

Commissioners and devolving the duty of that appointment upon the Governor unless the County authorities perform it by the 1st of May

As no report has yet been received from you on this subject, your immediate attention is requested

Yours Respectfully

Geo. M. Carter

Private Secretary

Copies of the above Circular were sent to the Clerks of the Commissioners of all the Counties in the State except those of Anne Arundel, Baltimore, Caroline, Harford & Somerset Counties, from whom the reports required by law have been received.

To His Excellency

A. W. Bradford

Governor of Maryland

Sir:

The undersigned heretofore appointed and commissioned by Ex. Gov. Hicks, as Major Generals of the Militia of Maryland, beg leave respectfully to invite your attention to the effect of the non-action of the Senate of Maryland upon the communication of Ex. Gov. Hicks informing that body of our appointment; various official calls & requisitions upon us by subordinate officers, render it, in our opinion, necessary for us to solicit your Excellency's judgement, as to whether we do or do not retain our positions

To assist your Excellency in forming a judgement in the premises we beg leave to refer to the law upon the subject.

By the Constitution of the United States Art. 1. Sec. 8. "Congress is declared to have power, To provide for the organizing, arming and disciplining the Militia and for governing such part of them as may be employed in the service of the U. S. reserving to the States respectively the appointment of the officers and the authority of training Militia according to the discipline prescribed by Congress" — By the Act of 8th May 1792 Congress directed the Militia to be arranged into Divisions, Brigades &c and declares "The Militia shall be officered by the respective States."

The Legislature of Maryland (1793 ch. 53) enacts, (after reciting at length the above act of Congress) and directs the formation of Divisions, Brigades &c and provides by the 7th section, "The Governor and Council shall appoint the proper officers"

The act of 1834 chapter 251 recites "The Militia of the State has heretofore been enrolled and arranged into Divisions, Brigades &c remaining of record"