

since the official documents have been published, that I was convinced myself. These documents I will present to you in detail, as they were reported to the House of Representatives, by the Military Committee, & have since been published in the National Intelligencer. From the evidence which they furnish, I mean to argue it as a question of law.

Before I proceed, allow me to state, that these documents are accompanied by a certificate of the chief Clerk of the War Department, that ^{they} are true copies of the original ones in that office, and all that can be found having relation to the subject. That from the Adjutant General to the Secretary of War is of the same import. It appears that these six militia men, informed & convinced that there was no order from the President, requiring them to be enlisted into the public service, for a greater term than ~~six~~ ^{three} months, at the expiration of that time, left the post at which they were stationed, & returned to their wives & children. For this they were condemned & executed. To prove the illegality of their execution is my purpose; and if I fail, it will not be attributable to any weakness of the Cause, but to my own inefficiency as its advocate.

The act of Congress passed in the year 1795, positively prohibited the enlistment of militia into the service of the United States, for a greater term than ~~six~~ ^{three} months. That act continued in full & unconditional operation, until the 10th of April 1812, when to provide for the exigencies of the war, a special law

was passed, to raise one hundred thousand men. + See the certificate of Charles J. Bourne of R. Jones, Adj. Genl. See the Report of R. Jones, Adj. Genl. of the War.