

mediate predecessors of the petitioner and the said Wm. T. Valiant, in the office of commissioners of the Board of Police, were entitled to exercise their functions as such until your petitioner and the said Wm. T. Valiant should have established their right to the office otherwise than by the production of their commissions aforesaid, and proof of their qualification.

And inasmuch as your petitioner was held upon a commitment issued under the above order, in consequence of his refusal to give the security therein required, he prays that he may be discharged from confinement by the order of this honorable court to be passed in the premises.

And the petitioner, to so much of the said return as sets out the warrants charging him with riot or inciting a riot in the said city, answers and says that they do not, nor do either of them, afford sufficient ground for his detention by the defendant.

The answer in the case of Wm. T. Valiant is the same as the above, and further, as to said warrants, the petitioner says, by way of plea, that he was not, in point of fact, engaged in a riot or riots, or inciting the same, as charged in said warrant.

Mr. Latrobe said that under the law they may controvert the truth of the returns, and plead there is not sufficient cause for detention, and also offer any matter by which it shall appear that there is not such legal cause.

Mr. Horwitz, counsel for Sheriff Thomson, read his answer to the return, modified to suit the circumstances of his case, denying that he was engaged in any unlawful assembly, riot or rout; alleging that Messrs. Young and Valiant had been legally appointed police commissioners, and that the Sheriff was bound to obey their orders, and that the commitments do not present a sufficient legal cause for his detention. Mr. Horwitz said the Sheriff stood in a peculiar position; if he refused to obey the police commissioners, he was liable, under the law, in a penalty of \$5,000. He also said that for the present the pleadings are made up.

Mr. Rogers, for respondents, said the answers to our returns are of a very ambiguous character. The counsel have not traversed the return nor taken exception to the facts of the case. We find it necessary only to reassert the sufficiency of our return.

Mr. Schley.—We are willing to meet you on that issue.

A COMPROMISE PROPOSED.

At this stage of the proceedings the counsel for the old commissioners privately submitted the following proposal of compromise. The knowledge of this proposal and the response was confined to the counsel in the case.

All further proceedings under the writs of habeas corpus to