

Code of Public General Laws, to the several duly organized and uniformed volunteer companies of the State.

Your Committee report that the Governor and the Adjutant General failed to comply with the requirement of this act by not having the arms purchased by them deposited in the armories of the State, and by reason of that failure, part of the arms was lost to the State.

By the provisions of the one hundred and tenth and one hundred and eleventh sections of the sixty-third Article of the Code, "the Adjutant General (not the Governor), is required to furnish the captain of any uniform volunteer company with such arms or accoutrements, for the use of his company, as he may apply for, if the same be on hand or in any of the armories of the State, *and not appropriated*; provided, the company numbers at least thirty-two men, and is duly organized and uniformed, and the captain executes, to the State of Maryland, a bond, with satisfactory security, in such penalty as the Adjutant General shall approve, conditioned for the safe keeping, preservation and return or delivery of said arms or accoutrements, to one of the Armorers 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