

positions of Lieut. Colonel and Colonel. — I was mustered into the service as 1st Lieutenant and Adjutant 26th January 1862; as Lieut. Colonel March 1st 1862 and as Colonel September 8th 1862.

May I therefore ask for Commissions bearing dates as aforesaid for the positions named, as at some future day they may be of great importance to me.

I remain with respect

Your obdt. servant

Stephen W. Downey

State of Maryland

Executive Department

Annapolis August 26th 1863

To Col. S. W. Downey

Dear Sir:

I have received your letter of 20th Inst. wherein you call to my attention the fact that whilst in the Military Service of the United States, you served at different times during the year 1862 — as Adjutant, Lieut. Colonel, and Colonel of 3rd Regt. Potomac Home Brigade, and request that I will forward to you Commissions by way of attesting your past title to these offices.

It would give me great pleasure to do so, were there any thing on record in this Department to authorize such a proceeding or could it be done consistently with the practice of the Department. — But whilst I should have been pleased to have appointed and commissioned you to either or all of the places referred to, had your name been suggested to me in connection therewith, no such suggestion was ever made, and you, and I believe all the other early officers of that Regiment, were mustered into service without any Commission from the State Authorities, but on the suggestion of Gov. Thomas who was chiefly concerned in organizing the Regiment, and on whose recommendation the War Department seems to have mustered in such officers. — Had Gov. Thomas presented their names for Commissions, I would have issued them, as I have since several times said to him — Not a Commission however was ever issued from this Department to any officer of the 3rd Regiment until after its Consolidation with the 11th — and they were then all issued together on the 9th January 1863, directly after I received the report of that consolidation and was furnished with the names of the officers to be commissioned.

Your name was not among the officers so suggested for Commission, only as I suppose, because you had in November preceding resigned the Command of the Regt. You will from this understand why I can not grant your present request — Although we frequently issue Commissions and in them give a rank to the appointees antecedent to the date — we never antedate the Commission itself, and of course after the officer is out of service, cannot issue the Commission of its proper date, as it would have a prospective operation inconsistent with his proper position —

I should be very glad however, Sir, to have