## .... THE DAILY EVENING BULLETIN .- PHILADELPHIA, WEDNESDAY, NOVEMBER 14 1866.

THE BALTIMOBE POLICE COMMIS.

Judge Bartol's opinion in the case of the Baltimore Police Commissioners, rendered yesterday, was as follows:

In the matter of the application of James Young, William Thomas Valliant and Wm. Thomson for writs of habeas corpus. Under the code of public laws, jurisdiction and the code of public laws, jurisdiction and power are a conferred out ins, as incode the Judges of the Court of Appeals, to grant the writ of habeas corpus. Article 43, sec-tion 1. By the 15th section of the said ar-ticle, any judge, whether in court of out of court, who shall refuse the writ to a party patible is made liable to the scient of the court, who shall relies the writ to a party entitled, is made liable to the action of the party aggrieved. This great writ, employed for the summary vindication of the right of personal liberty when illegally restrained, is guarantied to every citizen in the most solemn form, under the constitution and laws, as writ of right, which no indge is at liberty to refuse in any coase where by law the petitioner is entitled to it.

By the act of 1862, chapter 36, which re-pealed the third section of article .43, of the . code it was enacted ."If any person be committed or detained for any crime, or any color or pretence whatsoever, he, or any one in his behalf, may complain by petition to any one of the courts or judges mentioned. in the first section of this article, and said court or judge shall forthwith grant a writ of habeas corpus, directed to the officer or other person in whose custody the party debefore the said court or judge granting the same; provided, the person detained be not committed or detained for treason or felony, plainly expressed in the warrant of commit-ment, or be not convict or in second to be nt, or be not convict or in execution by legal process.

legal process. The set her being being the set then goes on to provide that if a person be detained under the order of a warrant of commitment, the petition presented by him shall be accompanied by a copy of the warrant of commitment or detainer, or by an affidavit that copy thereof was demanded of the person having him in custody, and the same was neglected or re-fused to be given. In these cases the petitions were accompanied with copies of the warrants of commitments, certified by the Clerk of the Criminal Court of Baltimore, and the causes of the detention not appear-ing to be within the exceptions of the act of 1862, the writs were issued. They have been returned by the Warden, and the petitioners brought before me, with the certificate, setting forth the causes of detainer and impri-These it will be my duty to examine, but before doing so it is necessary to notice a point suggested by the petitioners' Two of the copies of commitment counsel furnished by the Clerk, and plead before me with the petitioners, were as follows:

Commitments were then read, and a commitment in the same words of William Thomson by Samuel Sparklin, Coroner.]

In these commitments the offences charged. which the parties were respectively required to answer, are not stated. With the return of the Warden are filed the following, mark-ed on the margin, "Amended commitments, Nev. 5th. 1866." The commitments against Sheriff Thom-

son were also read, which have been pub-This may be true, but it must be remem-

hered we are here dealing with the proceed ings of a court of record, and to the records. of the Court the Warden refers in verifica-tion of the truth of his return. The records have been produced and conform to the return in this particular. If the charges upon which the parties were arrested were stated in the original warrants, and respectively appear upon the records of the Court not necessary they should be stated in the

warrants of commitment, In 2 Burn's Ins. 604, ft is said that in a commitment by the sessions or other court of record the record itself, or the memorial thereof which may at any time be entered of record, is sufficient, without any warrant

of the Court of Appeals, "where a party is In the case of Young and Valliant, I am of the opinion that this order was passed without rightfal power or consideration, olthe court of Appeals, "where a party is committed upon meane, process, or upon a charge of erine, it is competent for the Jadge, noiwithstanding the warrant of cam-mitment set out in the returns may be in without rightfal power or consideration, and that the commitment under it is not lawful cause for detaining the retitioners. It appears from the evidence adduced bedue form and by a competent officer, to exfore me that the warrant against the Sheriff for being engaged in an unlawful assembly, rout and riot, &c.,upon which he was com mitted in default of bail, was issued without proof exhibited to him the real ground of the accusation, and to ball or discharge the In their cases all errors in bleading have fairy oath or affirmation, contrary to the been, waived, and the exidence, adduced approximation of the 26th erticle of the Declara-must be considered not for the purpose of the of Rights, and it being clear from the tion of Rights, and it being clear from the evidence that the same was not issued upon

trying the case and declaring non the guilt or innocence of the parties accused: view, the commitment thereander is not law full callse, of defence, See Conner vs. The Commonwealth, 3 Binney, 38, 1 It is due to the Sheriff to say, that if the warrant had been regularly issued I should be compelled to say, from the evi-My office under the writ stops far short of that, and casts upon me only the duty of deciding whether, upon the return and the proof, there is any probable ground for the accusation, or whether the arrest and detention are without sufficient cause. As the charges against these petitioners, set forth in the returns, are different, and rest upon different proof, I must now consider the cases separately dence before me, that the charge is wholly unsupported and without probable cause. By the 816th section of the Police law, it is made the duty of the Sheriff whenever cases separately and that it allows First-As to the charge of conspiracy called for that purpose by the Board to ac under their control for the preservation of the public peace and quiet, and, if ordered by them to do so, he shall summon the posse

Arivst As. LO. Lue, charge, of conspiracy of against Young and Valliant: "This has been already set out as contained in the warrant that was issued, upon oath, by a court of competent jurisdiction and is sufficient in form, charging an indictable offence. There can be no doubt that, with-out reference to the title of Young and Val-liant to the office of Police Commissioners, and assuming that they were dejurce enlitted to the office, and de facto in the exercise of their duties as such, the conspiracy charged in (this warrant would be an indictable offence. A forcible disposession of Wood and Hindes of the buildings and property held by them, however wrongfully, would be an indictable offence as tending to a breach of the peace, and it is settled in the State vs. Buchanan, 5 H. and J. 317, that a conspiracy to do any unlawful act is an indiciable offence.

The Court says there is nothing in the objection that to punish a compliancy when the end is not accomplished, would not be to punish a mere unexpected intention. It is not the bare intention that the law punishes, but the act of conspiracy, which is made a substantial offence by the nature of the opect intended to be effected.

whom you have adjudged to be entitled to the franchise of their office in order to ob Looking to the testimony of Fuller and Bail as to the declaration of Valliant, with tain possession of the property and effect regard to the intentions of himself and. Young, taken in connection with the accomthereto belonging, was that which their counsel had advised them to pursue from the beginning, and the Commissioners and their parying facts and circumstances, I am of the opinion that there is probable cause vallant, as proved by Fuller and Ball, and shown for their arrest and detention under this charge, and that it is my duty to hold referred to by your honor, and which I am uthorized by Mr. Valliant to say, were his wn exclusively, and made without the knowledge of Mr. Young, should have renthem to bail to answer the same. The Criminal Court, also, has full jurisdiction and authority to hold them to bail to keep the peace in the ordinary and legal form. It appears, however, from the returns be-fore me, that the Judge of the Criminal Court hassed the following order for the returns dered it necessary in your Honor's judg-ment to hold the Commissioners to bail on

he charge of conspiracy, to do that by the rong arm which a more peaceful remedy would have lawfully effected, even had your Honor's opinion in this connection not been Court passed the following order [order read], and this werrant of the commitment is set out in the return as legal cause for the esorted to, if necessary, to obtain the pro-

detainer of these petitioners. It is difficult to understand by what authority the Judge of the Criminal Court passed this order, none of the counsel who have appeared in support of the return have suggested any sound or even plausible rea on by which the exercise of such power and urisdiction by that Court can be supported nder the guise of a recognizance to keep the peace this order is, in reality, a special injunction restraining these petitioners from exercising a public office until their title is tried and decided by law. Certainly it reuires no argument to show that the Crimi al Court had no power to pass such an order, or to commit the parties to jail for re-fusing to comply with it, and that such commitment can furnish no legal cause for their detainer.

Valliant, which were proven by Massra, Fuller and Ball, they advised the Commis-ioners that such declarations were evidence of conspiracy for which Messrs. Valliant and In order fully to understand the effect of this order, and the circumstances under which it was passed, it is necessary to advert to the facts disclosed in the evidence bafore me.

was the duty of the said Commissioners lay the evidence of such declarations Under the police law of the city of Baltiof record, is sufficient, without any warrant more the second code, sections 806 to 832, under seal. Here the first commitment in end the emendments thereto by the act of general words in default of bail to appear | 1862, ch: 131, Samuel Hindes and Nicholas Wood had been elected by the General Assembly Police Commissioners, and were duly commissioned, qualified and acting as such by the act of 1862, under which they held their office, it is enacted: "For official misconduct any of the said commissioners may be removed by a concurrent vote of two-thirds of the two houses of the General Assembly, or by the Governor during the recess thereof." Complaints of efficial misconduct against Hindes and Wood being made to the Gover-ior, he proceeded in accordance with the 13th and 14th sections of Art. 42 of the code, and after hearing the evidence and arguments of ounsel on both sides, adjudged and decided that the parties complained against were guilty of official misconduct, as onarged, and guilty of Ondrai inicologice, as charged, and passed the juogment and order removing from office. A copy thereof, under the great seal of the State, was served upon them, and the Governor thereupon under his power to till vacancies in the Board, appointed these petitioners, Valliant and Young, police commissioners, the former in the place of Hindes and the latter in the place of Wood, and commissions were delivered to them and commissions were delivered to them on the second day of November. On the same day they were qualified by taking the official oaths prescribed by the Constitution and laws. They then proceeded to the office occupied by the Police Commissioners, but failed to find them or to gain admittance to the Mayor's office. The next morning the visit was repeated, with the same result, the place being guarded by policemen, and a personal, interview refused whereupon they established an office, and addressed to Mesars, Hindes and Wood the following communication:

reril to obey this order. JAMBS YOUNG, War THOS. VALUANT, Mayor Chapman did not accept the invi-

Persona interested are required at their

Mayor Chapman did not accept the invi-tation of the new Police Commissioners, to attend their meeting this evening, but it is probable he will do so to morrow. Marshal Carmichel and his deputies, to-gether with the detectives belonging to the force, have responded to the summons of the new Commissioners, and will report to the new Recret for orders to motrow. the new Board for orders to-morrow. The new Commissioners have announced that it is not their purpose to make any change in the present force except in cases of miscondoct and unfitness; and propose to accept the services of all the members of the old force

who are willing to do duty under them. It is not known what course the old Board will now pursue; whether they will accept the situation and regard themselves as lawfally displaced, or further contest the ques-tion before the courts, is not known. Should they refuse to surrender the property, funds, held by them as commissioners, the new Board will resort to a mandamus. The present position of the affair causes

no excitement, and all parties seem disposed o regard the decision to day as a final set lement of the difficulty.

BAIRRORS AND FRAMES

him; and in my judgment he acted in the discharge of his duty in obeying it, and this being no evidence that, in executing the order, he was engaged in any riot or unlaw-ful assembly, he cannot be held to answer. A. S. ROBINSON 910 CHESTNUT STREET. There being no lawful cause shown for the detainer, of the petitioner Thomson, I will sign an order, for, the discharge, and I will also, under the 11th section of the 43d article LOOKING GLASSES. of the code, sign an order for the discharge of Young and Valliant upon their entering PAINTINGS uto the recognizance to appear and answer In the proper court. After the Judge had concluded, Mr. La-trobe rose and said: "May it please your Honor, it is proper I should say, that the proceeding by mandamus on the part of the Police Commissioners, Young and Valliant, Engravings and Photographs. Flain and Ornamental Gilt Frames. Inrved Walnut and Ebony Frames, OF HAND OR MADE TO ORDER GEORGE C. REUKAUFF. Manufacturer of LOOKING-GLASSES, PORTRAIT, PHOTO-GRAPH, PIOTURE FRAMES, GILT MOULDINGS and CORN. CES, No. 523 ARCH Street, Philadelphia. Chromo-Lithographs, Palatings, and a great va-riety of Engravings on hand.

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Orphans' Court Sale-Estate of Horatin G. Worrd

OFFICE BUILLING, No. 19 South Third st, below: Market. Orphans' Court Sale-Estate of Horatio G. Worral. dec'd-THREE-STORY BRIGE DWELLING, No. 806 North Twelfh St. north of Brown: seme Estate-THREE-STORY BRICK DWELL' ING, No. 1733 Heath S. Sance Estate-THREE-STORY BRICK DWELL' ING, No. 814 North Twelth St. porth of Brown. Execut: ns'Sale-Estate of John R. Worrell, dec'd-LOT Frice Street Germaniown. Same Estate-2TWO-STORY FRAMS DWELL-INGS, Nos. 92 and 93 Mercer street, Gloucester, N. J. GENTEL, JHREESTORY BRICK DWELLING, No. 133 Congress street. No. 133 Congress street. 3 BUILDING LOTS, N. E. corner of Twenty-second

and Vine stieets. BUILLING LOT, Twenty second street, north of

BULLDING LOF, TWENTY-BECOND SIFES, NORTH OF VIDE. VERY VALUARLE BUBINESS STANDS-3 FIVE STORY BRICK STORES, Nos.134, 136 and 138 Market street, east of Fecond, 41 feet front. Clear of all in-cun brance. Fossession of each 181 Jannary, 1866. Ferein-pitory Sale-By Order of Heirs-THREE STORY BRICK STOKE & DWELLING, N E. cor. of Andress and Lemon streets, between 12th and 18th and Mount Version and Wallace sts. Krections' Feremptory Fale-E-table of William Smith, deceased-THREE-STORY BRICK TA VERM and DWELLING, N.E. corner of Second and Phoeniz streets, with two Frame Dwellings in the rear on Perry street.

streets, with two Frame Dweilings in the reat on Ferry streets, with two Frame Dweilings in the reat on Ferry WRLLSECURED GROUND RENT, \$24 a year. THRERSTORY BRICK DWEILING, No. 639 Logsn street, north of Wallace. MODERN TH REE STORY BRICK BESIDENCE, No. 1129 M: unit Vernon streets LARGE and VALUABLE. LOT, Costello street, near Du's lane, GERMANTOWN. GROUND RENT, \$24 a year. Fxections' Sale-DESIRABLE THREE-STORY BRICK BESIDANCE, No. 632 Race street, opposite Fymbklin Fquare.

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INGE, Nos. 1031 and 1033 Master street. Bale Nos. 139 and 141 South Fourth at. VERY SUPERIOR FURNITURS, MIRBORS PIANO FORTES, MELO'EON, FIREPROOF EAFES, CHINA AND GLASSWARE, HAND UNEVELVEL, BRUSSELS, ALAPESTRY AND OTHER CARPETS, BUPERION STOVES, &c. ON THURSDAY MORNING. At 9 o'clock, at the anction store, by catalogue, an excellent assortment of very superior. Parist Dining.room and Chamber Furniture fine toned Resetwood Plano Forte, mac by Fischert superior Rostwood Melideon, fine Mirrors. excellent Fireproof Safes, made by Evens & Waison and sthers, fine China an 'sleick and Effect yunifure, superior Stoves of every description, chaodellers, &c. Aiso, superior Resallow Rifa, Henry's paient. Administrators' Sale No. 519 Eldge avenue

Administrators' Eala No. 519 Ridge avenue. HORSES, CARTS, HARNES, &C. NGV. 16, at 20'CICC P. M., at No. 919 Ridge avenue above Wood strett. by order of administrator6, three Horses, three Carts, Silkey, Harness, &C. May be seen on the morning of sale.

SALE OF A VALUABLE LAW LIBRARY. ON FRIDAY AFTERNOON. Nov 16 st )h. suctionstore. commencing at 4 o'clk., the valuab'e Law Library of the late Stephen Benton, Fsq. including the Pennsylvania and other Reports. Also, a number of Miscellaneous Books.

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DAY AFTERNOON, TOWNT AL 395 OFFICE PROBAN. 1010065-1010065-1010065-1010065-1010065-1010065-1010065-1010065-101007 Long to the set fraction Land is high and 1010005 The location of these fraction Land is high and 1010005 Long to the set fraction Land is high and 1010005 Long to the set of the set of the set of the 1010005 Long to the set of the set of the set of the 101005 Long to the set of the set of the set of the 101005 Long to the set of the set of the set of the set of the 101005 Long to the set of the set of the set of the set of the 101005 Long to the set of the set

aplied, 199. Libographic plans at the store, 199. Libographic plans at the store, 199. The sale will be without reserve, by direction of the Executors of Edward Rya., decd.

the Executors of Edward Brya., dec'd. FOURTENTH FALL SALE ATTHE EXCHANGE, NOVEMBER 21. This sale, on WEDNESDAY, at 19 o'clock noon, as the Exchange, will include the following— STOCKS. Share in the Mercantile Library. PARB AM ST-A frame bouse Parham st., Third Ward, 17 by 50 feet. Part of lot subject to \$17 33 ground Y nt. Orphans Court Sac-Estate of Nicholas Toy. AC d. NO 813 BUTTON WOOD ST-A two story Brick Dwelling, 17 by 100 feet 9 inches deep. Clear. Excu-tors Side Estate of Wm S Kinsey dec'd. PBOPERTY N. Sh V & N'H ST-Frame Houses and Large Los. Nos 2023 and 2125 N. 7th St. 50 by 198 feet. Clear. Executors' Premplory Size-Estate of John Gest, dec'd.

John Gest, deeld. Bberlit's Salest the Washington Honse THE KN'IRE FURNITURE. PIXTURES LI-QUORS, LWASE & C, OF THE WAYHINGTON HOUSE, NOS, 763 AND 711 CHESTSUT Streat. ON TUESDAY MOLKING Nov. 20, 1866 at 10 e clock, will be sold at public sale, by order of the Sheriff, at 769 and 711 Chestaut stat. the entire Furniture of the Washingt. u House is cloding leggant Farlor Furniture, Piano, Chamber Furniture, Bedsnends, Bureaus, Carpets, Looking Giases Hair Matresse, large lot of very superior Feather Beds and Bedding, the entire furnitore of about 100 chambers. LINING ECOM FURNITURE. Also, the Silver Ware, China Ware, Knives, Forks, Table Linen, dc. LIQUORS

Also, the Silver Ware, China Ware, Knives, Forks, Table Linen, &c. LiQUORS Also a choice collection of Wines, Brandies, Gins, Whiskies, Cigars, &c FIXTURES. Also, the Gas FIXTURES. Lamps, Kitchen Utensils &c. MaRBLE BAR Also, the Marble Lar and shelves, Fireproof Safe, &c. LEARS, for three years. The May be examined with catalogues three days but re the sale. East without reserve or limit, by order of the Sheriff.

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Sale at No. 1110 Chestnut street. NEW AND SECONDHAND HOUSETHOLD FURNI-TURE, PL.NOS, MIRRORS, OARPETS, dc ON FRIDAY MORNING. At 9 o'clock, at the auction store, No. 1110 Chestnut etret, will be sold-A large assortment of superior Parlor, Chamber and Disting room Furniture from families declining house-steeping.

Dising room Formiture from families declining house-ReepL g. ELEGANT EBONY AND GILT FURNITURE. Also, toe elegan's suit of black and glit Parlor Furni-ture, consisting of Te'e a Tete and Chairs, satin broca-telle; Cabinet, stegere and Table VAERS AND PLATED WARE. Also, an invoice of elegant Italian Vases and Silver Pinted Ware

Alist, Shinwolce of elegant Italian Vases and Silver Plated Wara GULD AND BLIVER WATCHES, DIAMOND PINS AND FINGER RINGS. ON FRIDAY At1 o'clork, at the auction store, will be sold a num-ber of ruperior Go'd and Silver Watches, Lever - 'tches, Liamond P as and Rirgs, Gold Chaips, dets o' Jeweiry & C. PHOTOGRAPHIC APPARATUS. Ons 111 Troplet view Lens, box and holder com-plete.

plete. One whole size View Box, with globe lens One pair 1-2 pla e Card Jubes, Match Tubes, &c. FARREL & EERBING DAFE, One superior Safe, nearly new.

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SALE OF THE MACHINERY OF A COTTON MILL, ON MONDAY MORNING, Nov 19, at 11 o'clock, at the Jefferson Tannery Build-in (3d story) northwest conner of Jefferson and Middla strets will be sold by order of the receiver, the Ma-closery belorging to the late firm of Farley & Welsh, consulting of Looms. Temples, B-aming Machine, Schbin Frame Power Press, Shafting, Bolting, Bob-tins, Succis: Pickers, Bbuttles, Reed, and Heddles, Varn &c. Aleo, tae Lease of the premiser. Ceples of the inventory can be had at the auction store.

SALE OF AMREICAN AND EUROPEAN

SALE OF AMERICAN AND SUBUPEAN PAINTINGS, cr. ON TUESDAY BVENING, Nov. 20, at% o'clock, at our art Gallery, No. 1119 Chestnut street, will be sold, a collection of over 189 Choice Paintings, of every variety of subject, embrac-

and answer must be intended to refer to the offence charged in the original warrant of arrest and appearing on the records of the court, and to amend the warrant of commitment afterwards by truly stating therein the offence charged is not in any sense committing the party for a new and different offence. This objection to the return is not sustained, and my duty is to deal with them on the light of the evidence adduced, and to determine whether for any and for what cause alleged the petitioners are lawsully detained, and to decide whether they are entitled to be discharged with or withont bail.

I proceed now to consider the legal effect of the returns, and to decide how they are conclusive under the laws of Maryland regulating proceedings under these writs. In passing upon this question, it seems to me altogether immaterial to consider what may have been the power of the court acting unhave been the power of the court acting un-der the writ at the common law, or the power of the judge under the statute of 31st -Charles'II: Our act of 1809, chap. 125, was in its terms like the statute of Charles, and if:I were now governed by the provisions of the act of 1809, many of the authorities cited in argument by the respondents' counsel would be conclusive and binding upon me, but the provisions of the act of J809 were materially changed by the act of 1813, chap. 175, and by the code, which last, although not in the identical words, I consider the same in construction and effect as the act of 1818. Mr. Haid, in his work on the habeas cor-

Mr. Haid, In this work on the nabeas or-pus, after stating the various decisions of the English Courts under the statute of Charles, and the conflict of opinion among the judges as to its true construction, con-cludes as the result of the whole "that in commitments for criminal or supposed cri-minal matters, the truth of the facts stated in the return upon which the commitment was founded, could not, either at common law or under the Habeas Corpus act, 31 Car. 2, be controverted with a view to the absolute discharge of the prisoner." P. 276, An effort was made in 1758 to amend the

law by act of Parliament, but was not suc-cessful. The author says p. 279; "The seeds, however, which had been sown in the "Setds, however, which had been sown in the discussion upon the bill, sprang, up and yielded appropriate fruits in American law long before the passage of the statute of 56, George 3." He then refers to the various State laws on this subject, and the decision of courts upon them. Maryland is not in-cluded in his enumeration, but a reference to the act of 1818, and the code will show to the act of 1818, and the code will show that our State is not behind any in its legis. Lation in favor of personal liberty, and in rendering this writ effective for the accom-plishment of its great end of "liberating the citizen from illegal confinement."

The twelfth section of the code is as fol-The tweifth section of the code is as fol-lows:—"Any person at whose instance or in whose behalf a writ of habeas corpus has been issued, may controvert by himself or his counsel the truth of the return thereto, or may plead any matter by which it may ap-pear that there, is not, a sufficient cause for his detention or confinement, and the Court or Judge, at the application of the party compliance or the officers or norty may king complaining, or the officers or party making the return, shall issue processes for wit-nesses or writings, returnable at a time and place to be named in such process, which shall be served and enforced in like manner as similar process. as similar process from courts of law is served and enforced; but before issuing such process the Court or Judge shall be satisfied by affidavit or otherwise of the ma-

satisfied by Enduart or otherwise of the ma-teriality of such testimony. Under this law, as under the Pennsylvania statute, which is somewhat similar in its pro-visions, the Judge will look beyond the com-mitment in a criminal case and hear extrinsic evidence, and go into an examination of facts in order to ascertain whether there is a sufficient legal cause for the detention or confinement. Such has been the construc-tion of the act of 1813 in Maulsby's case, 13 Md, 637, it was said, with the approbation considering the order passed.

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TTTTLE AV TALEFO TIL ALANG

[This has been heretofore published, as also the address to the police force, issued on the 2d inst.]:

They then proceed to issue an order to the Sheriff, under the 816th section of the code. directing him to summon a police' force of one hundred men for the preservation of the peace of the city, when they were arrested under the warrants from the Criminal Court, and then Sheriff Thomson, one of the

Court, and then Sherin Thomson, one of the petitioners, was also arrested. It thus plainly appears that at the time the Criminal Court passed the order in question, Hindes and Wood, had been actually removed from the Police Commis-sioners by the act of the Governor, in the exercise of their lawful authority under the act of 1862, and had been notified thereof in the most solemn form, and these Commis-sioners, Young and Valliant, had been duly appointed Commissioners and qualified to fill the vacancies thus created, entitled to exercise the powers and perform the duties of their offices.

There cannot be any question of the Governor's power under the law to remove the incumbents, if, in his judgment, the com-plaint of official misconduct has been proved. The law makes his judgment final and conclusive, and not subject to appeal or review, any more than a similar, judgment passed by the General Assembly and re-moval by the Governor during the recess. Their powers under the law are identical, and their decision alike final conclusive and binding, and entitled to the same obedience. For parties thus removed to hold on with a strong hand and continue to exercise official power, is to resist the rightful autho-rity of the Governor and put the law at defiance. It has seemed to me necessary to declare

my opinion on this question as involved in the censideration of the order passed by the Criminal Court, a failure to comply with which is now alleged on the return as a ground for detaining the petitioners in pri-son. Considering that the order was passed without lawful jurisdiction or authority, cannot remand the parties to prison or hold them to bail under it. In the case of Wil-liam Thomson, the sheriff, the Criminal Court passed the following order [already published], for the same reasons assigned in

before the State's attorney for the city, in roler that he should take such action thereon as he might think necessary for maintaining the peace of the city.

perty and effects belonging to the Board of

The Commissioners will at once give their The commissioners will at once give their recognizances in the sum prescribed. While the counsel for the petitioners were reparing the necessary papers, Mr. Alex-acter rose and said to the counsel for the

commissioners that the Governor had not

ightfully removed them from their offices

-9 Commissioners, and it was in conse-quence of this advice that the Commission-

rs resolved to retain office until the question

of title was properly determined on manda-ous. They state further that on being informed of the declarations made by Mr.

Young might be held to answer before the

comitatue for the pur pose, and hold and em-ploy such pose, subject to their direction, and for discbedience he is subject to a pen-

"In making the statement, the counsel ing issue with your Honor upon any one of the positions arsumed in the opinion your honor has just delivered, They. desire simply to place themselves rightly before your Honor and the public." Mr. Hor-witz then drew the form for the release of Sheriff Thomson, which was signed by the

Judge, and is as follows: "In the matter of the return of Mr. Thomson, Sheriff, for habeas corpus, or-dered for the 13th day of November, 1866, by me that Mr. Thomson be, and he is here y discharged from the custody of the War-en forthwith, there being no legal cause for

u.s detention. "JAMES L. BARTOL. [SEAL.] 'Judge of the Court of Appeals of Mary-

Mr. Latrobe prepared the orders for the lischarge of the Commissioners. Messrs. Young and Valliant, under direction of the Court. The copy of order in the case of Mr. Valliant is given, that of Mr. Young being in all respects similar. "In the matter of the petition of William

C. Valiant for babeas corpus, before Judge Bartol, of the Court of Appeals of Maryland, ordered this 13th day of November, in the vear 1866, that the petitioners be discharged from the custody of the Warden of the Jail of Baltimore city, on the commitment in default of ball in the sum of \$5,000 and that e be discharged from the same custody under the commitment on the order requir ing bail in the sum of \$2,000 upon his giving his own bond or recognizance in the sum of 5,000 conditioned for his appearance before he Criminal Court of Baltimore City, to nswer the charge of conspiracy therein pending against him. JAS. L. BARTOL,

"Judge of the Circuit Court of Appeals of Maryland."

The bond as required by the above order has been given, signed by James L. Bartol, November 13th, 1866. The bond entered into by the Commis-

sioners to answer the charge of conspiring, upon their own recognizance, is as follows: "Know all men by these presents, that I, James Young, am held and firmly bound unto the State of Maryland in the sum of \$5,000, to be paid to the said State or to its certain attorney, to which payment well and truly to be made and done I bind myand truly to be made and done 1 bind my-self, my heirs, executors and administrators firmly by these presents. Sealed with my seal and dated this 13th day of November, 1866. The condition of the above obligation is such that if the said James Young shall vell and truly appear before the Criminal Court of Baltimore City, to answer the charge of conspiracy therein pending against him, shall be void and of no effect.

[L. S.] JAMES YOUNG. Signed, sealed and delivered in presence 'FL. 8.1 JAMES YOUNG. of James L. Bartol, Action of Swann's Commissioners.

BALTIMORE, NOV.13.-Evening.-Thenew Police Commissioners this afternoon served another legal notice on the old Board of Po-Allother legal house on the old hoard of ro-lice Commissioners to surrender all pro-perty in their charge, and, also notified Mayor Chapman to attend a meeting of the board at 5 P. M. Subsequently they issued the following: COMMISSIONERS OF THE BOARD OF POLICE

OF BALTIMORE CITY, No. 1 North street, Nov. 13, 1866.—The Marshal and other offi-Nov. 13, 1866.—The Marshal and other offi-cers of the police of Baltimore city, and all members of the existing police in said city, are hereby strictly ordered and required not to obey any order that has emanated from the late Board of Police of said city since two o'clock Tuesday afternoon, or any order that may eminate from said late Board at any time hereafter. The undersigned have now entered on the performance of their duties as Commission-ers of Police and there is no other authority which can lawfully act as a Board of Police in said city.

in said city.

PILLIN, N. W. corner Arch and Eighth DUCE WHEAT, BUCK WHEAT.-5,000 lbs, of the Creisbrated Silver Filat Buckwheat, in store and ar sale by M. F. SPILLIN, Tea Dealer and Grocer, N. W. (orner Arch and Eighth.

W. forner Arch and Eighth. NEW RAISINS AND FIGS-Superior new Layer Haisins and choice Eima Figs. for sale by M. F SPILLIN, N. W. corner Arch and Eighth streets. QUEEN OI IVES.-300 gallons choice large Queen Olives, in store and for sale by gallon or barrel, at CUE TY'S East End Grocery, No. 118 South SECOND street

street.

street. NEW BETHLEHEM BUCKWHEAT & WHITE N Cover Honey, in store and for sale at COUSTY'S Last End Grocery, No. 118 South SECUND street. NORTH CAROLINA HOMINY GRIFS, NEW Heminy, pared and unpared Peaches, just re-ceived and for sale at COUSTY'S East End Grocery, No. 118 South SECOND street.

No. 118 SOUID SECOND STREEL. STUPPED MANGORS AND PEPPERS, GENUINE Chuiney Bauce, Robinson's patent Barley and Groats, always on hand at COURTY'S East End Gro-cery, No. 118 South SECOND street.

COAL COAL.

E. D. ASHTON'S VERY SUPERIOR FAMILY COAL.

COMMUNITY'S DEPOT. 105-m.w.f.221 BROAD AND WOOD STREETS.

MABOM BIMES. MABOM BIMES. THE UNDERSIGNED INVITE ATTIMP, OR THE Hell UNDERSIGNED INVITE ATTIMP, OR THE Back Monitain Company's Coal, and Locust Monitain Company's Coal, and Locust Monitain, Company's Coal, and Locust Monitain, Sell at the lowest marks the side with S. MASON BINES, Franklin Insti-to Building, SEVENTH street, below Market, we be promptly stiended to. BINES & SHRAFF. Sedif Arch Street Wharf, Schuylkill, (UAL-SUGAE LOAP, BEAVER MEADOW AFF Sediff On Bong Monitain, Lehigt Coal, and best Locur formitain from Schuylkill, prepared expressly for formitain from Schuylkill, prepared expressly for amily us, Depot, N. W. Corner Engerth and best Locur formitain from Schuylkill, Benth SECOND street. MALTON A. OF STREET AND STREET AND STREET. LOW Streets. Office, No. 118 South SECOND street. The Street AND Street Mean Street AND Street AND STREET. AND STREET.

CLOTHS, UASSIMERES, &O.

(LOTHS, CASSIMERES AND VESTINGS, JAMFS& LEE invite the attention of their friends and others to their large and well assorted stock of Goods, adapted to men's and boys' wear, comprising Black French Cloths, Blue French Cloths, Colored

OVERCOAT CLOTHS, b Beauer

OVERCOAT CLOTHS, OVERCOAT CLOTHS, Black French Beavers, Colored French Beavers, Black Esquimaux Beavers, Black Esquimaux Beavers, Blue and Black Pilots, Blue and Black Pilots, PANTALOON STUFFS, Black French Cassimeres, Black French Doeskins, Fancy Cassimeres, Plaid and Siriped Cassimeres, Satinets, all qualities, Cords, Beaverteens, &c., Vestings, all grades, At wholesale and retail, by JAMES & LEE, No. 11 North Second st., Sign of the Golden Lamb.

OLD SHINGLE ROOFS (FLAT ON STREP) COVERED' WITH

JOHNS' ENGLISH ROOFING CLOTH, AND

JOHNS' ENGLISH ROOFING CLOTH, AND coated with LIQUID GUTTA PERCHA PAINT, making them perfectly water proof LEAKY GRAVEL ROOFS repaired with Gutta Prena Paini, and warranted for five years. LEAKY SLAVEL ROOFS coated with liquid which becomes as hard as slate. TIN, COPPER, ZINC, or. IRON coated with Liquid Gutta Percha at small expense. Cost ranging from one to two cents per square foot, all complete. Material constantly on hand and for sale by the PHILADELPHIA AND PENNSYLVANIA ROOF. ING COMPANY. GEO. HOBABT, oc20-6m. 230 North FOURTH Street,

Ocarem, 280 North FOURTH Street, CANARY SMED, Twenty-five barrels Prime Of nary Seed in store and for sale by WORKMAN a (9, No. 13 Wainus street.

Cases Canton and miners' flannels. Kentucky jeans.
do American prints and delaines, Rob Boys.
do Macchester ginghams and plaids, jaconets,
do Irdigo blue licks, checks atrises, denirats.
do blue and col'd drills. silecias, comet jeans,
cambrics,
do clastings, cassimeres, satintis, kerseys &c.
MERCH ANT TAILORS' GOODS.
Preces English, French and Carloy black and blue
all wool and Union cioths.
do French Fancy Clossings, Cassimeres
do Castors, Moscowy, Esquimary, Chinchillas,
do Antor, a Astronov, Ragnimary, Chinchillas,
do London Pilots, Astrakbans, Velopri, Ratinet,
do London Pilots, Astrakbans, Velopri, Ratinet,
LINENS, WHITE GOODS, &c.
Ful lines blacked and brown damasks, bird's eye
diagenetics

lisper. Foil lines Irish shirting linens, Barnsley sheetings. Full lines bleached and brown crash, canvas, towels

Full likes bisached and brown trans. Canvas, towels, clotha.
 Full likes bisached and brown trans. Canvas, towels, clotha.
 Full likes jaconets. cambrics. nainsooks, shirtfronts.
 DRESS GOODS, SILKS, &c.
 Pieces Paris Pisin and Printed Merinos and Delainee.
 do Paris slik chain Poplins, Poli de Chevres
 do bla and colored hmpress cloths, Persians, Pisids.
 do Taffetas, Gros du Rhin, Ponli de Sojes &c.
 15.00 DOZEN HOSIERY AND GLOVES.
 Ful lines women's and children's blached, brown, colored and fancy fleeced hose.
 Full lines mere's and children's merino, Berlin. Cachmers. cloth. slik. cotton and peg kalt cloves.

NOTICE-We solicit the attention of dealers to the shove lines of Hostery, Gloves, dc., comprising very full assortments of a well known and very favories make including all grades suitable for present sales. Also, Hostery and Gloves traveling and nuder sales, and drawers rewing silks, patent thread, silk ties and scarfs, umbrelas &c.

caris, umbrelss &c. LARGE POSITIVE SALE OF OARPETINGS, &C ON FRIDAY MORNING, Nov. 16, at 11 O'cleck, will be sold, by catalogue, or four months' credit, about 200 pieces of superfinin and fine ingrain, royal damask, Venetian, list, Dutch hemp. cottage and rag carpetings, embracing a choice assortment of superior goods, which may be examined early on the morning of ease. WCOLEN SHODDY. Also. 43 bags light blue dark and light blue mixed, ext ragood and waste Woolen Shoudy,

CARGE DEREMPTORY SALE OF FRENCH AND OTH CELEOPEAN DRY GOODS. 40.
 COTH CELEOPEAN DRY GOODS. 40.
 ON M. NLAY MORNING, ROV. 19.
 At 10 COCCA. win. be-sold by catalogue, ON FOUL MONTHS OREDIT. as "nirvolots of French, India, Ger-man and British Dry Go. ds, embracing a full ageort ment of fancy and staple as "licks in silks, worsieds, woolens, linens and cotions. N. B.-Goods arranged for crash."ation and cata-logues ready early on morning of sale.

LARGE POSITIVE SALE OF SGYPS, SHOES BRUGANS, TRAVELING RAGS, GJ, ON TUESDAY MORNING, NOV. 20, At 10 o'clock, will be sold, by catalogue on four flunths' credit, about 1,300 packages Boots, Shoes, Bai-morels, &c., embracing a prime and fresh assoriment of first-class City and Eastern manufacture. Open for ers mination with catalogues early on the morning cfsale:

DAVIS & HARVEY, AUOTIONEEES, (Late with M. Thomas & Sons.) Store No. 421 Walnut street, FURNITURE SALIES at the Store every Turs. as SALES AT RESIDENCES will "seeive particular

SALES AT RESIDENCES will "eccive particular attention. Sale on the Premises. MODERN RESIDENCE AND FURNITURE. No. 611 North Twenty-second street. No. 611 North Twenty-second street. On THORSDAY MORNING 1 Nov. 15, at 10 o'Cock, on the premises, all that Three-story Brick Residence, with two-story back building and Lot of Ground, Twenty-second street, below Wal-lace street, 18 feet front by \$4 feet deep to a three feet wide alley leading into Wallace street, including a lot in the rear not fenced in. The house is well built, has high ceilings, newly pa pered and painted, marble mankels, hot and cold wa-ter, bath, range and heaters. bubject to a mortgage of \$3000. Immediately atter will be sold by catalogue-FLEGANT FURNITURE. HANDSOME CAR WARE, ENGRAVINGS: &C. Comprising elegant Parlor, Chamber and Dining Room Furniture, made to order and equal to new. Chandellers, real Fronzes, fine Plated Ware, rich Ta-shier, sc. The furniture may be examined on the morning of

The furniture may be examined on the morning of sale, ats o clock.

sale, at s o clock. THE PRINCIPAL MONEY ESTABLISHMENT B.E. corner of SIXTH and RACE streets. Money advanced on Merchandise generally watches, Jeweiry, Diamonda, Gold and Siyer Plais and on all articles of value, for any length of time sgreed on. WATUHES AND JEWELBY AT PRIVATE SALE. Fine Gold Hunting Case. Double Bottom and Open Face English, American and Swins Patent Lever watches; Fine Gold Hunting Case and Open Pace Legish pine Watches; Fine Gold Diplex and other Watches Fine Silver Hunting Case and Open Pace Legish watches; Ladles' Fanoy Watches: Diamond Breast pine, Finger Rings; Ear Rings, Studi, dot; Fine Gold Chains; Hedallons; Bravelet; Scarf Fins; Breast pine; Finger Rings; Foncil Cases, and Jewolfy guis taily. FOB SALE.-A large and splendid Fireprool Chass: suitable for a Jeweler, pice \$65. Also, Several Lois in Routh Camdes! Fifth an-Chesimulatroots.

Fatilcular altention given to sales at Private Real dences THE NEW CENTRAL AUCTION HOUSE Capacity-Four floors each 75 by 34 feet. Location-In the very Centre of the City, and adjoin-ing the Farmers' Market. Advantagens-Has been a first-class Secondhond Fur-filure Stand for over thirly years. Storage-Superior accommodation for Storage of Furniture. Inducements-Very liberal terms offered to persons' having Furniture and Marchandise for sale. References-Over one hundred of the most promi-nent citizens of Philadelphia.

DHILIP FORD & UD., PHILIP FORD & OD., NO. 564 MARK ET Street. SALE OF 1909 CASES BOOTS, SHOES, BROGANS,

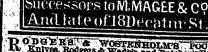
ON THURSDAY MORNING. NOV. 15, commencing at 10 o'clock, we will sell by catalogue, for cash. 1900 cases Boots, Shoes Brogans, Balmorals, dc., of city and Eastern manufacture. Embracing a fresh and desirable assortment of goods.

Embracing a fresh and desirable assortment of goods. BY BAREITT & OO., AUCTIONERERS, Cash Auction House, No. 530 Market street, corner of Bank abret FOURTH TRADE SALE READY MADE CLOTH-TOURTH TRADE SALE READY MADE CLOTH-ON THURSDAY MORNING, Nov. 15 at 10 of clock. Comprising every variety of Over. Business. Sack Coats, suits Pants and Vest, by Catalogue. L ASHRRIDGE & CO., AUCTIONRIES,

No. 505 MARKET street, above Fifth.

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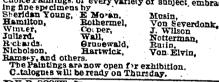
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R O D G E RE' & WOSTENHOLM'S FOORT Table Cutlery, Ladies' Scisors in Cases, Razors Scisors, and all Ficks of Cutlery ground and polished at P. MADEIRA'S, NO. 115 S. TENTH Street below Changes



BY R. SCOTT, JR., AUCTIONEER, No. 1027 CHESTNUT street. SALE OF MODERN OIL PAINTINGS. ON WED VESDAY EVENING. NOV. 14, at 7% 'clock, at Scott's Art Gallery, 1020. Chestant street, will be sold, a Collection of Modern Oil Paintings, of varied and pleastog subjects, com-prising Landscapes, River and Mountain Scenery, 62, Now open for examination.

Now open for examination. Eale at 39 South Eixth street. STOCK OF A WHOLESALK AND REMAIN BLANK BOCK AND STATIONERY BY ALL ON FRIDAY MORNING ARE. Nov. 16, at 10 c lock on the predi-street, the entire steek of Station. South Sixth in, comprising Blank Books. South Bixth do., Tucks, Note, Rill and Letter Paper, large and Ink Standa, dc, comp. iting a full and general assort-Also. Fixence, Glass for a local state.

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lebtion ever onered as publicatio in this country. **CARD.**—We are now prepared to make arrangement for special sales of Oil Faintings or any other works of art. Our location being in the centre of the most fash-lonable thoroughfare of our city makes it a desirable resort for connoissents and lovers of art in general. <sup>N</sup>. B.—Sales of merchandise in general solicited, Personal stigntion given to out-four sales. B. SCOTT, Jr.

A. BOLLAND, AUCTIONEER. Sales of Furniture at the Auction Store EVERY WEDNESDAY, at 9 c clock. Particular attention given to sales at Private Resi denote