

deputies, of arresting Messrs. Valiant and Young, the Sheriff himself was arrested because the Judge heard a noise overhead and the State's Attorney got a little excited and nervous (1st Tyler, 444.)

When the sheriff reached the court room he was astounded to find that he had been arrested on a charge of riot. A more peaceable assemblage of persons summoned by the sheriff in obedience to law, and bound to attend, could not have been found. According to the evidence there was not the slightest tumult in the sheriff's office nor in its surroundings, until the police force came there, and then no resistance was made to them. Some few remonstrated, and said to the police officers, "do not interfere with us, we have just been sworn in as conservators of the peace." But the police, with their batons and billies soon disposed of the unarmed and unresisting *posse*.

The judge then required of the sheriff bail in the sum of \$5,000 to answer the charge of riot, without a particle of evidence before him to justify the outrage. Having this officer before them, and without any evidence or any oath, the judge then passes the most extraordinary order on record. This petty magistrate of a police force attempts to settle the question of the appointment, of the police commissioners, and who are entitled to hold office. This magistrate, not competent according to the Constitution of the State, to determine the law in a case of the larceny of five dollars, for, according to the Constitution, the jury is made sole judge of the law of criminal cases—erects himself into a court of equity, with power to issue an injunction or to grant a mandamus.

We have heard a great deal of talk about riot and danger, and the peace of this great city, but as yet we have seen no one, except Mr. Maund and Mr. Stirling, who appears to have had the slightest fear of a riot in the city. Their efforts to get up the idea of danger and tumult and fear, have utterly failed; they have not been sustained by the proof before your Honor. Why, then, was this order passed?

The sheriff had received an order from the commissioners newly appointed to summon a *posse comitatus* for the preservation of the peace and quiet of the city, and for no other purpose. Every man summoned was sworn to preserve the peace, and aid in maintaining the quiet of the city.

Was the Sheriff right in obeying the order directed to him? This, of course, depends on the authority of the commissioners. Were they authorized to issue the order?

The commissioners appeared before the Sheriff with their commission, sealed with the great seal of the State, and he was made acquainted with the fact that they had qualified under it. The great seal of a State proves itself, and by the law of nations is to be recognized the world over. And is the