

has no jurisdiction (even where the party has been handed over to it by the U.S. Authorities) then the indictment should be quashed, and this should be upon motion in open Court, and an order passed for his redelivery to those Authorities. I shall return to Hagerstown day after tomorrow, and our term of Court begins on the 2nd Monday of November, 14th. Whether Stewart has counsel in Hagerstown I do not know. He had counsel here, and a large number of witnesses has been subpoenaed to attend. Mr. Darby can make the motion on that day, in which case he should be provided with the law of Congress giving exclusive jurisdiction to the Courts Martial in such cases. I will cheerfully pass such order as the law would authorize and require in the case, but I think it ought to be done in Court and in regular form. The gravity of the charge and the apparent clashing of jurisdiction would call for consideration and formal action.

James M. Schley Esq. was Acting States Atty here when the indictment was found. He is provided with the Military orders or proceedings under which Stewart was passed over to the Civil jurisdiction, and can inform the War Department upon the subject.

I would suggest the propriety of transmitting this letter or a copy to the Secretary of War, if it differs in any essential particular from Mr. Darby's statement already furnished him

I remain,

Very Respy.

Your obt. Servt.

D. Weisel

Judge of Court

Chestertown September 27th 1864

His Excellency

A. W. Bradford

Governor of Maryland

My dear Sir:

Your favor of the 19th was received last week. My business engagements have prevented me from acknowledging its receipt sooner. I regret very much that you have come to the conclusion not to interfere in preventing the unconstitutional measures of the Convention from being imposed upon the people of the State. It is unpleasant to differ in opinion from you, especially on a subject of so much importance, and when my own conviction of the wrongful and illegal requisition is without a shadow of doubt. I have received from you so many proofs of your regard and confidence, communicated in a manner so very flattering and agreeable, that it enhances my regrets at the different views I have to take of Constitutional Law and Executive duty.