

of inducting the new commissioners before the old commissioners were removed. Was this the legislative intent? It was necessary to act promptly in certain exigencies. Could tedious legal proceedings have been intended under such circumstances? The very object of the law would have been defeated. It never could have been the intention of the Legislature to compel the Governor to resort to the courts. An apt illustration was the refusal to produce the police commissioners until after three days. There the mischief was continued through the day of the election, thus defeating the very intention of the law. If it had been necessary for the Governor to resort to the courts in 1861, the consequences would have been far more distressing. Still, through the intervention of Providence at the last election, the right has been maintained.

It never could have been the legislative intent to refer the Governor to the courts. Our friends cannot produce a case where the Governor is authorized to act in a specific manner, and his action has been disregarded. In the Code the Governor is required to perform certain duties. In the event of any complaint being made against any civil or military officer whom the Governor can remove, he shall summon witnesses to inquire into the facts, and all means are provided for a full and impartial hearing. The law existed previously that defined his duties and mode of action. Having the complaint before him in this case, he investigated the whole case. But that was out of abundant caution. I hold that he was authorized upon view, upon an affidavit, to have removed these commissioners and appointed new ones, and he was responsible only to the Legislature. But in the mode of investigation he exercised his authority lawfully. When this appointment was made, and the commissioners qualified under this appointment, they were *ipso facto* the board of police. Not that they had possession of the property, but they had the right, the full right, to such office and property. On the 2nd of November, Messrs. Young and Valiant became police commissioners of Baltimore. The order removing the old commissioners was passed on Thursday, and they were notified of the fact. The new board denied admission to them on the following day. On Saturday they called again, and they were arrested. Hence these proceedings. The removal, with notice of it, vacated the office. The appointment, with the qualification, installed the new board. It was the duty of the old commissioners to have known the correct law and complied with it. On the appearance of the new commissioners the old board should have received them on Friday afternoon, and availed themselves only of time to close up their affairs. That was their duty, no matter what were the interest involved. That was their duty, if the law is as I have stated it, and I claim that such is the law. The reports