

demned man, and the interests of society demanded, we proceed to submit our conclusions for the consideration of the Senate.

By the Constitution the Governor has power to grant reprieves and pardons, and it is very clear that the General Assembly cannot exercise it, nor do we understand the memorialist as asserting that it has such power. The only modes suggested in argument, as within the province of the Legislature, are clear that in other instances such laws have been declared void, and the Courts have disregarded them, as being contrary to the Constitution. In the most recent of that kind in the Court of Appeals, the power was denied: Dorsey's case, 37 Md., Rep. 64; that, to be sure, was a case *inter partes* affecting property, but we think that the reasoning of the Court applies to criminal cases as well. Alluding to the Act of eighteen hundred and seventy-two, chapter three hundred and ten, the Court said, "it undertakes to confer on the Court the power at its discretion, to annul and set aside its final judgments and decrees, rendered several terms ago upon full hearing and careful consideration."

"It requires no argument to show that such legislation is contrary to the intent and meaning of the eighth Article of the bill of rights, and is an exercise by the legislature of judicial powers."

This was said of a law which merely authorized and empowered that Court to re-open and re-hear the cases mentioned, and to pass such judgments, orders and decrees as right and justice might require, leaving the matter to the discretion of the Court.

Now, suppose such a law were passed in this case, (and none less obnoxious to objection could be framed) can it be doubted that the Court would apply the same construction, and decide it to be unconstitutional? If the law were made mandatory in its terms, the effect would be the same, as the Court said on page 76, in reference to the case of Gover vs. Hall, 3 Har. & Johns., 43. We are at a loss to suppose any form of expression to be used in a law or resolution, remitting this case to any Court of the State, which would not be liable to the same objection.

There must be an end of judicial trials, when the remedies, defences and modes of procedure prescribed by law, have been availed of, the public interest requires that the contest should cease. The right of appeal is designed to correct the errors of inferior tribunals; besides the power to grant new trials by the same Court without an appeal.

We must presume that he has been fairly tried, and has had the benefit of all these remedies. What a reflection