

War Department
 Provost Marshal General's Office
 Washington D.C. May 25th 1864

His Excellency A. W. Bradford
 Governor of Maryland

Sir:

In reply to your communication of 24th inst. wherein you desire that the names of all persons who have forfeited their rights to be considered citizens or residents of the State, by joining the Rebel Army or becoming residents within the Rebel lines, may be stricken from the Enrollment lists of the State of Maryland; I have the honor to state that your letter was referred to the Hon. Wm. Whiting Solicitor of the War Dept., and has been returned with the enclosed Opinion, by which the action of this Bureau will be governed.

I have the honor to be

Very Respectfully

Your obedt Servt.

James B. Fry
 Pro. Marshal Genl.

War Department, Solicitors Office
 Washington D.C. May 25th 1864

Opinion

The statement of His Excellency the Governor of Maryland, shows that persons, formerly citizens of that State, who have gone into the rebellious States, and have not within two or three years last past, been residents within any town or district of Maryland, have nevertheless been enrolled in some instances as part of our Military forces, and have been credited in estimating quotas. He requests that the names of such non-residents may be removed from the enrollment, whenever it shall be again revised and corrected.

This request is reasonable and is according to law. The statutes require the enrollment only of persons residing in the respective districts &c of the loyal States, and do not include in the forces of the United States, persons who have some years since joined the forces of the enemy, or who have permanently taken up their residence in territory at present under their military control.

It would be a hardship not imposed by Congress upon the people of any loyal State, and not in accordance with your intention, to assign their quota on a basis of enrollment which should include non-residents. While it will be the duty of the Board of enrollment to see that no name shall be improperly removed from the lists on the plea of non residence, the enrollment lists should be corrected as requested, and the quotas should be assigned accordingly.

(signed) William Whiting
 Solicitor of the War Dept.