

has corresponded with the orders of the Commander in Chief. They have had sufficient means to complete the Drafts and make their Returns unless some extraordinary circumstances were to arrest their progress. If they had unexpected difficulties to encounter, they ought to have attempted to obviate their force, by notifying the Commander in Chief of their existence. But they have furnished no information to the Executive in justification of their apparent neglect. If then, Sir, such has been their deportment, what have we to expect from their future conduct. I answer, a continuation of that apathy and superiority which have hitherto pervaded their movements. Shall we then, Sir, go on in the Epistolary way from a delusive and dangerous idea of delicacy, until the dignity of Maryland is implicated. Suppose we were now called on by the President of the United States to supply our Quota of Men at a moment's warning. With what propriety could we reply, that for fear of wounding the refined sensibility of our officers, that we could not correspond with the requisition. To my mind this would be rather an ill fated apology.

The Adjutant General has offered his voluntary services to travel through the State, and take such methods as will complete the Returns. But it may be objected, that such an expedition requires legislative aid, and that the Executive have no right to advance him money to make him restitution of his expences. There are imperious cases which justify the Executive functionaries in extending their acts beyond the positive letter of their authority. When a temporary departure from the rigid language of the law will lead to general benefit, we are bound to assume a legislative tone, and trust that the General Assembly will legalize our proceedings. In the present instance, our allowance for contingent expences affords us an ample fund, which is entirely subject to the discretion of the Governor and Council. You will, Sir, be pleased to receive the following sentiments as my opinion. In the formation of which, I have not only paid that tribute of respect which arises from our relative situation, but have been governed by what I conceive an indispensable duty to the State of Maryland.

I deem it highly expedient that General Carbury wait on Major General Winans and urge him to an immediate compliance with your general orders. And should it be found necessary after waiting on General Winans, further advise that the Adjutant General be directed to call on the Brigadier Generals of that Division and other officers and obtain their Returns and note the cause of their delay. I also advise that the Adjutant General have communications with General Winans and if found necessary, to resort to the same means to complete the Returns as is recommended to be pursued in General Winans's Division.