

representative of the State shall show probable cause for its action. We have a paper which purports to be an order of removal by the Governor of Maryland, in the exercise of our unusual authority against the Police Commissioners of Baltimore: I admit the fact of such an order. It is served on Thursday; on Friday commissions are given to Messrs. Young and Valiant. They take the prescribed oaths, and, full of these purposes, Mr. Valiant says, in answer to certain questions that they have resolved on Saturday morning to ask Messrs. Hindes and Wood to vacate their office. If they didn't do it they will turn them out by a *posse*. A *posse* is a body of men to exert force. Messrs. Hindes and Wood had 2,000 men, armed, at their backs, to support them. Against these the *posse* would not go unarmed, but armed to the teeth. If these are not sufficient, then they will call upon the army of the United States. That is an agreement between Young and Valiant to use force to turn these parties out of possession.

The declared purpose of both is that a *posse* is to be summoned to put them in forcible possession. Not finding the commissioners, they publish a proclamation, arrogating to themselves the power of police commissioners. That is an overt act. They authorize the sheriff to swear in two thousand men to assist them. They impose unlawful oaths upon these men. Are not these overt acts in furtherance of their conspiracy? You find the commissioners arrested. You find the sheriff arrested. Still, the officers of the Sheriff continue to swear in that *posse*, almost within view of the court. Is not that evidence of the sheriff's conspiracy. There was no evidence of actual riot, but there was an unlawful assemblage about his office, and they were being sworn in, in the execution of this conspiracy. A grand jury could indict him as a principal in this conspiracy. He was implicated in overt acts tending to accomplish the object of the conspiracy. That was sufficient grounds upon which the court could hold him under bonds to keep the peace. These warrants were the usual process looking to the ultimate action of the grand jury. But the commitment is final judgment, and no further action is to be taken until the party gives security to keep the peace.

Where is the case that will justify you in going behind those commitments in default of security to keep the peace? In the case of Maulsby, the commitment was until he produced certain papers. But the grand jury having expired, the function of the commitment was ended. You did not question the validity of the warrant at the time of the commitment. The commitment ought to be for life. If the party is contumacious, and will not obey the order, he ought to be retained in confinement. Upon all the analogies of the case—a refusal to give bail to keep the peace—the commitment is in the nature of final execution. The party would be relieved at the next term of the court, if the grand jury did not