

apply here. The conduct of the Governor finds no justification. There was no court open in Missouri before which the case could have been adjudicated. But the courts here are ever open.

The Judge of the Superior Court could have been applied to, and from his determination an appeal lies to the Court of Appeals of this State. Our friends on the other side search back to the times of the Stuarts, and they admit that, even in that most degraded epoch of judicial history, they can find no case which can supply a parallel. The wrongs then proceeded from the tyranny of the Executives of that age, sustained by the corrupt judges of their appointment. They then strove to suppress the charters and our friends have not heard of the proposition to suppress the charter of Baltimore. They would seek by force, disregarding the courts of law and justice, to execute their purposes, and if the physical force of Maryland were not sufficient, they were to call in the army of the United States. They say rightly, no precedent can be found for such enormities as were attempted to be perpetrated by these parties. The Criminal Court is one of exclusive criminal jurisdiction in the city of Baltimore. I refer to Johnson, 358. The legality of a commitment cannot be inquired into and reviewed. A commitment in execution is considered and also a commitment at any stage. The gentlemen concede that after conviction no habeas corpus can be taken out in vacation to review the sentence. Yet, with regard to all mesne process, a judge in vacation can review them. I refer to 5 Johnson, 289. A person convicted at Oyer and Terminer, the judgment could not be controlled by a judge in vacation. The court which commits has jurisdiction of the case, and that is sufficient. When a court of record rightfully assumes jurisdiction over person or property, all other jurisdiction is excluded. It is equally the rule in civil and criminal cases. The court of superior jurisdiction issues a *capias* in debt. The defendant was committed. He sues out a writ of habeas corpus, and wished to show that the commitment did not give sufficient cause for his imprisonment. That is Greene's case, quoted by Stockbridge. In the South Carolina case, given in McCord's Report, it was determined that the regularity of a commitment upon mesne process could not be investigated. The mesne process of a criminal court having exclusive jurisdiction is still more to be respected than in cases of *meum* and *tuum* between citizen and citizen. After a verdict rendered by the jury below, you have the power to review the facts upon which the conviction was made. That is the conclusion to which the argument of the other side leads. Upon what principle can the commitment of this court of exclusive criminal jurisdiction be reviewed by your Honor sitting in vacation. Where a justice commits a party upon charg