

Mr. Stockbridge, for the respondents; Mr. Horwitz would next argue the case of Sheriff Thomson, and incidentally the cases of the commissioners; Messrs. Rogers and Alexander would then further argue the case of the respondents, and Mr. Schley would conclude for the petitioners.

“The decision of Governor Swann,” said Mr. Latrobe, “gave to the commissioners of his appointment the instant and immediate possession of the franchise, the property and muniments of the office being reserved, perhaps, for after consideration. Messrs. Young and Valiant were committed on two charges. They were held to bail upon these charges in twenty-five thousand dollars. Upon these commitments, our clients being sent to prison, they petition for a writ of habeas corpus. Your Honor decided yesterday that it was for the other side to maintain the return by showing probable cause for the imprisonment of our clients. Testimony was endeavored to be produced to support that return. We were then on the eve of a most exciting and important election. We were under the domination of some 5,000 men. Under their rule, but opposed to them in political sentiment, were some 35,000 persons. They are a high-spirited people, enterprising in their patriotism from the time they defended their city against a foreign foe. They were great in all the arts and sciences, and elevated in all their ideas of social and business life. It would not have been wonderful under the circumstances of the appointment by Governor Swann of Messrs. Young and Valiant to the office of police commissioners, that they should have resisted the unjust rule of so small a minority.

It would not have been surprising if the people had taken the new commissioners upon their shoulders, and carried them triumphantly into the office of the old ones. But honorable to the people of Baltimore, they abstained from violence, and it will form a bright page in the history of Baltimore that they were entirely obedient to law and order. There was never exhibited similar obedience to the law. Every order given by the new commissioners was accompanied with instructions to obey the law. That is sufficient to show that there was no probable cause of riot. We have the evidence of our brethren of the bar on the other side, and that of police officers, although perhaps slightly biased in their opinions, and there is nothing in their testimony to show probability of riot. The most they have testified to is that there was a crowd collected near the court-house to see what was going on. But the same result would be produced any day by a drum and fife. There were no blows struck—no pistols fired. The most that was testified to was that some of the posse comitatus said to some of the old police, “You are all played out.” The police were the men who created the disturbance. There were men sufficient to have overcome them with a single