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when the enemy were strong & in the open field; when the war had arrived at a crisis. (What reason, then, can be assigned, why these men should be required to serve six months in garrisons, when the Indians had been beaten, and the war was at an end, as appears from a letter of Gen. Jackson, addressed, about that time, to the Department of War. It cannot be urged that the British having just then obtained peace <sup>in</sup> Europe, had sent a formidable force into the Gulf of Mexico to carry on the war with renewed vigour; or that these men were originally destined to repel invasion in that quarter. For the first official communication of the Secretary of War to Gov. Blount, giving him instructions on this subject, was dated the 4<sup>th</sup> of July 1814; fourteen days after they had commenced actual service; nearly two months after the Governor had issued his order for their enlistment; and, consequently, long after their tour of duty had been fixed by the operation of law.

I think I have satisfactorily proved that the order of Governor Blount was illegal - that nothing less than an express order from the President, could have made it otherwise - that, instead of giving such order, the President had uniformly instructed him to discharge the militia at the end of three months. These men, thus supported by law & facts, having performed service three months, left Fort Jackson on the 20<sup>th</sup> of September, the day on which that term expired, to return to the bosom of their families. Let it not be forgotten, that, at this time, the Creek war had long since been ended; & that New Orleans was not attacked by the British, until nearly four months after. By order of Gen. Jackson, they were pursued, arrested & carried to Mobile for trial, where they were imprisoned for months, in contravention of their rights as citizens, & in violation of the plainest principles of the Constitution.

They urged, in their defence, that they had been informed by their officers that there was no law to compel them to serve more than three months; and that <sup>if untrue,</sup> they were thus misled