

War Department  
Washington City  
October 10<sup>th</sup> 1864

His Excellency A. W. Bradford  
Governor of Maryland  
Annapolis Md.

Sir:

I am directed by the Secretary of War to acknowledge the receipt of the letter of Mr. F. M. Darby of Hagerstown Md. referred by you to this Department on the 3<sup>rd</sup> Inst. in relation to the case of Sergeant Charles Stewart Co. A. 1<sup>st</sup> New York Veteran Cavalry, now a prisoner in the Washington County Jail charged with the crimes of Murder & Rape.

In reply I am directed to say that the law of Congress, punishing such crimes as those mentioned, when committed by persons in the Military service, is held to give exclusive jurisdiction to Courts Martial, and you are respectfully requested to have the prisoner delivered over to the proper Military authorities without delay, for trial by Court Martial for the alleged offences.

I have the honor to be

—Very Respectfully  
Your obt. servt.

C. A. Dana  
Act. Secy of War

State of Maryland  
Executive Department  
Annapolis Oct. 12<sup>th</sup> /64

Hon. Daniel Weisel  
Judge of Circuit Court  
of Washington County  
Dear Sir:

Some weeks since I received from the War Department a communication requesting that a certain Charles Stewart confined in the Jail of your County on the charge of Murder, should be delivered to the Military authorities for trial, and referring to Act of Congress of March 3<sup>rd</sup> 1863 Chapter 75, whereby the cognizance of such cases in time of war vested exclusively in Military Courts Martial.

I wrote to Mr. Darby the States Attorney for your County a short time after the receipt of said letter requesting him to take measures for the delivery of the accused to the Military Authorities for trial.

I received a letter from Mr. Darby in reply stating some considerations that might stand in the way of a compliance with that request; — first that some judicial order was required by the Sheriff to authorize such a delivery, and secondly that Stewart during his confinement