

had escaped into Pennsylvania, been reclaimed upon requisition, and delivered up by the Authorities of that State with a request that if acquitted here, he might be held in custody for trial in that State on a charge of Rape committed there. I referred the letter of Mr. Darby to the Secretary of War, and have just received a reply of which I enclose a copy.

Both the crimes imputed to this person are included among those mentioned by the Act of Congress and the jurisdiction of which is conferred upon Courts Martial - so that if he was held by us upon Indictment both for rape and murder, being at the time in the Military service, a demand by the Military authorities would I think, require his delivery; and it could not be expected that the courtesy towards the State of Pennsylvania which under other circumstances would incline us to retain the prisoner for trial there, should he be acquitted here, would justify us in making any opposition to the demand, as both States would be alike obliged to yield obedience to the Act of Congress and surrender the prisoner to the Military Authorities.

Will you therefore my dear Sir, if you concur in these views and in your authority, about which I presume there is no doubt, upon being satisfied that the parties offering to take the accused into custody, are duly authorized by the proper Military authorities, pass such an order for the release and delivery to them of the accused, as will justify the Sheriff in making such a delivery.

Very Respectfully  
Your obt. Servt.  
A. W. Bradford

For answer see page 584  
recorded out of place

State of Maryland  
Executive Department  
Annapolis Oct. 21<sup>st</sup> 1864

Samuel E. Dyott Esq.  
Clerk Circuit Court D. Annes County  
Dear Sir:

I received last evening the Returns of the Judges of Election in your County on the question of adopting or rejecting the Constitution - They have therein set out the oath which was administered to the voters, which varies from that prescribed by the Constitution in omitting its last clause in these words "and believe it to be binding on me"

I consider this a material omission - By the 10<sup>th</sup> section of the 12<sup>th</sup> Article of the new Constitution I am required to exclude the Count of any County or City where the Return Judges fail to certify that the oath as prescribed by that Constitution was administered to all the persons who voted, unless I shall "be satisfied that such oath was actually administered, and that the failure to make the certificate has been from inadvertence or mistake."