

signed on the 2d of April. Under these circumstances does the case come on to be heard at this term?

Mr. Rogers said that he had considered the question carefully, and it was perfectly futile to pretend that the filing of the answers could deprive him of his right of appeal. The application had been made to Judge Martin on the bill, which soon found its way into the hands of the counsel for the respondents, and they had slipped in their answers before the court had had time to consider the question, and this could make no difference. He continued at some length, drawing a distinction between the case before the court and the decided case of Steigerwald and Winans.

Mr. Horwitz said he understood the court to inquire "whether, in the situation in which the case now stood, it was competent for the court to hear it at the present term?" When the case of Steigerwald and Winans was before the Court of Appeals, (for he had tried the case,) he took the position in it now assumed by their very learned brother, that it was futile and absurd on the part of the court (although he did not use that language before the court) to deprive him of his right of appeal, because the defendant had "slipped in" (to use the learned counsel's language) his answer. But the Court of Appeals thought otherwise, and he had ever since supposed that to be the settled law of this court.

Mr. H. then argued at length for the purpose of showing that although proof had been taken in the case of Steigerwald and Winans, that did not distinguish it from the present case or render the principle then decided inapplicable. He referred to Bell and Purvis, 15th Maryland, and other authorities.

Mr. Brown said that Mr. Wallis, who was the counsel more particularly of the Police Commissioners, was detained at Washington, in the trial of a cause before the Supreme Court, and he was therefore here to represent, in conjunction with his friend Mr. Horwitz, the respondents. That, so far as they were concerned, they would be perfectly willing, if the court thought it had the power, to have the question considered and disposed of now.