

document not to have force with one of the officers of the very State whose seal it bears? [Wendell, 484, 7 Shipley, 650.]

Coming thus supported, they direct to him the order that has been read in evidence. Under a penalty of \$5000 he is bound to obey the order of the Commissioners, and, therefore, had to decide for himself upon the validity of that order. And he was right in the conclusion to which he came. They are the Commissions *de jure*, by virtue of their appointment. It is useless to discuss the right of the Governor to remove for official misconduct, and to appoint others in their place. For the sake of this argument it is conceded by the counsel who just addressed the Court. And they were also the Commissioners *de facto*. It is not like the case of the Librarian, who cannot act without the Library. They may establish their offices and station-houses and telegraphs where they please. They may adopt a seal. They may act without the aid of the old Commissioners. They were then Commissioners *de jure et de facto*. They had opened their office; they had issued this very order.

In this state of the case, what is done? They have the Sheriff before them, and then, without any complaint or cause of complaint, they pass an order requiring the Sheriff to give bond not to obey the law. The law says he shall obey the order of the Commissioners of Police under a penalty of \$5000 for disobedience, but the Criminal Court says you must give a bond in a penalty of \$20,000 to disobey the law and to pay the fine of \$5000. And this order the justice of a police court passes of his own motion, without any complaint, and decides in effect, that the appointment of the Governor is invalid, and that the Commissioners had no power to control the Sheriff. In this predicament the Sheriff had no alternative but to go to jail, and there he has been ever since.

What more do they do! They not only arrest him without oath, in violation of the Constitution and Bill of Rights, but they take him to jail on a commitment that does not charge the offence, and afterwards, when the petition for habeas corpus had been filed, and the writ served, they issue and lodge with the warden a new commitment, charging the supposed offence.

The matter was so monstrous that it bordered on the ridiculous, and was talked of on the public thoroughfares as a good political joke, and parties were congratulated on having made a first rate euchre.

I am not very familiar with this game, but I am told by those who understand it that the party that holds two knaves and an ass, or an ace, as I believe they call it, is sure to gain his point. I am certain that the party on the other side held no such hand, for they lost the game. They may have supposed that by holding the two commissioners and the Sheriff, their hand was invincible; but I think before we are