

the peace; one is a commitment on mesne process, the other upon final judgment. All proceedings entering between the beginning and ending of a case, are mesne process. The rights of these parties do not make a question in this case. I shall not discuss the power or action of the Governor of the State in the matter of the trial of the Police Commissioners. It does not come in question here. The record is not before us.

A single order was produced, which was the ultimate order, in the view of the opposite side, but that does not come before us here for confirmation or appeal in this proceeding.— That question must come up in an entirely different proceeding. As to the Legislature, it was their design no take the police force from all political influences. It was never designed that it should be placed at the disposal of any one man.

In 1862 the old act was repealed and the new one enacted, and Messrs Wood and Hides were appointed under that act. Mr. Wood was re-elected in 1864 by a different body of men. Still later Mr. Hides was re-elected by another Legislature, thus deciding their fitness and uprightness to hold their office. Before the proceedings at Annapolis these commissioners were *de jure* and *de facto* the Board of Police of Baltimore. One man again assumes to control this force for purposes I will not mention. The irregularity of these proceedings will be discussed at another time.

But whatever may have been the justice of the claims of the opposite side, no claim to an office gives the claimant a right to seize possession of the office by the strong arm of physical force. The first act of the new Commissioners was to issue a proclamation without consulting another member of the Board, and without giving to the community their authority by such or in any other manner.

By reason of this and other acts, one of the new commissioners threatening to take a posse and appeal to force, there was ample cause for arresting them. An appeal to force is necessarily riot and bloodshed. They attempted to carry out this programme, instead of calling their own police to their assistance.

REMARKS OF MR. HORWITZ.

Although I appear more particularly on behalf of the Sheriff of Baltimore city, but yet, inasmuch as whatever was done by him was done by virtue of an order received from the commissioners appointed by the Governor, it will be necessary for the purposes of my argument, not to confine myself to the action of the Sheriff, but to discuss the authority under which he acted, and the right of the commissioners to act under their authority.

In the case of such palpable outrage as has been perpetra-