

requires both that there shall be a disturbance amounting to an insurrection against the State and that it is beyond the power of the civil police and military forces of the State to control."

It is sufficiently clear from this construction, and from other precedents which might be cited, that after the application by the Legislature, or the State Executive when the Legislature cannot be convened, there still remains in the President's discretion to determine whether domestic violence or insurrection calling for the use of the Army of the United States in its suppression in fact exists. In the present case the resolutions of the Legislature of the State of Maryland do not in terms declare the existence of domestic violence or insurrection; and even if the resolutions could be construed to imply existence or imminence of such a condition, they expressly delegate to the Governor of the State the power to determine that the necessity for the use of troops set forth in the resolution has ceased to exist. As already stated, I am officially advised, through the Adjutant General of the State, by you the Governor of the State, that domestic violence requiring the presence of Federal troops does not now exist, and that if the Federal troops are sent under this resolution you will, in pursuance of the terms of the resolution, notify me that their presence is not necessary.

Under these circumstances I must, of course, decline to comply with the request of the Legislature.

Respectfully yours,

THEODORE ROOSEVELT.

Hon. EDWIN WARFIELD,

Governor of Maryland,

Annapolis, Maryland.

Which was read, and ordered to be spread upon the Journal; and was also referred to the Select Committee composed of Senators Robinson, Gill and Dixon.

At 9 o'clock p. m.;

On motion of Mr. Robinson.

The senate adjourned until Tuesday, February 16, A. D. 1904, at 12 m.