

in the Adjutant General's office, and being a general re-enacting law, provides "There shall be to each Division a Major General and two Aids-de-Camp, to be appointed and commissioned by the Governor and Council"

The act of 1830, chapter 197, sec. 13, abolishes the "Council to the Governor" and provides that the whole Executive power of the Government of the state shall be vested exclusively in the Governor"

It will thus be seen that the appointment and commissioning of a Major General - which, before 1830 was by the law creating the office, vested in the Governor and Council became thereafter exclusively vested in the Governor.

The present Constitution of Maryland [adopted and ratified by the popular voice of the people July 4<sup>th</sup> 1851] provides as follows (Art. 2, - Sec. 11.) The Governor shall nominate, and by and with the advice and consent of the Senate, appoint all Civil and Military officers of the state whose appointment is not otherwise herein provided for, unless a different mode of appointment be prescribed by the law creating the office.

Since July 4<sup>th</sup> 1851 The Legislature has made no provision concerning the "Militia."

Now we respectfully submit, that our appointment to the office of Major General did not require the confirmation of the Senate and their non-action does not effect us and this is so, because "the law creating the office prescribed the mode of appointment & commissioning to be exclusively with the Governor."

We further submit that we have the right to solicit the opinion of your Excellency on the subject as the Commander-in-Chief of the state.

And we beg leave further to say that by reference to the Acts of Congress 1795, February 28, and the act of the Extra Session 1861, chapter 25, it will be seen that we are amenable if in Commission, to the orders of the President of the U.S. and it behooves us to be apprised, at as early a day as may be consistent with your Excellency's convenience, whether we are at liberty to aid, in our official positions the Government of the U.S. in attempting the overthrow and subjugation of the Rebellion now raging South of the Potomac.

We have the honor to be

Yr. Excellency's obt. serots.

George Vickers  
Maj. Genl. 2<sup>nd</sup> Division

John H. King  
Maj. Genl. 3<sup>rd</sup> Division

Anthony Kimmel  
Maj. Genl. 4<sup>th</sup> Division

No. 10.

April 14<sup>th</sup> 1862