

Washington 5 July 1813.

C. P. Comyns Esq.

My Dear Sir,

Dear Sir

Delaware -

Your favour of the 17th of last month was duly rec^d and with it the open letter addressed to the Secretary of War: The contents of both were immediately communicated to Messrs Wells & Cooper: We were all of opinion, that under existing circumstances, it would be most prudent not to communicate to the Secretary of War the letter addressed to him, and this being our opinion I conceived that my intimacy with you would warrant me in ~~retaining~~ ^{withholding} it at least till I rec^d further orders from you respecting it - I therefore still have it in my possession and shall retain it till I hear from you. If you so direct it shall be immediately transmitted to the Head of the War Department -

I have been delayed ~~from~~ ⁱⁿ replying to your letter ~~by~~ ^{by} endeavouring to obtain correct information on several points mentioned by you, & in expectation of the Senate's determining on the nomination of Mr. J. B. Davis - The Senate have not yet determined on this nomination, nor is it possible for me to say how they will determine - I am inclined tho' to think that the nomination will be confirmed -

rank & right to command of
With respect to officers of the militia & of the regular army acting ^{when} together
I have taken some trouble to inform myself, and will give you the results of

my inquiries and deliberations on - The militia of the several States
in the service of the United States are to be commanded by Offi-
cers appointed by the State to which they belong - These officers however
and the militia under them may frequently be liable to be commanded
by an officer in the regular army of the United States - for instance,
a battalion of the Delaware militia may be ordered to join
a regiment of the regular army of the United States, in this case the
colonel or lieutenant colonel of the ~~regular~~ ^{of regular} regiment will command
both the battalion of militia & the regiment of regulars and all the
officers belonging to ~~both~~ ^{each} because in this case the colonel or lieutenant
colonel, as the case may be, is the highest officer in rank, ^{present} in
if a battalion of Delaware militia under the command of a major
appointed by the State
and a battalion in the regular army of the U.S. ~~under the command~~
of a major in the U.S. army, are serving together at the same place,
with no officer present of higher rank than a major,
in this case the major ~~of the~~ ^{of the} ~~regular~~ ^{army} of the U.S. will command
both battalions, whether his commission be of ^{prior} ~~date~~ or of subsequent date
to the commission of the ~~militia~~ major of militia - for if his commission
~~shall be~~ the oldest universal practice has established his right - and
if it be the youngest the practice during the whole of the revolutionary
war has sanctioned his claim to the command - If however
then