

custody the bodies of William Thomas Valiant and James Young, committed this third day of November, 1866, in default of bail on the above order.

WM. THOMPSON,
Sheriff of Baltimore City.

And this warrant or commitment is set out in the return as legal cause for the detainer of these petitioners.

It is difficult to understand by what authority the Judge of the Criminal Court passed this order. None of the counsel who have appeared in support of the return have suggested any sound or even plausible reason by which the exercise of such power and jurisdiction by that court can be supported. Under the guise of a recognizance to keep the peace, this order is in reality a special injunction restraining these petitioners from exercising a public office till their title is tried and decided by law. Certainly it requires no argument to show that the Criminal Court had no power to pass such an order, or to commit the parties to jail for refusing to comply with it, and that such commitment can furnish no legal cause for their detainer.

In order fully to understand the effect of this order, and the circumstances under which it was passed, it is necessary to advert to the facts disclosed in the evidence before me.

Under the police law of the city of Baltimore, 2d Code, sections 806 to 832, and the amendments thereto by the Act of 1862, chapter 131, Samuel Hindes and Nicholas L. Wood had been elected by the General Assembly, Police Commissioners, and were duly commissioned, qualified and acting as such. By the act of 1862, under which they held their office, it is enacted:

“For official misconduct any of the said Commissioners may be removed by a concurrent vote of the two Houses of the General Assembly, or by the Governor during the recess thereof.”

Complaints against Hindes and Wood of official misconduct being made to the Governor, he proceeded, in accordance with the 13th and 14th sections of Article 42 of the Code, and, after hearing the evidence and arguments of counsel on both sides, adjudged and decided that the parties complained against were guilty of official misconduct as charged, and passed his judgment and order removing them from office. A copy thereof, under the great seal of the State, was served upon them, and the Governor thereupon, under his power to fill vacancies in the Board, appointed these petitioners, Young and Valiant, Police Commissioners, the former in the place of Hindes, and the latter in the place of Wood, and commissions were delivered to them on the 2d day of November. On the same day they qualified, by taking the official oaths prescribed by the Constitution and