

distributed by the Governor nor by his order, but by the Adjutant General; not to individual citizens—for neither the Adjutant General nor Governor has any power to distribute the arms of the State amongst individual citizens, though the Governor has illegally issued such orders, but “to the several volunteer companies of the State.”

By the fifth section of the eighth Article of the Code, it is made the duty of the Quarter Master, General, and the Brigade and Regimental Quarter Masters, whenever they have reason to believe that any of the public arms are not properly preserved, or have fallen into the possession of those who have no right to retain them, such as ununiformed associations of individuals or disbanded companies—to cause such arms to be seized and transported to the nearest State Armory. The State has, therefore, made ample provision for the safe keeping of all the public arms of the State. The laws have designated the places where they shall be kept, who shall keep them—and has provided for their safety and their proper preservation, by requiring bond, with ample security, from the Armorers.

By the act of the 27th February, 1860, it was made the duty of the Governor and Adjutant General, to purchase for the use of the State such number of rifles, carbines, pistols, sabers and horse equipments, for calvary, of the most approved patterns, as in their judgment may be necessary; and when so purchased, it was their duty to have them deposited in the armories of the State; and when so deposited, the Adjutant General was required “to distribute them” in accordance with the provisions of the one hundred and tenth section of the sixty-third Article of the Code of Public General Laws, to the several duly organized and ununiformed volunteer companies of the State.

Your Committee report that the Governor and the Adjutant General failed to comply with the requirement of this act by not having the arms purchased by them deposited in the armories of the State, and by reason of that failure, part of the arms was lost to the State.

By the provisions of the one hundred and tenth and one hundred and eleventh sections of the sixty-third Article of the Code, “the Adjutant General (not the Governor), is required to furnish the captain of any uniform volunteer company with such arms or accoutrements, for the use of his company, as he may apply for, if the same be on hand or in any of the armories of the State, *and not appropriated*; provided, the company numbers at least thirty-two men, and is duly organized and ununiformed, and the captain executes, to the State of Maryland, a bond, with satisfactory security, in such penalty as the Adjutant General shall approve, conditioned for the safe keeping, preservation and return or delivery of said arms or accoutrements, to one of the