

struction upon the first proclamation of General Banks, as he alleges, they are not aware of any statute of the United States which renders such a mistake a penal offence. If it be a crime, on their part, to regard as illegal and wholly null, the attempted suspension, by a federal officer, of their functions as constituted authorities of the State of Maryland, they have been unable to learn by what provisions of the Constitution and laws such an offence is created or defined. If they are lawfully punishable for holding, subject to their orders, a police force which the laws of Maryland made it their duty so to hold, and for refusing to recognize as public officers of Maryland, the appointees of General Banks, whom they are bound under the laws of Maryland to prosecute as offenders, for attempting to exercise police functions, they are at loss to conceive under what head of the penal law such criminality on their part exists. They mean no improper reflection when they assert their belief, that no law officer of the government would venture to ask for a warrant, upon an affidavit of the facts recited in the proclamation of July 1st, and that no competent tribunal would hesitate to quash such a warrant if issued. They know no principle of criminal jurisprudence, under free institutions, which would authorize even the Courts of recognized jurisdiction to sanction the arrest and confinement of a citizen, upon the indefinite allegation of his entertaining "some purpose, not known to the Government," but still alleged to be "inconsistent with its peace or security."

But be this as it may, these memorialists respectfully insist, that if they are charged with any offence which is known to the laws, it is their constitutional right, as citizens of the United States, to be dealt with according to law. If they are charged with no offence, it is equally their constitutional right to have the fact recognized, and to enjoy their personal liberty. They have, through their counsel, respectfully asked of General Banks a statement of the grounds of their imprisonment, and have challenged an investigation of any and all charges affecting either their personal or official integrity or their fidelity to the laws and the constitution. No such statement has been made to them; no such investigation has been granted and no hope has been held out to them of any speedy relief from the unjust and unlawful imprisonment under which they are suffering. In the meantime, they are withdrawn from their homes and separated from their families; their public duties are unlawfully committed to other hands; their private interests are exposed to detriment and perhaps ruin, and they themselves are held as malefactors before the country, and are compelled by force to endure mortification and obloquy. The arbitrary suspension of the writ of