

I have now traced the documents through the period for which the law of April 1812 was enacted, to ^{a point} within a few days of the passage of the law of the 18th of April 1814, by which the former was revived, still making it discretionary with the President, to confine the term of militia duty to three months, or not. It may possibly be urged, that the order of the 11th of Jan. by authority of which these men were enlisted, had ceased to be of force, as the law of 1812, under which it ~~had~~ was issued, had expired. This was a subject for the consideration of the President only, & not of Gov. Blount or Gen. Jackson; inasmuch, as he was the most competent to judge of the law, & as Commander in Chief, was the responsible person; his subordinate officers, of whom Gen. Jackson was one, were bound to carry his orders into execution, unless countermanded. The law of 1812, thus revived in that of 1814, was as though it had never expired. Nor did the latter law change or annul the former decision of the President, by which the term of military service was restricted to three months. Under these circumstances, omnibus paribus, it was not necessary that further instructions should be given; & if the Gov. found himself at a loss, he had only to recur to the custom established by the decision under the law of 1812, with which, as to its provisions, the subsequent one, of 1814, was substantially identified.

If the apologists of Gen. Jackson persist in the opinion, that Gov. Blount was not bound, in making his levies, by the previous decisions of the President, I will urge another reply. — The act of 1814 did not, absolutely, but conditionally suspend that of 1795. It invested the President with the discretionary power