

warden is yet in consultation with his counsel, and is preparing or about to prepare his return.

Mr. Schley.—What will that return be?

Mr. Alexander.—I don't know.

Mr. Schley.—You are his counsel.

Mr. Alexander.—I am counsel here, Having advised the arrest of these parties as counsel, I do not care to put myself in the relation of counsel and client with the warden, and will confine my labors, therefore, to the discussion of any questions which may be present before this court, and all other proceedings before your Honor in this matter. I was about to say, though speculating only upon what I have heard, that the parties will be produced in court somewhere about mid-day, after the return has been prepared. But I make no pledges upon that subject whatever. But I am inclined to think that by mid-day there will be no necessity for any further proceedings at all, but that is mere speculation upon my part. I would, therefore, suggest to your Honor that, looking to the quiet and order of the city, there is no purpose to be subserved by any immediate proceedings of any kind. On the contrary, I would state, as a gentleman to gentlemen, that your Honor will, perhaps, best promote every object of this proceeding by postponing the matter before you until the hour of 12 or 1 o'clock.

Mr. Schley.—I appear on behalf of the Commissioners appointed by Governor Swann. In their case there is no difficulty about issuing any order directed through the Sheriff, because they are not one and the same person. But now, you see the time is delayed, of which you will judicially take notice, one hour and a half, and that you, the representative of the sovereignty of the State, upon the application of the citizens of the State, in a matter concerning their civil liberty, have waited patiently for a return from the warden of any kind or description of the writ you have issued. There is no liberty in a land where a party restrained of his liberty is not to be heard in some court of justice. I mean to speak as plainly and as quietly as I can, although my bosom is full of warm and indignant feeling. Here is a man who has in his custody three or four fellow-citizens, and he has not deigned to make any return, but sends counsel here, who say they are ready to argue any question of the law, but who don't know anything about the return. Why have we not an answer? The warden is here in the court-house, and has been an hour and a half. He has made no return whatever to that writ. Are we to sit here, hour after hour, upon the faith of counsel that he verily believes it will be so and so, and yet tells us he has no definite information, or that something may occur outside that will render any further proceedings unnecessary.