

act in the case. Can we not go behind the great seal of the State? If a successor was appointed by the Governor to Judge Martin, we could go behind the great seal and show it was improperly used by him. We could show that he had no authority, or that he had improperly exercised this authority. Our friends want us to admit that a proper case was raised before the Governor, that he had the proper authority, that he had properly exercised his authority, and then, upon their theory, we are to argue the Constitutional question. Such a question cannot be determined by your Honor in this summary proceedings. That question is out of the way. If he had the power to remove us, and rightfully exercised that power, and all these facts were proved before you, it would be no answer to the charge against these parties—that they were conspiring to enforce their right in an unlawful manner. Can parties claiming to freehold of which I am possessed, conspire to thrust me out by force? Then close all courts of justice. If they had title, they had no right to conspire with the sheriff, and secure his posse, and the army of the United States, and the militia of the neighboring States lately in rebellion, to use such force in depriving us of our franchises. What is the evidence of title! A copy of the sentence taken from a letter press. I will not take advantage of this point. I have seen the original with the great seal of the State affixed. Is the sentence alone evidence of title, without a copy of the charges or of the testimony in the case! I should like to see a case to this point. The Governor says he has discharged these people for official misconduct, but the memorial not being here, you don't know what the charges are. The Governor is of inferior jurisdiction, and is subject to all the restraints of a specially delegated jurisdiction. It is, therefore, not sufficient to place upon the order the simple fact of the sentence, but all the facts must be exhibited which led to that judgment. I refer to 2 Burroughs, 731. It is true that where an emotion is returned all the necessary facts must be exhibited to show that the emotion was in proper and legal form. The court must say whether the facts found by the Governor were cause of removal. That is rule applicable to the exercises of special authority. Cases are in the books where the facts were set out, and the courts decided they were not cause for removal. These gentlemen never attempted to put themselves rightfully in possession of this office. Mr. Young was appointed in place of Mr. Hindes, and Mr. Valiant in place of Mr. Wood. Each could only claim a seat at the board. They did not go there and respectively claim a seat at the board. That Board is composed of three persons. They never put themselves in communication with the Mayor. They never summoned him to attend their meeting. They open a distinct office and arrogate to themselves conjointly the functions and authority of the