

the most extraordinary documents on record. If it had been prepared with a design, it could not have been more artfully, or I should say, skillfully framed. If they had given bond under it, they would have been precluded by its terms from ever attempting to obtain the office, even by mandamus, and would have forfeited their recognizance by so doing. The other party would have forever remained *de facto* Commissioners. Had the Commissioners a right to barter away the rights of the people?—to abandon the duties and control of the funds of the city to others in order to obtain their personal liberty?

Suppose the General Assembly instead of the Governor had removed the Commissioners, it is asserted that the new appointees would have to come into court to obtain their office by mandamus. Is the authority of the General Assembly to be set at nought and defied in this way? Suppose a judge is removed from office by the Legislature, is he to be allowed to go on administering the law as a *de facto* judge? The Governor in this case has the same power as the General Assembly, and his acts have the same force as the acts of the Legislature.

Mr. Schley then referred to a case in which the Pope had issued a sentence of excommunication, in which the question arose whether the act of his Holiness went into effect *eo instante*, or took effect after notice. In this case, said Mr. Schley, we took care to give the notice. He then referred to the case of Ford, in which the Clerk of the Court amended the verdict of the jury, which the Court of Appeals set aside as an illegal act. He denied that the Judge of the Criminal Court had any power to amend the charge and commitment in the absence of the accused. The second commitment is a nullity until the first is got rid of. He was informed that it had been the practice of the Criminal Court to amend commitments in that way, but it is a bad practice, and ought to be abolished.

The great question in this cause is, are the newly appointed Commissioners, the Police Commissioners. He would not argue before the court as to the power of the Governor to remove and appoint Commissioners. Suppose complaint had been made to the General Assembly, and that body had made the removal, would its power have been denied? If the old Commissioners will not give up, they are assuming a great personal responsibility. Their acts are illegal, and they can be made liable in damages for what they do. We need no mandamus—the seal of the Governor is sufficient. The Judge of the Criminal Court seeks to stay the execution of law and decide the question of title. "Upon what meat does this our Caesar feed that he has grown so great?" The validity of his action involves the question of title, and it becomes the