

not lend themselves, in any way, to what they knew to be a palpable violation of the law they had sworn to support. They could not transfer, or acquiesce in the transfer to General Banks or Col. Kenly of an authority which the law commanded them to exercise exclusively themselves. They could not authorize their police force to serve under any command or control but their own, in the face of the express provisions of the law to the contrary. They could not expose their officers and men to civil and criminal responsibility by leaving them on duty, under unlawful orders, which could afford them no protection before the tribunals of justice. Your memorialists had no choice therefore but to protest as they did; to declare their force off duty, and leave the military authority to deal, on its own responsibility, with the exigency it had seen fit to create.

In entering, thus at large, into a discussion of the grounds set up by General Banks in justification of their arrest, your memorialists have been governed, altogether, by a desire to vindicate their official and personal character and conduct from unfounded and disparaging imputations, and to demonstrate the gratuitous character of the injustice, against which they appeal to Congress for relief. They are in no wise to be considered as thereby recognising, for an instant, the right of the War Department, or of any officer acting thereunder, to proceed against them in the mode adopted, even if the accusations which they have repelled were perfectly well founded. The State of Maryland is one of the States of the Union. She is at peace with the Government. Her people are disarmed, and her territory is occupied by an overwhelming military force. Martial law has not been proclaimed among her people, but on the contrary all intention to set it up or enforce it is disavowed, in the most explicit way, in the proclamation of June 27th. The Federal Courts, and those of the State are in full and undisturbed operation, so far as citizens not belonging to the military force are concerned, and process is served, without obstruction, and is obeyed without resistance by all except those in military authority. If, therefore, your memorialists were charged with any offence known to the law, there was and is nothing to prevent their arrest and detention by the civil arm, in due course, and upon proper and lawful warrant supported by oath, as prescribed and required by the Constitution. But they respectfully submit, that in the proclamation by which their arrest is sought to be justified, there is no allegation of any matter or thing which, if sworn to in proper form of law, would authorize the issuing of process against them, by any judicial tribunal. If they were so unfortunate as to place an erroneous con-