

cer could be removed without a trial. Charges must be preferred for some specific offence, and the offender tried by the Board. In this matter, as in all others appertaining to the office, the Commissioners acted by the advice of counsel, gentlemen who are recognized as being at the head of the profession in this city.

When the order of November 3d, was issued at about one o'clock, and just as the *Evening Transcript*, the only exclusive afternoon paper in the city, was being published, but, before the paper appeared, the Commissioners were arrested; and remained under arrest in prison, or constructively in prison, until the opinion of Judge Bartol was delivered on the Tuesday week following, ten days afterwards. So that, in point of fact, there was no opportunity afforded either the officers or men to report until Wednesday morning at 6 o'clock, the day after the Commissioners had been discharged by the order of Judge Bartol.

Even had this been otherwise, it would hardly have been just to discharge men for not accepting the law as it was understood by the Commissioners, when the matter was in litigation, and before the decision in the habeas corpus had sanctioned the views of the Commissioners with the weight of judicial authority.

There was also another consideration which controlled the Commissioners; the Supplement to the Code, section 42, on page 45, of vol. 1, requires the Police Commissioners to take and subscribe to an oath or affirmation, "that in any and every appointment or removal to be by them made to or from the police force, they will in no case and under no pretext, appoint or remove any policeman or officer of police, or other person under them, for or on account of the political opinion of such policeman, or officer, or other person, or for any other reason than the fitness or unfitness of such person," &c.

Upon inquiry of the Captains of the several stations, it was ascertained that the following officers and men had been discharged in consequence, as was understood, of their failing to adhere to the late Board after the action of the Governor, to wit:

*Middle Station.*—A. H. Quigley, Thomas E. Whiteford, John S. McCauley, Joseph H. Helm, Jarrett Kidd, John Percy, W. A. Cunningham, Aaron Ross, S. C. Morris, Samuel Redgrave, Alfred Morgan.

*Eastern Station.*—Henry C. Durkee, Thomas Vain, Benj. Graham, Jacob Mainster, George Hoover, Wm. L. Tayman, Wm. G. Mariner.

*Western Station.*—Jacob Hoek.

*Southern Station.*—Serg. Wm. Gardner, Serg. George F. Short, Serg. Jesse Lippy, Wm. H. Granger, George T. Granger, Wm. L. Sumwalt, John E. Sumwalt, John Taylor, Wm. T. Spies, Thos. P. Penn, John Norfolk.