

will perceive that the arrest of your memorialists is alleged to have been made "in pursuance of orders issued from the headquarters of the army at Washington, for the preservation of the public peace in this department;" and is attempted to be justified by the refusal of your memorialists, as members of the Board of Police of Baltimore, to acquiesce in the legality and effect of a previous proclamation of General Banks, declaring their official authority superseded. The proclamation in question goes on to charge, that your memorialists, after such attempted suspension of their functions, had continued to hold sessions daily; that "upon a forced and unwarrantable construction" of the previous proclamation referred to they had declared the Police Law to be suspended and their police force to be off of duty, "intending to leave the city without any police protection whatever;" and that they had moreover refused to recognize, as policemen, certain persons selected by a Provost Marshal, under General Banks, to act in that capacity. There is a further allegation that the "head quarters under the charge of the Board, when abandoned by the officers, resembled in some respects a concealed arsenal."

Your memorialists respectfully represent, that together with their colleague Charles D. Hinks, Esq., who was arrested with them, (but has since been discharged, upon his parole, because of ill health,) and the Mayor of the city who has not been arrested, they constitute the Board of Police, a *quasi*-corporation created by the Legislature of Maryland, and having exclusive police jurisdiction in the city of Baltimore. The nature and extent of their functions and duties will be made known to your Honorable Bodies, by an examination of the Code of Public Local Laws of the State of Maryland, (Art. IV, Sect. 806 to 822 and Sect. 199 to 228 inclusive.) It will there be seen that their powers are of the amplest character, and that they not only have control of the whole Police Department of the State, within the city limits, but are likewise charged with the appointment of all Judges of Election, and the conduct of all elections, whether Federal, State or Municipal, to be held in the city; so that every such election is, by special enactment, declared invalid and of no effect, unless held by the Board, and under its control and supervision. It will further appear, by the explicit terms of the law, that no police force can lawfully exist in Baltimore, unless appointed and governed by the Police Board, and that neither officers nor men, when appointed, have any official authority or jurisdiction, independently of or apart from the Board; but that all of them are merely employed, in pursuance of the express provisions of the law