

Armors of the State, within the space of twenty days after the company, for whose use they were furnished, shall have been dissolved or disbanded.”

When a uniformed volunteer company has thus been supplied with arms and given bond for the same, according to law, the Governor has no authority, by law, to interfere with or take away their arms, as long as they preserve their organization. Any order issued by the Governor to strip the company of their arms, as long as they are a legally organized company, is a gross violation of law. If they do not preserve the arms and keep them fit for duty, their bond is responsible. But the Governor has no power to seize the arms. If, however, under any circumstances, he could be justified in seizing the arms, he violated the provisions of the law by ordering the arms to be deposited at Fort McHenry—a Fort not belonging to the State of Maryland.

The disarming, therefore, of the regular organized uniformed companies of Baltimore, and the removal of the public arms from the armory at Easton, and placing them in Fort McHenry, and the distribution of the public arms that were in the armory at Frederick, to ununiformed citizens or association of citizens, by order of the Governor, were all, and each of them, a palpable usurpation of authority, which ought not to be tolerated. The law has invested the Governor with no such power.

The forty-third section of the sixty-third article authorizes the Governor to adopt measures to collect, preserve, distribute, deliver and re-deliver the arms, accoutrements and ammunition belonging to the State; but this section cannot be construed without a manifest perversion of the provisions of the militia system into an authority, to the Governor, to strip the organized and uniformed volunteer companies of the State of their arms, for which they had bonded according to law. The provisions of this section were intended to give the Governor the power to collect and re-deliver or place in the armories the arms of the State, in the hands of disbanded companies, and companies whose members do not amount to thirty-two men in uniform.

The Governor says, in his message, that he “issued the orders for reclaiming the arms referred to, because he had become satisfied that many of them had been carried beyond the limits of the State of Maryland, for disloyal purposes.” He does not point to any source from which proof could be obtained to establish the charge against the disarmed companies; nor does he say from what source he obtained his information, whether it was “from a reliable source not accessible to the people,” or from anonymous letters. Your Committee, however, have not been able to discover that any of the arms of the State were so carried beyond the limits of the State.