

Prisoner at Fort Warren and after nearly a year's confinement, was released without taking the oath of allegiance; and that he is at this time a candidate for a seat in the Constitutional Convention of this State — Reminding me thus of his political antecedents & the possibility of his election to the place he seeks, you enquire whether I have no power to prevent such a result.

I never knew precisely the charges upon which this gentleman was arrested. Beyond his prominent connection with the famous Legislature of 1861, several members of which were arrested and imprisoned with him — whatever however were the precise charges against him, I entirely agree with you in thinking that his hostility to the Government is quite as determined to day as it ever was. — The fact that such a one should be now a candidate for the place he seeks, and may possibly be elected, is certainly to be deplored — but I am sorry to say, I possess no power to prevent his election or exclude him from the Convention if elected, other than by requiring him to take the oath which the Law providing for the Convention makes it my duty to administer to all its members.

They are required to swear that they "have never either directly or indirectly, by word, act or deed, given any aid, comfort or encouragement to those in rebellion against the Government of the United States" — and that this they "swear voluntarily without any mental reservation or qualification whatever"

Kilbourn was the Speaker of the House of Delegates of 1861, the general character of which, is, I presume, not unknown to you — Some of its Resolutions and the Reports of its Committees openly advocated the proceedings of the insurgent States, which they characterized as the "noble and manly determinations of their Southern brethren to uphold and defend the great American principle of self government" —

Among the obnoxious Resolutions adopted by that Body one declared — though overwhelming evidence to the contrary was soon afterwards forthcoming — "that the State of Maryland desires the peaceful and immediate recognition of the independence of the Confederate States."

Another Resolution "earnestly desired and requested the Representatives of the State of Maryland in the Senate of the United States to urge and vote for an immediate recognition of the independence of the Government of the Confederate States of America."

Mr. Speaker Kilbourn voted for all these propositions, and how in the face of that record, he can swear — as he must do, to take his seat in the Convention — that he has never directly or indirectly, by word, act or deed, given comfort or encouragement to those in rebellion, is a mystery that I hope he may not have the occasion to explain.

I thank you General for the confidence you are pleased to express in me, as well as for the assurance you give me, that you have no disposition to interfere with