

Your committee, therefore, recommend the enactment of a law making valid the qualification of the said Tench Tilghman, and the acts done by him as Major General of the 2nd Division of Maryland Militia, and for this purpose, beg leave to submit the following bill.

In regard to the 2nd enquiry in said memorial, viz: whether a military officer can be deprived of his commission by an Executive Proclamation, or in any other mode than by the sentence of a Court Martial, your committee would refer to the 15th section of IIInd Article of the Constitution, which is in these words:—"The Governor may suspend or arrest any military officer of the State for disobedience of orders or other military offence, and may remove him in pursuance of the sentence of a Court Martial." The Governor had in this instance given the best evidence of his recognition of General Tilghman, as Major General, by the appointment, on the 21st of January, 1861, of Col. Rubard Thomas, of Easton, as Brigadier General of the 12th Brigade of Maryland Militia, a position which had been held by General Tilghman since the 8th day of August, 1837, and had not he vacated it the position of General Tilghman to the position of Major General, had not been legally consummated.

If therefore, the Governor entertained the opinion that there was any want of legality in the case of General Tilghman, your committee think that the proper course of proceeding would have been through a Court of Inquiry or a Court Martial, and not through the odious process of a Proclamation, conveying to the people of a State a charge of the gravest character against an officer of the highest rank, who had served in the army of the United States, from the year 1828, until the close of the Black Hawk war, and has held a commission from the State of Maryland from that time to the present; and who has in his possession, a letter from the Governor through the Adjutant General, on the occasion of the John Brown raid in December, 1859, assuring him of his confidence in his judgment and discretion, and his sanction of whatever measures he might find it necessary to adopt, and who on the 27th of July, 1860, was considered by the Executive the most proper person for the military commander of one of the largest Divisions of the State.

BARNES COMPTON, Chairman,
ROSS WINANS,
B. MILLS,
THOS. C. WORTHINGTON.

Which was adopted.