law in any case, or at any time hereafter." Declaration of Rights, art. XIV.

4. In vesting the command of the military in the said Board of Police, to be called out at its discretion, when the Constitution declares, "that the Governor, as commander-in-chief of the land and naval forces of the State, may call out the militia to repel invasions, suppress insurrections, and enforce the execution of the laws." – Constitution, art. II, § 7.

5. In assuming authority for the Legislature to appoint the said Board of Police, upon that proviso of the Constitution which declares that the Governor "shall nominate, and by and with 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 to office, 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 art. II, sec. II; 7 Maryland Reports, 161; 1 Caines and Johnson, 242, 244; 7 Gill and Johnson, 206, 207; 1 Gill and Johnson, 472, 473; 25 Barbour's New York Reports, 304; 57 Ohio Rep. 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, art. IV., sec. 20.