

“to enable the Board to discharge the duties imposed on them.” By section 819 of the article of the Code already referred to, heavy pecuniary penalties are imposed upon any person who shall forcibly resist or obstruct the execution or enforcement of any of the provisions of the law, in the premises, or disburse any money in violation thereof, and it is made the duty of the Board to enforce such penalties by civil action, leaving the parties who may have violated the law, still subject to indictment for any criminal offence committed by them in the course of such violation. Your memorialists, with their colleague, Mr. Hinks, were duly appointed by the Legislature of Maryland, at its January Session, 1860, to carry out the provisions of the police system, of which they have thus indicated the leading features, and they duly took the oath to do so, which is prescribed by the law. The term of office of Messrs. Howard and Davis does not expire until the 10th of March, 1862, and that of Messrs. Gatchell and Hinks extends for still two years longer. None of them are subject to removal, except by the Legislature of Maryland, from which they derive their authority and functions. All the provisions of the Police Law were fully tested by legal proceedings instituted in the Superior court of Baltimore city shortly after its enactment, and carried, on appeal, to the Court of last resort in the State. The result was an unqualified recognition by all the Judges, of the conformity of the law, in all particulars, with the Constitution of Maryland and that of the United States.

Such being the official tenure and lawful and constitutional powers and duties of your memorialists, they were astonished on the 27th of June last, to be visited, without previous notice, by Col. Kenly, of the Maryland Volunteers, then encamped near Baltimore, and to be informed by that officer, that he was instructed by Major General Banks, to read them a proclamation declaring their official authority superseded, and appointing Col. Kenly Provost Marshal to administer the Police Law of the State in their stead. Of that proclamation a copy is appended to this memorial, by which it will be seen, that although various causes are alleged for the arrest of Col. GEORGE P. KANE, Marshal of Police, and for superseding his official authority likewise, no ground of complaint whatever is pretended to exist against the Board of Police, and no excuse is vouchsafed for the overthrow of the constitutional authority of the State of Maryland; vested in your memorialists, and of course incapable of being constitutionally or lawfully divested, by any federal authority, civil or military.