

United States Army or Navy. This is a point about which it is impossible for intelligent men honestly to dispute. If the Commissioners or the Marshall of Police had been guilty or were suspected, upon lawful evidence, of crime, their arrest and trial, by the competent authority, would have vindicated public justice. If their arrest or conviction had left their offices vacant, permanently or for the time, it was for the laws and authorities of Maryland to supply their places. If they were criminal at all, they were criminal and punishable, as individuals and not as officers, for their official character could not qualify or affect their crime or its punishment, for better or for worse. The same principle applies to the Police force under them. If any members of that force were guilty of treason or misprision of treason, it was as citizens and not as policemen, and they were punishable as men and not as officers. The Federal authority had only to deal with them as with all individual wrong-doers, and if that created a necessity for their being displaced as officers, it was for the competent State authority of Maryland so to displace them, and to appoint their successors. If an officer of the army of the United States; or a member of the Cabinet, were to commit murder or other crime in Maryland, in violation of the State laws, and were arrested or convicted thereunder, surely the fact of his arrest or conviction would hardly be regarded, at Washington, as authorizing the Governor of Maryland to fill his place in the army or the Cabinet, and the Legislature of Maryland to keep his successor in its pay. And yet the Constitutional authority, in the one instance, would be identically the same as in the other, and the very statement of the proposition, in either case, reduces it to an absurdity. The action of Gen. Banks, therefore—whether regarded as his own action or as that of the Commander-in-Chief of the army, or of the President, or any other officer of the Federal Government—was, in the language of the resolution adopted by the Police Board, “not warranted by any provision of the Constitution or laws of the United States, or of the State of Maryland, but in derogation of all of them.” The Board did no more than their duty, as constituted authorities of the State of Maryland, when they protested accordingly against it, and they but obeyed the obligation of the law which created their office, and of the oath which they had sworn under its provisions, when they refused to transfer their officers and men to an unlawful and unauthorized command, and declined to recognize, as a police force, in any sense legitimate, the individuals designated as policemen by the Provost Marshal, in open violation of the express