

of the papers telegraphed to Baltimore on Thursday before noon the fact that the removal would be made. The old board and all Baltimore knew it on Thursday. But the next day they received official notice of the fact. Yet on Thursday they were summoning 700 special policemen while the new board only called for 100 men. They continued this on Friday. They were preparing an army to resist the law. Let them explain that. Mark the contrast between their actions and the actions of the new commissioners. Who are the rioters? Who should have been committed to prison? The application to Judge Bond for warrants should have been made for the arrest of Messrs. Hindes and Wood, and his Honor the Mayor. Instead of preparing such a resistance, it was their duty to let in the new commissioners, and bow to the law. It is said they did not do so because they feared a riot. Their object was to hold over the election, with the belief that they would be successful in that election, and thus hold us for four years longer in subjection. The whole question turns upon the validity of the appointment, and the rights secured by such appointment. In accordance with the past decisions, you have the right to go behind the commitment. We ask you to look at the circumstances of the time and to the testimony in that connection. These men have been imprisoned and are still under constructive restraint. We want no compromise. We want them liberated, because they have the right to be liberated.

Mr. Latrobe concluded his argument by quoting from the 16th chapter of the Acts of the Apostles, verse 35 to 40 inclusive, as applicable to the case.

#### REMARKS OF MR. STOCKBRIGE.

The prisoners are detained under a lawful commitment of a court exercising jurisdiction in such matters. The case was laid open and the whole subject is now before you. It is against all law and precedent that so great a latitude shall be allowed in the trial upon a writ of habeas corpus as has been claimed and availed of in the argument of my friend on the other side. The Code gives to the courts of this State and city and the judges out of court jurisdiction over the whole State in matters of habeas corpus. Though a judge of the highest court of the State, your power is the same as in every other court, and with all the other judges of the State. You have no appellate or reviewing power. You cannot revise or reverse the return other than to examine if it is legally issued. The effect of it would be to enable your Honor to reverse or revise the judgment of all the courts of criminal jurisdiction in the State, and the court with jurisdiction over him would be baffled in all his efforts to bring an offender to justice. Mr. Stockbridge quoted a number of legal authorities in support of his view.