

with him or at the place of incarceration. In this section the law is modified so that in the event of the parties not obeying the writ, or attempting to evade it, it then becomes the duty of the sheriff, under the direction of the Court, and by the authority of the clause inserted in the writ, to serve the writ and to bring the party in contumacy, together with the persons in his charge, before the court.

Judge Bartol requested Mr. H. to read the other sections of the law on the subject; after which

Mr. Horwitz, said: In no case shall there be a delay beyond three days in making the return of the writ, unless the party is more than twenty miles beyond the jurisdiction of the Court. That is provided for by the 5th section.

But if there is no reason why the party should not be brought in, in accordance with the exigency of the writ, he is then to bring him here according to the command of the writ; but that under no circumstances shall the delay be beyond three days from the service of the writ. But if there be no such reasons—if the prisoners can be had without any trouble, and can be brought before the Court immediately—then, according to the command of the writ, they are to be produced before the Court. The pretence here is, and the only pretence why the prisoners were not produced at the hour named here, was, that the Warden had no means of conveyance; that he had exhausted them in bringing some thirty odd prisoners to another Court, which did not convene until an hour after the time named in the writ.

In accordance with the sixth section, we have prepared a petition, signed on behalf of Sheriff Thompson by his counsel, stating the fact of the service of the writs, &c., and further showing that the petitioner has probable cause for believing that the said warden designs to evade, and is now attempting to evade, the execution of said writ. Wherefore he prays your Honor to insert in said writ a clause commanding the Sheriff of Baltimore city to serve the writ aforesaid on the said warden, and to cause him immediately to appear before your Honor, together with the said William Thomson.

Judge Bartol asked what proof he had that the writ had been served, and, upon being shown it, he said, "This is a mere memorandum from the Sheriff's officer that he served the writ. The writ is not returned. Mr. Alexander, whom do you represent?"

Mr. Alexander.—I represent the Commissioners, who have a deep interest in the preservation of the peace of the city, and in seeing that this case is carefully heard and disposed of. I appear at the instance, also, of the State's Attorney, to render him such assistance as I am able in the discussion of this matter. I would, therefore, represent, the warden, of course. I wish to say that I have reason to believe that the