

MSA SC 5463-2-5 (piece 5-3 - gov. pardon - in seperate folder)

B.

WARDEN BATHING

True Copy

Just.

James M. Irwin

Warden

RECEIVED OF BATHING

Criminal Court of Baltimore,

January

Term, 1873.

**STATE OF MARYLAND**

vs.

*Chas. M. Heslin*

WARDEN BALTIMORE CITY JAIL,

RECEIVE into your Jail and custody the body of

*Chas. M. Heslin*

*Febry. 10. 1873.* committed  
as above

Committed on the Oath of Thos. S. Wilkinson. who charges that said Chas. M. Heslin is the same person who was sentenced to the Penitentiary on 26th. Oct. 1866. for 17 years & who was afterwards on the 26th. Nov. 1872. pardoned by the Governor of this State upon condition that he should leave the state & not return thereto and that the said Chas. M. Heslin so convicted & so pardoned by the Governor of this state was duly discharged from the Penitentiary on the 29th Nov. 1872 & that he has now returned to said state contrary to the terms of said pardon.  
*Geo. D. Kane*

SHERIFF OF BALTIMORE CITY.

To the Honorable ~~Wm. L. Brewster~~ <sup>the</sup> Judges of  
of the Circuit Court of the United States  
for the Fourth Circuit in and for the  
State of Maryland.

The petition of Charles M. Haslin alias  
John McCutty alias Albert C. Tucker  
a citizen of the State of Connecticut and of  
the United States, humbly represents  
unto your honors, that your petitioner  
was convicted in the Circuit Court for  
Charles County Maryland, at October  
Term 1866 of larceny in three cases  
and sentenced to confinement in the  
Maryland Penitentiary for seventeen years  
and six months - That he was pardoned  
by the Governor of the State of Maryland  
<sup>as appears by a copy of the said pardon which is filed marked</sup>  
and discharged from the Penitentiary on  
the 27<sup>th</sup> day of November 1872 - The  
language of the pardon after reciting  
the conviction and the recommendation  
to the clemency of the Governor, is in these  
words.

"Now therefore, I, William Pinkney Whyte,  
Governor of Maryland, have thought proper to  
pardon the said Charles M. Haslin alias John  
McCutty, and I do hereby direct that he be  
immediately released from confinement  
on account of said offence and grant

him pardon therefore, on condition, how-  
ever, that he shall forthwith leave the  
State of Maryland and not return there to -

That on the 28<sup>th</sup> day of January  
1873 he was arrested - and on the 10<sup>th</sup>  
day of February committed to the custody  
of James M. Swin. Warden of the Baltimore  
City Jail, by a commitment from Genl  
P. Kane, Sheriff of Baltimore - and in which  
commitment he is still held in said  
custody and he files herewith a certified  
copy of said Commitment marked "A."

That at the time of his original con-  
viction and when the said pardon was  
granted your petitioner was and is still  
a citizen of the State of Connecticut and  
of the United States -

Your petitioner avers that he was  
unlawfully committed and has been  
ever since unlawfully detained and  
deprived of his liberty, <sup>in violation of the Constitution of the United States</sup> for the reason  
that the Governor of the State of Maryland  
had no power to annex the said condition  
to the said pardon, but the said condition  
is in violation of the Constitution of the  
United States and of the rights and immu-  
nities of your petitioner as a citizen  
of the United States and of the State of

Connecticut -

Your petitioner, therefore, humbly prays  
that your Honor will cause the writ of  
Habeas Corpus to be issued directed to  
James H. Quinn, Warden of the Baltimore  
City Jail, commanding him to bring the  
body of your petitioner before your Honor,  
whereby your petitioner will have the oppor-  
tunity to show his innocence and his un-  
lawful detention and that your  
petitioner may be discharged -

And as in duty bound &c

Chas. H. Stanley

Albert O. Tucker Daniel Clarke

Walter W. W. Lewis.

Attorneys for the Petitioner

United States of America }  
District of Maryland } 88.

I hereby certify that on this  
the 11<sup>th</sup> day of August in  
the year 1873 before me  
the subscriber - P. M. S. on Rogers  
United States Commissioner and for the District  
of Maryland

personally appeared Albert  
O. Tucker and made oath  
on the Holy Evangelists of Christianity

and that the matters and things stated in the foregoing petition are true to the best of his knowledge and belief. and I further certify that at the same time the said Defendant subscribed his name to the said petition in my presence.

Ruby on Rogers  
U.S. Commissioner  
for Maryland.

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Petition of Charles

the Defendant, alias

Samuel Buckley,

alias alias D. Tucker

for writ of Habeas

Corpus

—

County Court of the U.S.  
District of the District of  
District of Maryland  
refused as the Court  
has no jurisdiction of  
the case.

Hugh L. Bond

or Judge

William F. Giles

Re. off. C. B. H. d. g. l.

Filed October 4, 1873