

The City of Baltimore being entirely commanded by large bodies of federal troops stationed around it, and it being wholly impossible for your memorialists to offer any effective resistance to the illegal proceedings of General Banks, they had no alternative but to submit to force, and to vindicate as far as practicable, the authority of the State of Maryland, and their own personal and official rights and self respect, by protesting against such proceeding as an arbitrary and unconstitutional exercise of military power. They accordingly adopted the preamble and resolutions likewise hereto appended. It is in this act and in their continuing their sessions, under and in pursuance of the law, that Gen'l. Banks, in his proclamation issued on the day of their arrest, professes to find justification for his unwarrantable and unlawful violation of their personal liberty. It is no part of the intention of your memorialists to enter into any discussion of the allegations of that proclamation, further than to say, that is wholly untrue, as therein alleged, that they continued to hold the Police force of the State of Maryland in the city of Baltimore, subject to their orders, for any purpose inconsistent with the peace or security of the Government. They declared the active operation of the Police Law to be suspended, for the obvious and unanswerable reason, that the forcible suspension of the functions of the Board which alone had authority to administer the law, necessarily paralyzed the law also. They declared the Police force appointed by them to be still an existent body, because the law creating the force forbids the dismissal of the men, except for cause, and then by the Board of Police alone, after trial had. They declared it to be still subject to their orders, for so long as the force exists it cannot be subject, under the law, to any other. They refused, as a matter of obvious duty, to recognize as policemen the parties named by Col. Kenly to act as such, for they assumed it, as they still consider it, to be beyond dispute, that Col. Kenly could have no lawful right to appoint policemen, under the laws of Maryland, whatever his authority may have been as a military officer, (which they do not propose to consider,) to appoint military subordinates in the stead of policemen, outside of those laws or in derogation of them. The attempt by Col. Kenly to enforce such Police appointments, and all efforts of his nominees to act thereunder were moreover punishable offences under the Police law, the penalties of which it was the sworn duty of your memorialists to enforce, and in the violation of which it was impossible that they could acquiesce. But your memorialists distinctly and emphatically deny that they had any other purpose in their official protest and action, than to