

5. In assuming authority for the Legislature to appoint the said Board of Police, upon that provision of the Constitution, which declares that the Governor "shall nominate, and by and with the consent of the Senate, appoint all civil and military officers, whose appointment or election is not otherwise herein provided for, *unless a different mode of appointment be prescribed by the law creating the office;*" for though this latter proviso gives the Legislature the power to create an office, and to prescribe the mode of appointment, that mode must be in accordance with the Constitution; the Legislative department of the government cannot assume the power to appoint, which is a function of the Executive, a function that the law making authority is forever debarred from exercising by the 6th Article of the Declaration of Rights. (Declaration of Rights, Article 2, section 11; 7th Maryland Reports, 161; 7 Harris and Johnson, 242, 244; 1 Gill and Johnson, 472, 473; — 25 Barbour's New York Reports, 304; — 7 Ohio Reports, new series, 546.)

6. In conflicting directly with the constitutional power of the Mayor and City Council, to "provide by ordinance for the creation and government of such temporary additional police as they may deem necessary to preserve the public peace." Constitution, Article 4, section 20.)

7. In contravention and violation of the act of Assembly, declaring the Charter of the city of Baltimore to be perpetual, and "all acts and ordinances, passed or to be passed, by and under authority of the same," to be good and valid, the vested rights under which Act have been expressly recognized by the new Code. (Act 1797, ch. 54.)

8. In usurping the police power of a quarter of a million of people, without their consent, a policy contrary to the whole spirit of past legislation, which so far respected the city's organic and perpetual charter of 1797, as to submit a change in the mode of choosing the Mayor and City Council to the popular voice for reception or rejection.—(Act 1807, ch. 153, sections 1 and 7.)

9. In entirely reversing legislation that enlarged the police and other powers of the Mayor and Council, and in now abrogating them, so as to transfer the city government virtually into the hands and control of the new Board of Police.—(Act of 1817, ch. 165, sec. 7; 1827, ch. 182; 1835, ch. 205; 1853, ch. 146.)

For these and other sufficient objections, patent in almost every line of these Bills, therefore—

1. *Resolved, By the Mayor and City Council of Baltimore,*