of delays and procrastinations resorted to by the other side, it does not become me to say, and I do not say. The result is that we are here awaiting the Warden's obedience to the Court.

Judge Bartol said: I think there is a provision in the code allowing the Warden, in such cases, a certain time within which he may appear and respond to the writ. I do not remember precisely the provisions, but I think it allows the Warden three days for the service of the writ.

Mr. Schley said: Three days is the time limited, except in cases of distant residences. I would suggest that under the common law the party is bound to respond immediately to the writ. I think preference ought to be given to this great writ of right over all mere criminal cases.

Judge Bartol said: The writs were issued on Saturday afternoon, at about five o'clock, I think. It was my expectation that the writs would have been served that evening. It seems that they were not served until this morning, and the delay which has occurred is not unnatural.

Mr. Schley said; I think it would be better to wait a reasonable time.

After waiting until about half-past ten o'clock, Mr. Horwitz said: We have waited nearly one hour and a half upon the Warden to bring in the prisoners in his charge, under the exigency of the writ issued by your Honor. I don't think, under the circumstances, that there is any probability that he designs to comply with the requirements of the writ. The law, fortunately, has provided a remedy in a case of that kind. I ask your Honor's attention for a moment while I read a petition I have here prepared, under the habeas corpus act.

Mr. Alexander here appeared in Court.

Mr. Horwitz continued: Seeing my learned brother appear in Court (Mr. Alexander) I inquired whether those parties were to be brought in, and he says he don't know.

Mr. Alexander said: I will state that I had understood Mr. James, the Warden of the Jail, was in consultation with his counsel, and that some time would be required to prepare a return, but that is a mere understanding of mine, to which I cannot pledge myself.

Mr. Horwitz said: I have heard from Mr. James, and his answer is that he is in a bad way, between two fires.

Mr. Horwitz having read the law above referred to said: Your Honor will observe that by the 4th section of the same article, the writ of *habeas corpus* is directed to the party having the persons in custody, and is served either by leaving it