

for this County informs me that Asst. Adjt. Genl. Coreswell instructs him that persons over 18 and under 21 years of age are not exempt from the Draft; that the Act of Congress is not controlled by the Maryland Code Sections 32 33. I beg most respectfully to enquire if this is your opinion, supposing it possible Genl. Coreswell may not have maturely considered the question. If I am not greatly mistaken the Gov. of Va. in his order of the draft, restricted it to persons over 21 years of age.

I do not understand the Act of Congress to conflict with our State law on the contrary, I supposed it to recognize all State exemptions. If this be so then only those are subject to draft, that are so by State law, when the State has a law regulating the particular point. By the 1st Section of the Militia Article, "certain citizens shall be subject to Militia duty." The subsequent provision explains how they are so subject. As to those above 18 years of age, each "has a right to join a uniform Volunteer Company" &c. Sec. 22. By Secs. 32 & 33, whenever the Governor by proclamation shall order a draft the draft shall be made by lot from the whole number &c. "who are 21 years of age or upward and liable to said Militia duty." With all deference it seems to me, that the true legal construction of the whole Article, is that as to those between 18 & 21 they are liable to Militia duty as volunteers only. but when a draft is ordered it is restricted to those who are 21 years old or upward &c. I suppose the law of Pennsylvania is similar to ours, as I think the Governor's order there expressly restricted the draft to those over 21.

If the construction here intimated conflicts with your well considered opinion, I must regret having counselled differently before I was aware that any difference of opinion existed. It is true the State Militia not being organized into Regiments of Artillery &c. &c. as contemplated by the Code, you cannot comply literally with the Code, but in the matter of exemption from draft of all under 21, it did not strike me that the same difficulty could occur.

If it will not be taxing you too much, if you could find a leisure moment to drop me a line on the subject you will greatly oblige me.

I am very Respectfully
Your obto. Servt.
Isaac D. Jones

State of Maryland
Executive Department
Annapolis Oct. 11th 1863

Isaac D. Jones Esq.

Dear Sir:

My time has been so constantly occupied since the receipt of yours of the 3rd Inst. that I have never had an earlier opportunity of replying to it. I concur with Col. Coreswell in the opinion he has given as to the liability of