"the Governor shall not take the command in person without the consent of the Legislature". He admits that in ordering the use of the military, the Executive acts as commander in-chief, and seems to concede that his power is exhausted when he orders the military to be enrolled and called out. The direct military command of the forces "continued his message, "must be in the officers commissioned by him." And the extreme point to be determined upon in the actual emergency, is left entirely to the judgement, and discretion of these officers.

Now, if the power to regulate the peace of the city or to fire upon its populace, is to be left to the judgement and discretion of the military, what becomes of the prohibition in the declaration of rights to which I have referred? The Governor admits that he loses his civil capacity the moment he orders "the use of the military" and the military is prohibited from acting under "indirect subordination to the civil power."

When the Governor issued his proclamation ordering his officers to preserve the peace of the city without reference to its legally constituted authorities, he virtually abrogated the powers of the Mayor, and placed the citizens under military government. But he did more. In calling upon the military "to preserve the peace of the city", he threw himself in direct conflict with the provisions of the constitution, which prohibits the Governor from taking the command in person without the consent of the Legislature and in conflict with his own construction of his powers, as inferred from his message.

The act of the Governor in calling out the military, in anticipation of a state of lawlessness, which he had been led to believe might occur, without the sanction of the local authorities of this city, but in direct conflict with the known purpose of its municipal head was a palpable usurpation of the powers of that officer. In this opinion, I have been sustained by the highest legal authority in the State.

It will be for your honorable body to consider whether it may not be proper, to urge the passage of an act, which may guard effectually against such

mistakes in future. The power of placing a great city under military supervision, with the disastrous consequences, which it must always entail upon its mercantile and industrial classes, can never be suffered to rest on disputed authority, or constitutional implication. When the people of this city will know how to defend themselves to the last extremity against an invasion of their rights whether by State or Federal interference, they deal it as due from the constituted authorities of their own State, that they should be placed beyond reach of so contingencies in the future, which if permitted to occur may lead to scenes of violence and bloodshed. During the pendency of the order calling out of the military on the occasion to which I have referred, the greatest credit is due to the people of the City of Baltimore, for their co-operative in the peaceful measures of the municipal government, and the praise-worthy forbearance with which they awaited the result a proceeding, which, while it received the sanction of no very large portion of conservative men throughout this country

In presenting this, the last annual message, which I shall be called upon to make to your honorable body, as Mayor of the city of Baltimore, I must invoke a continuance of your kind cooperation during the remainder of my unexpired term. In accepting this post, you will do me the justice to believe that I have been actuated by no contracted or selfish views. Many reforms which I have deemed it my duty to bring to your notice all of which have been inaugurated with your sanction and approbation will be left to speak their own comments. In the midst of the embarrassment with which I have been surrounded, it has been a source of deep mortification to me, to have encountered so intolerant and uncompromising a spirit on the part of many, who under the excitement of violent partizan prejudices have withdrawn all sympathy and co-operation from the municipal government.

The city of Baltimore compares favorably, in the conduct and morals of her people, with her sister