

disposed to act otherwise to quietly and peaceably acquiesced in the measure now about to being inaugurated by authority of the Governor.

James Young.

Wm. Shot. Valiant.

They then proceeded to issue an order to the Sheriff under the 816th section of the Code, directing him to summons @ posse 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 Sheriff Thompson, one of the petitioners, was also arrested while executing their orders.

It thus plainly appears that at the time the Criminal Court passed the order in question, Hines and Wood had been actually removed from the office of Police Commissioners by the act of the Governor, in the exercise of his lawful authority under the law of 1862, and had been notified thereof in the most solemn form, and these commissioners, Young and Valiant, had been duly appointed, commissioned and qualified to fill vacancies thus created, entitled to exercise the powers and perform the duties of their office.

There cannot be any question of the Governor's power under the law to remove the incumbents if, in his judgment, the complaint of official misconduct has been proved. The law makes his judgment final and conclusive, not subject to appeal or review any more than @ similar judgment passed by the General Assembly.

A removal by the Governor during the recess has the same force and effect as @ removal by the General Assembly; 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 @ strong hand, and continue to exercise official power, is to resist the rightful authority of the Governor, and to put the law at defiance.

It has seemed to me necessary to declare my opinion on this question, as involved in the consideration of the order passed by the Criminal Court, a
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