

because it was proper so to designate it, in naming them regularly in numerical order — In each of the other two Regts. combined with it, there were Regimental officers either commissioned, or mustered in and acting, and in one instance an excellent officer Thomas S. Alford, was both commissioned and as I understand, mustered in, as Lieut. Col. of the Baltimore Light Infantry, and yet under the manifest necessity of dropping some of the supernumerary officers consequent upon the combination of the three Commands he too has been mustered out and would certainly have as good a right to complain as Col. Coover, who although commissioned, was never, as I understand mustered in or recognized by the War Department.

The General Orders of that Department show that it regards the date of Mustering into Service as the material fact in the appointment of the officers rather than the formal commission — Thus by General Order No 65 — issued 25th August last it is declared that "the Commissioned officers of all volunteer organizations, no matter whether established under the authority of a State or of the United States, will be regarded as having been commissioned on the day when mustered into the Service of the United States, and will take rank in their respective grades, will be entitled to pay and be obeyed and respected in their several positions from that date"

As regards the right to reorganize these Regts. and as a matter of course to reconsider and recommission its officers, if there could be any doubt upon the subject, it would seem in such a case as this, to be settled by the terms of another General Order — No 78 of 15th Sept. last, which provides that "all persons having received authority from the War Department to raise Volunteer Regiments, Batteries, or Companies in the loyal States are with their Commands hereby placed under the orders of the Governors of these States, to whom they will immediately report the present condition of their respective organizations. These troops will be organized or reorganized and prepared for service by the Governors of their respective States in the manner they may judge most advantageous for the interests of the General Government"

McCounell having commenced the formation of this Regt. and left it incomplete, it was manifestly proper to reorganize and complete it by a consolidation of it with the other fragments referred to, which has been done by the concurrent authority of the War Department and the State Executive.

In that process it was indispensably necessary that some of the officers of the incomplete Regiments should be mustered out and Colonel Coover has been one of them — but his case can not be distinguished from the several others in like situation —

But I deem it unnecessary for me to discuss