

a failure to comply with which is now alleged on the return as a ground for detaining these petitioners in prison.

Considering the order was passed without lawful jurisdiction or authority, I cannot remand the parties to prison or hold them to bail under it.

In the case of William Thomson, the sheriff, the Criminal Court the following order.

"Criminal Court of Baltimore City.

September Term, 1866

State of Maryland - vs. William Thomson -
ordered, that William Thomson give security in the sum of \$20,000. to keep the peace towards the existing police commissioners, and all acting under their orders, and towards the liege inhabitants of this City, by desisting from all attempts to act under the authority or in aid of William S. Valiant and James Young, claiming to be Police Commissioners, so long as the said Valiant and Young shall not have established their claims by law to be Police Commissioners for the said City duly appointed, and the present Commissioners for the said City duly appointed, and the present commissioners continue in de facto exercise of their office."

"Warden Baltimore City Jail: Receive into your jail and custody the body of William Thomson committed this 3^d day of November, 1866, in default of bail on the above order.

"Samuel Sparklin" forner "

Amended commitment, November 5th 1866 - For the same reasons assigned in considering the order passed in the case of Young and Valiant, I am of opinion that this order was passed without rightful power or jurisdiction, and that the commitment under it is not lawful cause for detaining the petitioner.

It appears from the evidence adduced before me that the warrant against the sheriff for being engaged in an unlawful assembly, rout and riot &c, upon which he was committed in default of bail, was issued without oath or affirmation, contrary to the provisions of the 26th.