

Upper Marlborough 20th March 1865

To His Excellency

The Governor

Sir:

I herewith enclose an office copy of an Inquisition filed here which, being taken upon oath, I suppose is sufficient to authorize a Requisition for the party who committed the homicide - one Dennis McCarty, a soldier, who is now, I learn, held under arrest at Fort Punker Hill D.C. of which Col. Abbott is in command. If the requisition be issued, let Judson H. Richardson Sheriff, be named to receive the prisoner, as usual, and be kind enough to have the papers forwarded to me as early as maybe convenient - If any other step be necessary, I should like to hear early, as our Court is to meet early in April

Very Respectfully

Your Obedt. Servt.

Edw. W. Belt

States Atty. P.C. Co.

State of Maryland

Executive Department

Annapolis March 22nd 1865

Edward W. Belt Esq.

States Atty. &c

Sir:

I have read yours of 20th inst. enclosing a copy of an Inquisition lately found by a Coroners Jury in Prince Georges County charging one Dennis McCarty with a homicide committed in that County and requesting that a Requisition may issue for McCarty who is said to be in the District of Columbia.

I doubt the sufficiency of an Inquisition as a foundation for such a proceeding, the Act of Congress expressly requiring "the copy of an Indictment found or an affidavit made" &c. But there is a still more serious obstacle in the way of his delivery to the Civil Authorities; McCarty, as appears by the Inquisition, is a Soldier in the Military service of the United States and by an Act of Congress passed March 3rd 1863 Chapter 75 such offences when committed in time of War &c by persons in the Military service of the United States are made punishable by Court Martial - the punishment never to be less than that inflicted on similar offences in the State where committed. I know by reference to other cases that have come under my notice that the jurisdiction thus conferred on the Military Authorities is held to be exclusive, and even where the Civil Authorities have arrested the party charged he is held subject to the claims of the Military tribunals -

On this case it appears by your letter and the Inquisition that the party is already under Military arrest, as I presume for this very offence, but to insure a proper proceeding against him I shall call the case to the attention of the Secy of War by forwarding to him the Inquisition &c

Yours very Respectfully

A. W. Bradford