

provisions of that title are applicable, they are the provisions to be found in section 5297. Under that section disturbance must amount to an insurrection against the Government of the State, and there must be an application by the Legislature of the State if it is in session, or can be convened; or if it is not in session or cannot be convened, then by the Executive. Upon such application the President is authorized to employ such part of the military forces of the United States as he deems necessary and sufficient to suppress such insurrection. He cannot place such forces at the disposal of the Governor of the State, but must himself direct their operations, and he must be furnished with such facts as shall enable him to judge whether the exigency has arisen upon which the Government of the United States is bound to interfere. Such exigency 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 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