

OFFICIAL RECORD

FROM THE WAR DEPARTMENT,

OF THE

PROCEEDINGS OF THE COURT MARTIAL

WHICH TRIED, AND THE

Orders of General Jackson

FOR SHOOTING

THE SIX MILITIA MEN,

TOGETHER WITH

OFFICIAL LETTERS FROM THE WAR DEPARTMENT,

(ORDERED TO BE PRINTED BY CONGRESS)

SHOWING THAT THESE AMERICAN CITIZENS WERE

INHUMANLY & ILLEGALLY MASSACRED.

WASHINGTON:

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1828.

PRELIMINARY REMARKS.

The Battle of New Orleans, which drove the enemy from our shores, was fought on the 8th day of January, 1815. On the 18th the British embarked in their ships and left the State of Louisiana.

General Jackson returned with the brave Militia from the camp to New Orleans and made his triumphal entry into the city on the 20th day of January. A day of Thanks giving and Praise was appointed for the 23d. when General Jackson was escorted under triumphal arches to the Temple of God, where he was crowned with laurels. Heaven had signally prospered the American arms. The God of Hosts was on our side, and in the battle of the 8th of January, *only thirteen* Americans had lost their lives. It was at such a time, when every thing conspired to soften the ferocity of his temper, in the midst of these solemn rejoicings and almost in the immediate presence of his Creator, that General Jackson steeled his heart against the impulses of humanity and issued in cold blood the fatal order for shooting the Six Militia men. *On the very day before he went to the Church at New Orleans*, he signed the death warrant that made their wives and children widows and orphans. As if insensible to all the moral restraints that should subdue at such a moment the violence of his passions, and while thanks were offering up to Heaven for this almost bloodless victory on the part of our arms, and the prayers of all were ascending for blessings on himself, he deliberately set his hand to that fatal warrant which hurried these unfortunate victims into the presence of their God. A humane and truly brave commander is tender of human blood. He spares the life even of a subdued enemy. How much more tender should he be of the blood of his own countrymen and fellow soldiers? American blood is not so cheap, nor the lives of our Militia of so little value to their country and their families, that such inhuman deeds as these could pass in a free country without examination. When so many lives were taken, it was natural that men should enquire into the circumstances. We had never heard of such transactions before. In the war of our Revolution an execution sometimes took place in the regular army for the sake of example in some very atrocious case, but neither then nor in any other war had we known six of our countrymen of the Militia drawn out to be shot down at one fire in cold blood, after the victory was won, the enemy driven from the country and husbands, fathers and brothers about returning to their families and homes. It was a sad

day in Tennessee, when the Militia came home after the victory, and it was found that General Jackson's orders for shooting Militia men had put almost as many families into mourning as the enemy had done. If there had been any necessity at all at such a time to have made an example, it was asked, why was it not enough to take the life of one only—or even two? How could he have been so unfeeling and blood thirsty as to have shot the whole number that it was in his power to put to death?

The excitement of feeling that has been produced throughout the country by this inhuman conduct of General Jackson, has led to an inquiry in Congress. The House of Representatives has directed the Secretary of the War Department to lay before them all the official documents on this subject. The truth is now drawn to the light;—and barbarous as the transaction was, if it could even have been justified on any principles at all, it *now appears* that it was a WANTON and ILLEGAL *massacre* committed in *defiance* of the RIGHTS of the *Militia*, and AGAINST THE LAWS OF THE COUNTRY.

When these documents came to Congress, the *Jackson members* of the House moved to refer them to a Committee of *their own friends*. They made a report in which they have attempted to gloss over the facts and *excuse* General Jackson. They ordered this report to be printed and *annexed to the official documents*, so that it should be sent out into the country in that way. But there can be no mistake among the People when they find the *documents* in their own hands. No reports of Committees or arguments of politicians can change the facts or the Militia laws. A plain history of the law is all that is necessary to be known to enable every candid man to make up his opinion on this transaction.

The Militia law of 1795, restricted the service of the Militia to THREE MONTHS.

April 10th 1812. On this day a special law was passed to raise 100,000 men from the Militia, who were to serve *not exceeding six months*. This law was *limited to two years* and *expired* on the 10th day of April, 1814.

April 18th, 1814. A new law was passed which extended the time of service from *three months* to *six months*, IF in the *opinion of the President* the public interest required it.

Thus the law stood when the Tennessee Militia men were called into service. If the President had issued any orders requiring their time to be extended to *six months*, then they were bound to serve for that time. But if he had issued no such orders, then they were bound to serve only *three months* under the act of 1795.

The detachment of Militia to which these unfortunate men belonged were mustered into service on the 20th day of June, 1814. If no order of the President had been issued extending the length of service beyond three months, they were all entitled to their discharge on the 20th day of Sept. 1814.

There is one document among the papers which settles the question. The certificate of the Chief clerk of the War Department, CHARLES J. NOURSE, who has the custody of all the papers, states that "it does not appear from the records of this Department that any application was made by the Governor of Tennessee to the War Department on the subject of the length of service of the detachment of the Tennessee Militia detailed under the orders of the Governor of that State, issued on the 20th day of May, 1814, and afterwards placed under the command of Lt. Col. Pipkin;—or that any orders, general, or special, were made by the President of the United States or by the Secretary of War, concerning or relating to the length of service of that detachment."

(See this certificate page 5th.)

The Secretary of the War Department says in his letter to the House of Representatives that "no other document, within the scope of the resolution, except those transmitted, can be found in this Department."

(See the letter of the Secretary of War, page 5th.)

These Militia men were then entitled to their discharge on the 20th day of Sept. 1814. Neither Gen. Jackson nor any other officer had a right to detain them a single day longer. If the President (Mr. Madison) had issued no orders, as it certified he had not done, the Militia were not subject to the Rules and Articles of War after that time, and their trial and execution for going home to their families was ILLEGAL and in the eye of the law, nothing short of murder. It is a hard word to say—but when American blood is shed in this way, families robbed of their fathers, and brave men, who had met the enemy gallantly in the field and served their country with honour, are drawn out in files to be shot down ILLEGALLY, is there a man in the country, who does not feel that he is a slave, and that his life is at the mercy of a military despotism, if a General can thus shed the blood of his fellow countrymen with impunity? Yet Andrew Jackson, who has ordered all this to be done, now aspires to be the President of the U. States, and Commander-in-chief of the Army and Militia of the Union. He asks the free born Militia of America to elect him for their Commander-in-chief, who has done this bloody work in the true character of an unfeeling Tyrant!

THE OFFICIAL DOCUMENTS.

The following are the Documents transmitted to the House of Representatives, by the Secretary of War, in answer to the resolution of the House of the 16th January, 1828, on the subject of the Court Martial at Mobile.]

DEPARTMENT OF WAR, January 25, 1828.

SIR—In obedience to the resolution of the House of Representatives, of the 18th instant, directing the Secretary of War to furnish that House “with a copy of the proceedings of a Court Martial which commenced its sittings at or near Mobile, on the fifth day of December, one thousand eight hundred and fourteen, for the trial of certain Tennessee militiamen, together with a copy of all the orders for the organization of said court, as well as those subsequently issued in relation to its decisions. And, also to furnish copies of all papers, letters and documents, relating to said Court Martial; copies of all orders, general and special, made or issued by the President of the United States, or by the Secretary of War, concerning or relating to the length of service of the detachment of the Tennessee militia detailed under the order of the Governor of said State, issued on the twentieth day of May, one thousand eight hundred and fourteen, and afterwards placed under the immediate command of Lieut. Colonel Philip Pipkin; also copies of such order, and of the muster and pay rolls of said militiamen, which may be on file in the Department of War.

“And to furnish copies of any orders of the President or Secretary of War, by which, in the exercise of the discretion vested in the President by the 8th section of the act of the 18th April, 1814, the term of service of the Tennessee militia may have been extended beyond three months; also copies of two letters from the Secretary of War to Governor Blount, dated the 11th and 31st January, 1814.

“And also to furnish copies of any correspondence in the War Department between the President or Secretary of War, and the Governor of Tennessee, during the late war, on the subject of the time which the drafted militia of said State, should be required to serve in the Armies of the United States.”

I communicate the enclosed documents.

From the reports of the Adjutant General and the Chief Clerk of this Department, no other document within the scope of the resolution, except those transmitted, can be found in this Department.

I have the honor to be, your obedient servant,

JAMES BARBOUR.

The Hon. ANDREW STEVENSON, Speaker of the House of Representatives.

Certificate of the Chief Clerk of the Department of War.

DEPARTMENT OF WAR, January 24th, 1828.

I certify that I have by direction of the Secretary of War carefully examined the records of this Department, and that the accompanying papers, numbered from 1 to 12, are true copies of all the correspondence in the War Department, between the President or Secretary of War and the Governor of Tennessee, during the late war, on the subject of the time for which the drafted militia of said State should serve in the Armies of the United States. And I further certify that it does not appear, from the records of the Department that any application was made by the Governor of Tennessee, to the War Department, on the subject of the length of service of the detachment of the Tennessee militia detailed under the orders of the Governor of that State, issued on the 20th day of May, 1814, and afterwards placed under the command of Lieut. Colonel Philip Pipkin; or that any orders, general or special, were made or issued by the President of the United States, or by the Secretary of War, concerning or relating to the length of service of that detachment.

CHS. J. NOURSE, Chief Clerk.

Willie Blount to the Secretary of War.

NASHVILLE, 10th Dec. 1818.

SIR—The force from this State, called into service to act against the hostile Creeks, is composed, in part of the United States' volunteers, enrolled under the acts of Congress; of the militia, detached under a requisition from the War Department; and, in part of volunteers, who, being best armed, turned out, upon the pressing emergency, to repel an approaching invasion of this State and the Mississippi Territory. The first named, I think that their term of service expires (as I before advised you) on this day. The second, I understand, are of opinion that their term of service will expire at the end of three months from their entrance into service; that time being considered by the militia law of this State, passed prior to the act of Congress under which the detachment was made, as a tour of duty. The third description, I have reason to believe, consider that they ought not be expected to serve longer than three months' tour from their entrance into service, if that long. When these troops were called into service, the term they were expected to serve was not mentioned in the instructions I received from the War Department, or in the act of General Assembly of this State, under which a part of the force was called out: neither was it mentioned in my order calling them out—I not having been advised of the most acceptable term to the Government, and knowing no other limitation to the service than such as was provided for by acts of Congress, unless sooner discharged by the President.*

I believe the principal reason why those troops, in part, feel a desire to be discharged on the 10th instant, is that the volunteers think that they should not be compelled to serve longer than

one year from the time they are called into service, as they held themselves ready to act at the call of Government since the 10th December, 1812. This has occasioned much uneasiness and embarrassment in the camp. The balances probably are influenced by their recollection of a tour of duty under the provisions of the militia law of this State, and by their want of clothing, &c. for a longer term of service; and another argument may be, that the circumstances under which they were called (to repel an approaching invasion, in part,) did not admit of delay in their making the necessary preparation for a tour of six months, as the act of Congress respecting detached militia requires, unless sooner discharged by order of the President; in other words, they had not time to prepare. Their promptitude promoted the service: *their prompt attention* to the call of Government, and the *important services they have rendered* in the field, during the short term they have been in service, teaches the belief, that they cannot be actuated, in their willingness to return, for any other reasons than the abovementioned. These facts and opinions are stated for the information of Government, with whom alone it rests to determine how long they shall serve, to order their discharge, and likewise to order, in the event of their discharge, how their places are to be supplied. It is presumed that the object of the campaign is not yet effected, and it may not be for some time to come, with best exertions.

Under these circumstances, and from a desire felt here, to promote the good of the service, it would be acceptable to the men in service to be informed how long they are to expect to serve, and, if they are to be discharged, by whose order, and how their places are to be supplied. Information on these points is respectfully solicited, believing that the good of the service, and the situation of this frontier require it. I am requested to make these inquiries.

I have the honor, &c.

WILLIE BLOUNT.

Governor Blount to the Secretary of War.

NASHVILLE, Dec. 24, 1813.

SIR: I have the honor to enclose to you the copy of a letter from Major General John Cocks, in service, to me, dated 27th November, with its enclosure, just received by mail. It affords an additional proof of the gallant conduct of our troops.

Also, the copy of a letter, written by me, to Col. William Carroll, of the 7th instant, the better to promote the public service. General Jackson had just informed me that the U. S. volunteer infantry, then with him, believing that their term of service would expire on the 10th instant, expected to be, and insisted on being, discharged on that day; and, if discharged then, or if they left the camp, it would weaken his force ten or twelve hundred; and that he, the better to promote the service, had thought advisable and necessary to send in Col. Carroll for an equal number of men to supply their places. I was not authorized, by any instructions received from the War Department, or otherwise, to order the aid required, but knowing the necessity, if these volunteers should be discharged, or leave the camp, at that time, for the General's having their places supplied, I wrote that letter to Col. Carroll, who has since informed me, that he should, in a few days, assemble and march about seven or eight hundred volunteers to the General's relief. I trust, sir, that this course, taken with a view to promote the good of the service, will meet the approbation of Government; and that those men will be received into the service, and that compensation will be made them for their services. Many highly respectable men among them have enrolled themselves as privates—all are entitled to credit for their patriotism. The commanding officers of companies probably told their men that they would be paid. Also the copy of a letter from me to Major General Jackson, of the 22d instant, in answer to his just then received. He informed me that the United States' volunteer infantry were on their way, from his camp to this place, to be dismissed or discharged by me, if I was authorized to do so, or to await the order of Government therefor—as he was not authorized to discharge them. He thought it most advisable for public good to take that course, as they insisted they had served their tour. He acknowledges that their services have been important; that he feels a lively interest in their welfare, and hopes, under all circumstances, that it may comport with the views of government to order their discharge in a manner honorable to the volunteers. My letter to you of the 10th instant, and one of prior date, will make known to you their ground of expectation for their discharge; and although I feel great delicacy in offering an opinion to you, sir, on a subject I am aware I have no right to express an opinion on—not being authorized to interfere with troops in the service of the United States, or with what relates to their term of service or discharge—yet my respect for those volunteers, for their services, and my belief that they honestly consider themselves entitled to an honorable discharge, from their impression that they have served as long as they were bound to serve, and a belief that such a step would promote the good of the service, I am induced respectfully to say, that I hope that Government, who alone have the power, will order them to be honorably discharged, and compensated for their services, which have been acknowledged by important, not being myself authorized to discharge them, as you know I cannot do it. The General, from a sense of his duty as an officer, used his exertions to induce the volunteers to remain in service until the will of Government should be known as to their term of service.

General Jackson also informs me, that, as the militia and volunteers who were ordered out under his and General Cocks's command, upon the present campaign, are impressed with a belief that they should not be required or expected to serve longer than three months from their entrance into service, many of whom, having served that long, having gone home, he fears that his force will be in a few days reduced to a very small number, with whom, however, he proposes to stay at Fort Strother, or Coosa, until reinforced by drafted men from this State; which draft there is no instructions from the proper authority to cause to be made; hence, I wrote him the letter now enclosed, of the 22d instant.

I further understand that the term of service of the Georgia troops, and of the volunteers commanded by General Claiborne below, is expected shortly to expire. I presume that the

objects of the campaign are not yet accomplished, and that owing to the short time the present force has to serve, that these objects cannot be effected by them. I beg leave very respectfully to say, that the present aspect of affairs, in this section of the Union, teaches the belief that Government should keep up an imposing force in this quarter. Arms, camp equipage, &c. &c. necessary for the supply of the militia who may be called into service from this quarter, is much wanted. Such troops as General Flourney may call for, I fear could not well march without such supplies being afforded by Government, in any reasonable time, so as to act with effect. Those militia who were in service, under General Jackson and Cocke, on whom Government relied to fill such requisitions as General Flourney might make, you will discover by the foregoing information, given me by General Jackson, consider that they have, and shortly will have, performed their tour of duty. General Flourney has not yet made a requisition.

I have the honor to be, very respectfully, your obedient servant, **WILLIE BLOUNT.**

Hon. JOHN ARMSTRONG, *Secretary of War.*

[Enclosed in a letter to the Secretary of War, of 24th of December, 1813.]

Governor Blount to Gen. A. Jackson.

NASHVILLE, *December 22, 1813.*

DEAR SIR: Since writing you fully of this date, I have received, by Major David Smith; your very interesting letter, replete, with patriotic sentiments, dated the 15th inst. You will see, by letter of the 10th, to the Secretary of War, how I am placed with respect to instructions, which, as it relates to the good of the service, and a most righteous cause, in support of which you are most laudably and zealously engaged I much regret. The unfortunate construction given by the troops, so generally respecting their term of service, at this very interesting crisis in public affairs, in this section of the Union, is to be lamented, *but since it is the most generally, and likely to become almost the universal construction in the camp, and since there is no authority vested here, that can be interposed, to give a counter currents of opinion, with the prospect of effecting any permanent good to the service, or to the cause you are engaged in; and as it is likely that my letter of the 10th instant will produce new orders for a term of service yet to commence, when under all circumstances, would be most judicious in Government to give, the better to effect the objects of the campaign, more especially as there is reason to believe that a British fleet has arrived at Pensacola; I cannot doubt but that the Government will shortly give new instructions to have a new force organized, to effect the objects of the campaign, and to oppose the British; and that the President will be satisfied to consider that the three months, now performed by your and my general's Cocke's detachments, with so much good to the service, and with so much credit to yourselves, may terminate the present campaign, I can think of no better plan to pursue, so as to keep up the spirits of all; for when once militia, or any other troops take it into their heads that they have served their tour of duty, it is next to impossible to convince them that to serve longer would be either just or laudable and to attempt to keep up a force by voluntary enrolment, without the authority of Government, would as I fear, be a vain attempt, notwithstanding it would be highly laudable, at this time if it were practicable, patching up an army that way, would effect no permanent good. I am not at liberty as an Executive officer, to advise you, who hold a command in the service of the United States. I am incapable of willingly saying or doing any thing to injure the service, or that which would injuriously affect the reputation of deserving men, or the standing of an able and patriotic hero and General, but, as a friend to my Government most ardently desirous that every step taken in this quarter that may promote the good of the service, and the standing of those who deserve well of their country, I do not see what important good can grow out of your continuing at an advanced post, in the enemy's country, with a handful of brave men. Would it not, under all circumstances, be most likely to be attended with good consequences for you to return to the frontier of Tennessee, and, with your patriotic force, defend our frontier, were provision can be readily afforded on better terms to Government bringing with you your baggage and supplies; and there on the frontier, await the order of Government, or until I can be authorized to reinforce you, or to call a new force? At this time, I really do not feel authorized to order a draft; or I would, with the greatest of all pleasures I could feel, do it. Were I to attempt it in an unauthorized way, it would injure as I think the public service, which I would rather die than do. I could not positively assure the men that they would be paid.*

I send you a copy of the President's Message, and am gratified to see the handsome terms he uses in speaking of your and General Coffee's battles. He seems to mean something about Pensacola, and, to effect his object best, a new force should certainly be organized. Many who are now, and have been, on the campaign, would go again on that business, if they are pleased with the President's decision respecting their term of service, under the late orders. I shall from what I have said about the propriety of your return to the Tennessee frontier, feel bound to send a copy of this to the War Department, for the information of Government, and by way of apology for offering such an opinion to an officer in the service of the United States.

I am with highest respect and most sincere regard, your friend,

WILLIE BLOUNT.

Maj. Gen. ANDREW JACKSON, *United States' service Creek Nation.*

The Secretary of War to Governor Blount.

WAR DEPARTMENT, JAN. 3, 1814.

SIR: Your Excellency's letter of the 10th ultimo, has been received.

It is thought most advisable, under all circumstances, that the construction given to their engagements, by the organized volunteers of 1812, be admitted. In no other case, however, have volunteers of the same description refused to make good three hundred and sixty-five days' actual service.

The militia may be considered as having been called out under the law of 1795, which limits the service to three months. The President is the more disposed to make this decision, as the State law provides that a period of three months shall be deemed a tour of duty, and as the spirit and patriotism of Tennessee leaves no doubt but that a succession of corps, competent, to the objects of Government, will be regularly provided.

Your Excellency has been informed that Mr. McGhee, the contractor, was supplied with funds to meet the requisitions for provisions, and his receipt for money, which you furnish for his accommodation, is herewith returned. It was distinctly stated by him, that your Excellency would be paid out of the advance which he received while at this place.

J. ARMSTRONG.

Gov. BLOUNT, of Tennessee.

[This answer of the Secretary of War to Governor Blount, expressly declares that the tours of duty of Militiamen are to be three months only, and that the President so considers it. It was the law of Tennessee.]

Governor Blount to the Secretary of War.

NASHVILLE, January 5, 1814.

SIR: I have the honor to transmit, for your information and sanction, the copy of my order of the third instant, for calling out 2,500 men, from the second division of Tennessee militia to reinforce Major General A. Jackson, acting under command of Major General Thomas Pinckney, against the hostile Creeks. The troops heretofore ordered out from this state on that expedition having performed a three months tour, and thereby having, in their opinion, done their duty, (and there being here no instructions to the contrary,) having mostly returned to their homes, is a reason why my order was given, and from a sense of duty arising from my belief of the actual necessity of keeping up an imposing force in this quarter for the safety of this frontier, and to meet the just expectations of Government in relation to an effective force being in the field to effect the objects of the campaign ordered against the Creeks, The tour of duty mentioned is most congenial to the feelings and expectations of militia; hence, the better to promote the good of the service, that term was mentioned, together with the hope that, in time, the campaign would be over. The idea of a longer term to militia, who I believe are all alive to a sense of duty, and anxious for a vigorous and effectual prosecution of the campaign to a final accomplishment of the objects of Government is disgusting; and, if required of them to perform a longer tour, their disappointment might lead to greater evils, which it is very desirable to avoid. I entertain a hope that those troops which have been in service and the few that now remain in service, will be by order of the President, honorably discharged, and compensated for their services, which have been very important. The duty they had to perform, in part to open roads, and to build garrisons, was very arduous and fatiguing.

General Jackson informed me, some time since, that he had ordered General Cocke to return to the first division of militia in this State, and fill up his quota, and to bring them into the field, without delay. I have heard that General Cocke has issued his orders for 2,500 men; and, on the 5th instant, I wrote him the letter, a copy of which is enclosed, which I hope and trust will meet your approbation, as the best course I could, under all circumstances, take to promote the good of the service.

My want of more distinct and timely instructions from Government, of their views, &c. in relation to plans of operation in this quarter, leaves me much to conjecture, and is very embarrassing. My certain knowledge, however, that, in all I do, I am actuated by the single desire to promote the objects of the Government, and the better to secure this frontier, emboldens me to hope that my conduct may meet with the approbation of the President, and that the objects of Government, and the security of this frontier, may be effected in an acceptable manner, and for the general good. The want of active funds to effect the above objects, on the best terms, is sensibly felt here. There is also a great want of arms, in proportion to the militia who would, if supplied, be very willing to use them in execution of the orders of Government. I indulge the hope that these causes of embarrassment will shortly be removed, through your able arrangements. I feel confident that the proper zeal is universally felt throughout this State, to aid the government in prosecuting their important objects.

I have the honor to be, very respectfully, your obedient servant, WILLIE BLOUNT.

The Hon. JAMES ARMSTRONG, Secretary of War.

[Enclosed in a letter to Secretary of War, 5th January, 1814.]

Governor Blount to General Cocke.

NASHVILLE, January 3d, 1814.

SIR: I am informed by Major General Jackson, that he has some time since, ordered that you should return to the 1st division and fill up your quota of men. I have also incidentally heard, that you had issued the necessary orders therefore, some days ago. General Jackson requested me to inform you whether his order relative thereto met my approbation. It does, most fully. It is important to the public interests that you should use greatest exertions in getting men into the field. Had I known, prior to the issuance of your orders, I would have issued one, on which yours could have been predicated; but not knowing your orders, were I now to issue, it might probably vary somewhat from yours, and thereby might create confusion in the prompt execution, which would be regretted; therefore, I omit to forward an order to you, but, relying confidently on what you may do promoting the service, I approbate your proceeding. Of this date I have issued an order for raising, in the 2d division, 1,500 men, to reinforce General Jackson, a copy of which I shall transmit to the War Department. You will forward a copy of your orders to the same department, and also a copy to me. The tour of the militia called out from the 2d division will be for three months' actual service, if, in the opinion of the President, public good should require such term of service.

I am, respectfully your obedient servant,

Major Gen. JAMES COCKE, 1st division Tenn. Militia.

WILLIE BLOUNT.

(Enclosed in a letter to the Secretary of War, 5th January 1814.
Governor Blount to the eldest Brigadier General of the 2d division of the Tennessee Militia
 NASHVILLE, 3d January 1814.

SIR: You will, without delay, cause two thousand five hundred of the militia of the 2d division, officers included, next for duty, to be detached, organized, armed, and equipped, as the act of Congress respecting detached militia, passed the 10th day of April 1812, requires, for a *tour of three months' actual service of the United States*, against the hostile Creek Indians, to commence from the time of their arrival at the place of rendezvous, if in the opinion of the President of the United States, public good should require such a length of service.

The detachment will be composed of the organized militia infantry, volunteer riflemen, and volunteer cavalry, who may act as mounted infantry, as recognized by the laws of the State, to be organized corps. And they will be as nearly as may be found to be practicable, detached, &c. in the following proportions of each, to wit: one-tenth volunteer militia riflemen, one-twentieth volunteer militia cavalry, and the residue militia infantry, which proportion is agreeable to the requisition from the War Dep. respecting detached militia. They will be put under proper officers next for duty; they will be required to rendezvous in the vicinity of Fayetteville, on the 28th instant, and will be marched therefrom, under the command of a Brigadier General, next for duty, to re-inforce Major General Jackson, now in service, under the command of Major General Thomas Pinckney, who has recently advised me of his expectation of force from this State, and that he had ordered the contractor to furnish three months' supplies of provisions at the proper places of deposit.

You will give the necessary notice to Colonel Robert Hays, muster-master or inspector, to W. H. Lewis, acting deputy quartermaster, to Messrs. Read and Washington, contractors' agents at this place, and Colonel Le Roy Pope, of Huntsville, contractor's agent there, for the necessary supplies.

Indispensable necessity for immediate forces in the field, and the good and safety of our frontier, require that an imposing force should be kept up in this quarter, and the most prompt execution of this order should be observed. The patriotic exertions of the militia, and of all other citizens are most confidently relied on to aid the public service. Tennesseans have done much by their valor, but much remains to be done to effect the objects of Government in this campaign, in a desirable manner, and as is contemplated by the General Government for the general good, and for the immediate and special benefit of this State.

Let it be the pleasure of Tennesseans, as it ever has been, to aid in an accomplishment of the views of the government of our choice, which is found to be actively engaged in serving and protecting us against the rude attacks of savages, who have, heretofore, drenched our frontier with the blood of innocent women and children. Now is the accepted time; act all, act promptly and vigorously: such conduct will soon put an end to the campaign against the enemies of our peace, and will secure to Tennesseans the important benefits which they have for years sought, with the best efforts of Government in their favor, in time of peace; and, above all, they should afford to the world an additional unequivocal evidence of their attachment to our Government. This the President most confidently relies on. I am, respectfully, your ob't serv't.

To the BRIGADIER GENERAL, eldest in commission,
 2d division Tenn. Militia, in absence of the Major General.

WILLIE BLOUNT.

The Secretary of War to Governor Blount.

WAR DEPARTMENT, January 11, 1814.

SIR: You are authorized to supply, by Militia drafts, or by volunteers, any deficiency which may arise in the militia division under the command of Major General Jackson, and without referring, on this head, to this Department. It may be well that your Excellency should consult General Pinckney, on such occasion, as he can best judge of the whole number necessary to the attainment of the public objects. I have the honor, &c.

His Excellency the GOVERNOR of Tennessee.

J. ARMSTRONG.*

The Secretary of War to Governor Blount.

WAR DEPARTMENT, January 31, 1814.

I have had the honor to receive your Excellency's letter of the 5th instant.

My letter of the 11th, will have anticipated your enquiries relative to further detachments of militia.

The attention of the Paymaster of the Army will be particularly directed to the payment of the troops who have been in service from Tennessee.

His Ex. the Gov. of Tennessee.

J. ARMSTRONG.*

Governor Blount to the Secretary of War.

NASHVILLE, March 25, 1814.

SIR: Yours of the 2d of January has been received some time since, and copies of it forwarded to Generals Pinckney, Jackson, and Hall, for their information of your willingness that the troops therein alluded to might be discharged; and I (not being a military man) have asked of Generals Pinckney and Jackson, in respectful terms, whether it is not proper (as I do not know) for one of them to order that those troops be discharged? I have not heard from either in reply as yet. I have seen in a Nashville paper, very lately, the publication of an extract from a letter, written some time ago by Mr. G. W. Campbell to some friend, which states that the Secretary of War had informed him that he, the Secretary of War, had instructed the Governor of Tennessee to discharge those troops alluded to in yours of the 2d January. I

* It is on these two letters that the Committee assert that Gov. Blount had authority to extend the service of Militia to six months. It is not necessary to reason about such an argument. Any man who reads these two letters will see that they refer only to the number of militia to be called out, and the time of calling them out; but not the length of their service.

have only to remark, that such order for their discharge has not been received by me, and that I do not view your letter of the 3d January, as an instruction to me to discharge them, having thought that you would direct your order for their discharge either to General Pinckney or to General Jackson, and perhaps most properly to the latter, as best knowing the terms of service performed by the different corps which have, under all circumstances, from time to time, gone out under his command. It has appeared to me that the State Executive has not a right, short of positive instructions from the War Department, to order the discharge of troops acting in the service of the United States. I have noticed, in the papers, that the Governor of Vermont once ordered the discharge of Militia in the service of the United States, and that his order was not attended to. I have the honor to be, very respectfully, your obt. servant.

The Hon. JOHN ARMSTRONG, Secretary of War.

WILLIE BLOUNT.

The Secretary of War to Governor Blount.

WAR DEPARTMENT, April 15, 1814.

SIR: Your Excellency's letter, of March 23d, has been received. The President is pleased to authorize your Excellency to discharge from the service of the United States, the militia allotted to, if they have not been already discharged by Gen. Pinckney.*

My letter of the 3d of January last was intended to operate as an instruction on this subject; it contained the decision of the President in the case, and was addressed to your Excellency as the functionary having the best means of making it known to the parties concerned.

J. ARMSTRONG.

His Excellency the Gov. of Tennessee.

The Secretary of War to Governor Blount.†

(CIRCULAR.) WAR DEPARTMENT, JULY 4, 1814.

SIR: The late pacification in Europe offers to the enemy a large disposable force, both naval and military, and, with it, the means of giving to the war here a character of new and increased activity and extent.

Without knowing with certainty, that such will be its application, and, still less, that any particular point or points will become its objects of attack, the President has deemed it advisable, as a measure of precaution, to strengthen ourselves on the line of the Atlantic; and (as the principal means of doing this will be found in the militia) to invite the Executives of certain States to organize, and hold in readiness for immediate service, a corps of ninety-three thousand five hundred men, under the laws of 28th of Feb. 1795, and 18th of April, 1814.

The enclosed detail will show your Excellency what, under this requisition, will be the quota of Tennessee.

As far as volunteer uniform companies can be found, they will be preferred.

The expediency of guarding (as well in the designations of the militia, as of their places of rendezvous,) the points, the importance or exposure of which will be most likely to attract the views of the enemy, need but be suggested.

A report of the organization of your quota, when completed, and of its place or places of rendezvous, will be acceptable. I have the honour, &c.

J. ARMSTRONG.

Memorandum. The quota assigned to Tennessee was 2,500 infantry, forming two regiments and one battalion; to be commanded by a Brigadier General, with one Assistant Deputy Quartermaster General, and one Assistant Adjutant General, as his staff.

His Excellency the Governor of Tennessee.

Governor Blount to the Secretary of War.

NASHVILLE, 4TH AUGUST, 1814.

SIR: Orders are issued by the Executive of Tennessee for calling out two thousand five hundred of the militia of the State, agreeably to a requisition from the War Department, of the 4th of July last. They are required to rendezvous on the 20th September.† After rendezvous and organization, I respectfully ask, whether they will be continued at rendezvous, or be ordered to march; and, if the latter, to what point or points? I have &c.

The Hon. SECRETARY OF WAR, &c.

WILLIE BLOUNT.

Gov. Blount to the Secretary of War.—Extract.

NASHVILLE, 19TH OCT. 1814.

SIR: I have, also, the honour to transmit to you copies of an address of September 12th, 1814, from Col. Butler, Gen. Jackson's Adjutant General, to Tennesseans, to volunteer their services under General Coffee, and of Gen. Coffee's letter to me, of subsequent date, to wit: October 4th, shewing the number who have actually marched with him to General Jackson's Head Quarters; upon your receipt of which information, probably, you may be of opinion, that it may be unnecessary, now, to order out even the 2,500 militia, required by your requisition of the 25th September, which number will, however, be called out by me under that requisition, as soon as I hear from Governor Shelby on the subject of yours to him, and to me, of the 3d inst. unless I should be otherwise instructed by you. This is mentioned with the

* It appears here that another detachment could not obtain their discharge from General Jackson until the President was compelled to interfere and order them to be discharged.

† The Tennessee Militia to which those who were shot belonged, were called out and went into service on the 20th of June, 1814, some time before this letter of the Secretary for this further detachment was written.

‡ This letter of Gov. Blount explains the whole. The times of the detachment of whom six were shot, expired on the 20th Sept. the day they went home, and this letter of the Governor called out 2,500 more to supply their places. Gov. Blount considered their service to be only three months, and therefore named that day (Sept. 20th,) for the new detachment to rendezvous, and the record of the Court Martial shows that it was on the morning of the 20th Sept. that they went home. Yet six of them, who afterwards went back to the camp, were shot!!

view of giving to you all the information, possessed here, of troops in service, from this State, (as you have lately come into the War Department) and, in addition to the above mentioned, there is, in service, from this State, 1,000 men at the posts in the Creek country. They were called out for six months, and have nearly three months yet to serve; but, independent of them, there is now 2,500 militia of this State, in service, under a requisition from the War Department of the 4th July, which, with those under Gen. Coffee, abovementioned, make upwards of 5,000 men, who have just entered service. This number is a Major General's command, and a valuable officer of that rank, not in service, Gen. Carroll, of the 2d Division of Tennessee militia, now here, and who would be of great use to Gen. Jackson, whose confidence he possesses, is anxious to enter that service, and would, if it meets your approbation, start, at a moment's warning, to General Jackson's Head Quarters, to take command under him. Your orders will be attended. I have, &c.

WILLIE BLOUNT.

The Hon. SECRETARY OF WAR, &c.

Governor Blount to the Secretary of War.—Extract.

NASHVILLE, Nov. 22, 1814.

SIR: I transmit to you copies of letters from Col. Meigs to me of the 4th inst. and my answer to him of the 14th. respecting keeping up the garrison at Highwassee by militia, which I trust will meet your approbation; and that you will order that those who have served, and those who may hereafter serve, at that post, shall be paid for their services. I have, &c.

The Hon. SECRETARY OF WAR, &c.

WILLIE BLOUNT,

Governor Blount to Col. Meigs.—Extract.

NASHVILLE, Nov. 14, 1814.

SIR: As the same necessity now exists for keeping the garrison at Highwassee guarded by militia, as formerly, I wish a force, equal to that heretofore kept there for that object, to be kept up, and to be taken from the neighboring militia, to be called into service in future, and mustered as heretofore, under your requisition, which you are hereby authorized to make, to be made by General Coulter, or in his absence, the commanding officer of the 8th brigade, requiring him to advise the acting commanding officer of the first division, (who at present is General White, the senior brigadier,) of all the orders he may issue under your requisitions; stating what regiment or regiments in said brigade he calls on to fill it; and will be best to call on the regiments of said brigade, alternately, for the full complement of men to fill each requisition. The term of service to be for six months, unless sooner discharged by order of the President. Such term of service will be in unison with all other calls on the militia for the United States' service, and of course when such tour is performed, will entitle those who may have served, to a credit for a tour of duty; which would prevent much confusion among the militia on the subject of tours of duty; and you will please give to Gen. Coulter a copy of this letter, and request him to consider it as my order to him, to the full intent stated therein. I am, &c.

WILLIE BLOUNT.

COL. MEIGS, *Highwassee Garrison.*

REPORT OF THE ADJUTANT GENERAL.

ADJUTANT GENERAL'S OFFICE, Wash. Jan. 21, 1828.

SIR: Agreeably to your instructions, I respectfully submit a copy of the proceedings to the General Court Martial, which convened at Mobile on the 5th of December, 1814, and of which Lieut. Colonel Perkins, of militia, was President; a copy of the orders for the organization of the Court; also a copy of the orders subsequently issued in relation to its decisions.

The files of this office furnish no other general or special order, or letter, touching this subject, or, relating to the length of service, of Tennessee militia. I am, sir, very respectfully, your obedient servant,

R. JONES, *Adj't. Gen'l.*

To the SECRETARY OF WAR.

RECORD OF THE COURT MARTIAL.

MOBILE, 5th Dec. 1814.

Proceedings of a General Court Martial, held at Mobile, by virtue of the following orders:

ADJUTANT GENERAL'S OFFICE, NOV. 21st. 1814.

HEAD QUARTERS, 7th Military District.

AFTER GENERAL ORDERS.

A General Court Martial, to consist of five members, and two supernumeraries, will convene at Mobile, at such time as Lieut. Colonel Arbuckle shall direct, for the trial of such militia prisoners as may be brought before it. Col. P. Perkins is hereby appointed President of the Court, and Lieut. W. L. Robeson, of the 5d Regiment of Infantry, will act as Judge Advocate. Colonel Pipkin, of the 1st Regiment W. T. militia, will detail the members, from the State troops at and near Fort Montgomery; order on all the witnesses necessary for the trial of the prisoners of his regiment at this place; also, furnish specific charges against them; and lastly, will notify Lieut. Colonel Arbuckle of the probable time they will reach this point, to enable him to regulate the hour of sitting. By command. ROB. BUTLER, *Adj't Gen.*

ORDERS.—The General Court Martial, of which Col. Perkins has been appointed President, will convene at eleven o'clock on the 5th instant, at such quarters as the Assistant Deputy Quartermaster Gen. may assign for that purpose. M. ARBUCKLE, *Lt. Col. Com.*

The Court met, pursuant to the preceding order,

PRESENT: Lieut. Colonel P. Perkins, President; Major Wm. C. Smart, Captain James Blackmore, Captain Wm. McKay, Lieut. James Boyd, Members; Lieut. Daniel Mitchell, Ensign Thos. H. Williams, Supernumeraries.

The Court having been regularly constituted, and no persons appearing before them for trial, adjourned until to-morrow, 10 o'clock.

The Court met, pursuant to adjournment. Present, the President and Members; and having been qualified in presence of the accused, who being previously asked if they had any

objection to any of the members, and having answered in the negative, proceeded to the trial of Captain JOHN STROTHER, 1st. Regiment W. T. militia, arraigned on the following charges, and specifications:

CHARGE 1st—Exciting to Mutiny.—Specification: In this: that, on the march between Fort Deposit and Fort Jackson, between the 4th of July and 31st of the same,* *he stated in presence of some of the troops, there was no law to compel them to serve longer than three months; and unless he was shown a better law than he had seen, he would march his company home at the end of that time.*

CHARGE 2d—Conspiring at Mutiny.—Specification: In this, suffering those under his command to go unreported to the commanding officer, contrary to the Rules and Articles of War, in such case made and provided; and in using words tending to lead men to the act of mutiny; stating, that, if he was the Lieutenants he would march the company under his command home, on the 20th September, 1814.

CHARGE 3d—Disobedience of Orders.—Specification: In this: not complying with the regimental order, bearing date the 23d August, 1814, which required the officers of all grades, and privates, to use their best endeavor to suppress any mutiny, or intended mutiny, under the pains and penalties of a violation of the law of the United States. To which charges and specifications, he plead not guilty.†

Lieut. Thomas Horne, a witness in behalf of the prosecution, being sworn, states: That the accused observed to him, but a few days before the mutiny broke at Fort Jackson, that *he would be angry enough to shoot any of his men who would pretend to go home previous to the 29th of December, and had previously directed his men to discard the idea of going home, until he went, which would be at the expiration of six months.*

Question by the Prosecutor. At what time did you first hear Capt. Strother dissuade his men from going home? Answer. I disremember; but I believe it was in September.

Ensign Thomas Simpson, a witness in behalf of the prosecution, being sworn, states: That he frequently heard that Capt. Strother should have said; that, if he was a lieutenant or ensign, he would march the men home; upon which, he applied to him to know whether or not he had used such an expression; when the Captain informed him he had not, and advised him to stay and do his duty until he, the Captain, would go, which would be at the expiration of six months. And, at another time, he heard the Captain tell some of his men, that, *if they went, it would be at their risk of their lives, being shot, and, perhaps, have cause to regret such an act as long as they lived.*

Question by the Court. Did you ever hear Captain Strother use any threats towards the men who were talking about going home; say that he would put them under guard, or report them to the commanding officer? Answer. I do not know that I did, further than stated heretofore.

Question by the Prosecutor. How many days before the men actually went off, did you hear this inquiry of Captain Strother? Answer. I do not recollect the precise time, but believe it have been six or eight days previous.

John S. Smith, (Fife Major) a witness in behalf of the prosecution, being sworn, states: That he never heard any language used by the Captain to his men, but to continue in service until the expiration of their six months; and that it was highly improper to be breaking off; and that they would be punished if they went sooner.

Serjeant John D. Smith, a witness in behalf of the prosecution, being sworn, states: That he formerly belonged to Capt. Smith's, and was attached in Capt. Strother's company at Fort Williams; marched under his command to Fort Jackson, and never heard his Captain say one word on the subject mentioned in the charges, but once. When at Fort Jackson, at the time the meeting assumed a pretty high tone, he observed. "Boys, hush mutinising; stay until I go home, which will be at the expiration of six months.‡"

David Morrow, serjeant of Capt. Strother's company, a witness in behalf of the prosecution, being sworn, states: That, on the march between Fort Jackson and Deposit; his Captain asked him how long he expected to stay in service; to which he replied, six months—as they were mustered in for that time: when his Captain observed that, unless he was shown a better law than he had yet seen, he should not serve longer than three months; and, on the 19th Sept. told him that, if he was a lieutenant or ensign, he would march his company home at the end of three months, as there was no law to keep them any longer.

Question 1st. by the accused. Do you know whether or not I called for a guard one evening, to prevent the bake shop being pulled down; and do you know the reason that a guard could not be had? Answer. Yes; you called for a guard for that purpose, and I believe the men were apprehensive of danger.

Question 2. Was not it mentioned as useless to try to get a guard? and did I not say that I could get my own guard. Answer. You stated that you could get your own guard, and I think it was myself who observed that it was useless.

Question 3. Was there not a verbal order from the Colonel, to stop the guards; perhaps some good men might be killed? Answer. I think there was such an order; but I am not certain.

Question. At the time you asked me about going home, did I not say you had better stay? Answer. I do not recollect your advising me to stay.

Question by the Prosecutor. What day of the month of September was the bake-shop broken? and was not Capt. Strother officer of the day at the time? Answer. The bake-shop was

* To make the execution of the unfortunate privates of the company more shocking and cruel, it appears here that their Captain was charged with having misled them.

† The reader is desired to notice the evidence in Capt. Strother's case—for it is not among the least remarkable circumstances of the whole transaction, that a Captain should have been cashiered on such proof.

‡ Here Serjeant Morrow was sworn as a witness; and in a few pages, the reader will see Serjeant Morrow himself tried and ordered to be shot.

broken some time in the month of September, previous to the 20th, and I think Capt. Strother was officer of the day.

Question. What number of men went to the bake-shop; and did they not force the camp guard? Answer. Well on to one hundred; and the sentinel informed me they came with their guns charged, and he was compelled to give way, and let them pass.

Jonathan Smith, a private of Capt. Strother's company, a witness for the prosecution, being sworn, states: *That he knows nothing of the matter.*

Question by the Court. Did you ever see Capt. Strother make any effort to stop the progress of mutiny? Answer. I do not know that I did.

Question by the Prosecutor. Did you ever hear Capt. Strother say there was no law to compel them to serve longer than three months? Answer. *I never heard him say any such thing.*

Question by the accused. Did you not hear me try to parade the guard, to stop the affair at the bake-house? Answer. I recollect your trying to stop it, and calling the roll to see who was absent.

Rowland Vlek, a private of Capt. Strother's company, a witness in behalf of the prosecution, being sworn, states: *That he knows nothing of the matter.*

Question by the Court. Did you ever hear Capt. Strother try to suppress mutiny? Answer. I recollect, when the men were paraded one day, Capt. Strother asked them what they were making such a fuss about; and, on being informed, *he told them that it would be time enough to go home when he went.*

Question by the Prosecutor. Was that the only time you ever heard Capt. Strother say any thing on the subject?—Answer. I remember *once more that he informed one of his men that he would be shot if he attempted to go.*

Question by the Prosecutor. How many days previous to the men's leaving Fort Jackson, was this precautionary language made use of by Capt. Strother?—Answer. I do not recollect.

Question by the accused. Did you not hear me say to the men, the evening they were paraded; that they had better stay until the expiration of six months, and go home with me?—Answer. I disremember.

James Carter, a private of Captain Strother's company, a witness in behalf of the prosecution, being sworn, states: *That he knows nothing of the matter.*

Question by the Court. Do you know whether Capt. Strother ever used any exertion either to encourage, or discourage mutiny? Answer. I heard Capt. Strother say to the men, that they had better quit such foolish notions, and remain until he went home.

Question by the Prosecutor. Did you ever hear Capt. Strother threaten to have men put under guard, who were speaking of going home at the expiration of three months?—Answer. *I never heard any thing of the matter.*

John Harris,* a private of Captain Kilpatrick's company, a witness in behalf of the prosecution, being sworn, states: *That he never heard Captain Strother make use of any such language as charged, for or against.*

Francis Campory, a private of Capt. Strother's company, a witness in behalf of the prosecution, being sworn, states: *That, in passing by the Captain's tent, he heard some of the men ask Captain Strother, what would be the consequence were they to go home; to which he replied, that he had been looking and could find no law compelling them to stay longer than three months, and that he did not know whether they would be hurt or not.*

Question by the accused. Do you know how many men there was in my tent? Did you see any? Was it at my tent, or at the store you heard this language, or did you see me?—Answer. *As I passed the rear of the tent, I could neither see nor tell how many were within; but I heard your voice in the tent.*

Question. Did I not tell you to stay when baking biscuit?—Answer. I did not hear you say so.

Robert Kelgore, a private of Captain Strother's company, a witness in behalf of the prosecution, being sworn, states: *That he never heard any language used by Captain Strother, on the subject of the mutiny, but once, when he heard him state to his men the propriety of staying until he went; which would be time enough.*

William Long, a private of Captain Strother's company, a witness in behalf of the prosecution, being sworn, states: *That Captain Strother came to the men on parade the night previous to their departure from Fort Jackson, and told them it would be time enough to go home when he did.*

Question by the prosecutor. Was that the only time you ever heard Captain Strother say any thing on the subject?—Answer. I heard him speak on the subject several times.

The Court adjourned until to-morrow 10 o'clock.

The Court met, pursuant to adjournment; Present, the President and members; and proceeded to the further examination of the witnesses.

Sergeant Esjah Cheek, of Captain Strother's company, a witness in behalf of the prosecution, being sworn, states: *That he heard his Captain, at several times, tell the men, when speaking about departing from Fort Jackson, to stay until he went, which would be time enough; and that he heard Captain Strother say there was no law to compel them to serve longer than six months.*

Anderson S. Britt, of Captain Strother's company, a witness in behalf of the prosecution, being sworn, states: *That he heard Captain Strother say to the men, one evening, on parade, that it was rumoured in camp, that they intended going home at the end of three months, and he wished them to use no more language of that nature, but remain until he intended going which would be in sufficient time; and further, that this conversation took place about two or three weeks before the men left Fort Jackson.*

* Here John Harris, was sworn. The reader will find the trial of Harris in the following pages and the order for shooting him.

John Green, a private of Captain Strother's company, a witness in behalf of the prosecution, being sworn, states: That he never heard any other language used by the accused, than to advise his men to continue until he went home, which would undoubtedly be at the end of six months; and, further, that this language was used in presence of his company, after having called them to the centre on parade, the evening after the bake shop was pulled down.

Moses Age, a private of Captain Strother's company, a witness in behalf of the prosecution, being sworn, states: That he knows nothing of the matter, as he was sick near all the time he was at Fort Jackson.

Col. P. Pipkin, a witness in behalf of the defendant, being sworn, states, That, Captain Strother asked him, perhaps twenty or thirty days previous to the men's going off from Fort Jackson, to show him the law which compelled men to stay in service longer than three months; that he replied, it was not in his possession, upon which the Captain stated, that it was his duty to know it; that the accused never reported to him, as commanding officer, any thing relative to the mutiny of his company, until the night of the 15th September. When the bake shop was demolished, he heard the accused, who was then officer of the day, parading the troops, and believe it to have been his company, to check the violence committed on the bake shop; that he ordered the party not to march against the mutineers, as he conceived them too inconsiderable to effect any good; that, he recollects no other attempt made by Capt. Strother, to quiet the refractory disposition of the men, but once, when he heard him ask the men if they had no breeding; that they behaved like a parcel of Savages; to let him hear no more of it, until the 20th September, when the mutinous party left Fort Jackson.

Major Jacob Thompson, a witness in behalf of the defendant, being sworn, states: That he was absent from the regiment the whole time of the affair at Fort Jackson.

Question by the accused. Did you ever hear my superior officers say, whether I was obedient to their orders?—Answer. Some time after the mutiny at Fort Jackson, I heard a conversation between yourself and Col. Pipkin, when you asked him if you were not as obedient an officer as any under his command; when he answered in the affirmative, with the exception of your conduct during the mutiny at Fort Jackson; and that he supposed you were not as active in discharge of your duty as might have been expected.

Lieut. John T. Kocksey, a witness, being sworn, states; That, during his continuance at Fort Jackson, he never saw any thing favorable or unfavorable to his conduct as charged, and that he once heard one of Captain Strother's men say, that he had no person but himself to blame for his conduct in leaving the service.

Major John C. Hicks, a witness in behalf of the defendant, being sworn, states: That, between the 1st and 10th of August, while at Fort Jackson, the accused called at the Colonel's tent, and said, that he would be glad to see any law which would compel men to stay in service longer than three months; when he got the Rules and Articles of War, and read them himself, and after he had borrowed, and returned them, about the 16th, one of his sergeants called to borrow it, and read the law of 10th of April, 1812, on the subject of militia term of service: immediately afterwards there was material alteration in the sergeant's behaviour; the sergeant engaged in conversation with some of the men on the same subject; and that he was compelled to order the sergeant to desist using any such mutinous language.

Question by the defendant. Was I obedient, or not, to the orders of my commanding officer?—Answer. You always executed orders that were given, with the exception of the order of the 23d August, 1814, relative to which, the Colonel, as well as myself, considered you indolent; and sometime after the mutiny had assumed a decided aspect, I heard you tell some of your men, that they had better not to go home on the 20th September; to wait until you went.

Ensign Wm. Pegram, a witness in behalf of the defendant, being duly sworn, states: That he was at Fort Jackson only a short time, during which he was frequently in company with Captain Strother; that he never heard him say any thing, either directly or indirectly, tending to excite mutiny and produced a letter, dated Fort Jackson, 7th September, of which he was bearer, from Captain Strother to his brother-in-law at Fort Williams; from which the following is an extract:

"I want you to stay at Fort Williams, if not ordered down here; or at least, wait for me at Fayetteville until we are discharged, and try and stop that simple notion the men have of breaking off on the 20th this month, to go home. Give the men in my company my compliments; tell them not to move from there until they are ordered by proper authority."

Ensign Geo. J. Martin, a witness in behalf of the defendant, being sworn, states: That, on the march, or while at Fort Williams, Captain Strother asked him if he ever saw any militia law compelling the men to stay in service for a longer period than three months; in answer to which he observed he had never seen such a law; and that he was at Fort Jackson, about 12th September, when he heard much mutinous language among the soldiers, and received an assurance from one of the Captain's men, that his officers discountenanced every such procedure.

Philip Bryant, a private of Captain Strother's company, a witness on the part of the defendant, being sworn, states: That his Captain always told him that he was bound to stay six months; believes he used his best endeavour to suppress mutiny, and that he heard such language from from his captain at various times; and sometime subsequent to the 10th, he persuaded his men to continue in service until Majors Hicks or Halston could go to Nashville, to procure the law relative to their term of service; and that he heard one of the men of Captain Strother's company say that if he could break the officers men would be cleared.

Here the evidence ended.*

Captain John Strother states in his defence, that he is conscious of his innocence, and willingly submits his case the decision of the Court, and to do equal justice to himself and country.

The Court, after due deliberation on the evidence adduced, find the accused guilty as charg-

* And on such evidence, a gallant officer was cashiered and turned out of the Militia!

oil, with the exception of failing to report his men to the commanding officer, and sentenced that he be dismissed the service, as unworthy of holding a commission in the Army of the United States.

The Court adjourned until to-morrow, 9 o'clock.

The Court met, pursuant to adjournment: Present the President and Members; and proceeded to the trial of 3d Lieut. JAMES McCAULEY, 1st Reg. W. T. militia, arraigned on the following charges and specification:

CHARGE 1st—Exciting to Mutiny.—Specification. In this: that, between the 10th Sept. 1814, speaking words tending to lead men to the act of mutiny, by saying that the opinion of the United States' Attorney for the State of Virginia was nothing but newspaper law.

CHARGE 2d—Conniving at Mutiny.—Specification. In this: that, on the 19th September, 1814, he gave directions to some of the mutinous party, to put in his knapsack his proportionable part of provisions which had been forcibly taken from the issuing house by them; and further said, that he would be with them in a few days, as he had some business to settle which would detain him that length of time.

CHARGE 3d—Disobedience of orders.—Specification. In this: not using his endeavour to suppress any mutiny or intended mutiny, as required by said order of 23d Aug. 1814. To which charges and specifications he plead Not Guilty.

LIEUT. THOMAS HORNE, a witness in behalf of the prosecution, being sworn, states: That he knows nothing of the matter in point.

SERGEANT JOHN D. SMITH, of Capt. Strother's company, a witness in behalf of the prosecution, being sworn, states: That he never saw any exertion made by the accused, either to excite or discourage mutiny.

JONATHAN SMITH, a private of Captain Strother's company, a witness in behalf of the prosecution, being sworn, states: That the men frequently collected in front of Lieut. McCauley's tent, to make use of the *black drink* before their departure from Fort Jackson; and that he never knew any attempt made by the accused either to excite or suppress mutiny.

JAMES CARTER, a private in Captain Strother's company, a witness, being sworn, states: That he knows nothing of the matter.

ROWLAND VICK, a private of Capt. Strother's company, a witness in behalf of the prosecution, being sworn, states: That he recollects no attempt made by the accused either to encourage or discourage mutiny; and further saith not.

James Gumbiral, a corporal of Captain Strother's company, a witness in behalf of the prosecution, being sworn, states: That he heard the accused say that the opinion of the United States' Attorney of the State of Virginia was nothing but newspaper law; that the accused asked him, between the 13th and 20th September, if he had given out the foolish notion of going home; that his answer was in the affirmative, as he disliked the idea of being confined under guard, and that he wished to do the thing that was right; when the accused asked him if he did not think it was right to go home; that he replied in the negative, as the Colonel discountenanced it, and his orders ought to be obeyed; the accused then told him that the Colonel wished to devil them all that he could; at which time the conversation ended; and the same evening they met, and the accused asked him if he had determined on, or if he had made up his mind to go—said some would, and, if any did, he wanted the company particularly to do so; that the Lieutenant was frequently present when the men were using the *black drink*, and uttering mutinous language, and knows of no attempt made by the accused to stop the progress of mutiny.

John Smith, (fife-major) a witness in behalf of the prosecution, being sworn states: That several of the men, in his presence, asked the Lieut. his opinion of going home, and the only answer he ever heard to such enquiries, that it was not right to go home; but knows of no other exertion, by him to suppress mutiny.

David Morrow*, Sergeant of Captain Strother's Company, a witness in behalf of the prosecution, being sworn states: That he heard the accused say that the opinion of the U. S. Attorney of the State of Virginia was nothing but newspaper law; heard him ask some of the men, who were dividing provisions, taken from the issuing-house, if they had put any in for him—when he was asked, by some of the party if he would go, he answered that he reckoned so, and directed his proportionable part to be put in the bag, belonging to some of the mess, accordingly, one and a half pansful of flour was placed in it.

John Harris,† a private of Capt. Kilpatrick's company, a witness in behalf of the prosecution, being sworn, states: That, sometime in the month of September, one of the men asked the accused, in his presence, for permission to purchase one gallon of whiskey to treat the men who were going home on the 20th of the month, and that he smiled, and said he would always wish to see men treated in a good cause. Sometime afterward he went to the accused and asked his opinion, when the accused replied, that if he was clear of a commission he would act as others were about to do.

Col. P. Pipkin, a witness on behalf of the defendant, being sworn states: That the accused to his knowledge never made any attempt either to excite or discourage mutiny, but suppose he did not use his endeavour to suppress mutiny, as required by a regimental order, dated 23d August, 1814.

Question by the accused. Did I not, sometime before the mutineers went off, ask you if those men who remained, would not be attached to other companies?

Answer. I was asked that question a day or two before they went away, by some persons, but disremember who they were.

* Afterwards shot.

† Afterwards shot. Every honorable man's feelings must revolt at the fact that after making use of Morrow and Harris as witnesses, they were tried and deliberately shot!

Capt. George Michane, a witness being sworn, in behalf of the defendant states: That his indisposition, during the mutiny at Fort Jackson, prevented his knowing any thing relative to the Lieutenant's conduct.

Lieut. John W. Cooksey, a witness on behalf of the defendant, being sworn, states: knows of no attempt made by the accused, either to excite or suppress mutiny.

Lieut. James Boyd, a witness in behalf of the defendant, being sworn states, that he is totally unacquainted with the Lieutenant's conduct, but heard the commanding officer express his opinion on the subject, and said he thought the accused was not as villainous as could be expected.

Ensign Thomas Simpson, a witness in behalf of the defendant, being sworn, states: That he knows of no language made use of by the accused, as charged, and no attempt either to excite or suppress mutiny and that he heard the Lieutenant say, that he did not calculate on going home until he obtained an honorable discharge, which would be between the 20th December and 20th January, 1811.

Ensign Jesse Gilbert, a witness in behalf of the defendant, being sworn, states: That he was frequently in company with the accused during the mutiny and never heard him make use of any language, as charged, and of any attempt of his, either to excite or check the proceedings of the mutinous party.

Question by the accused. Did you never hear me say that I was determined to continue in the service, until I got an honorable discharge? Answer. You mentioned to me, that it was your intention to stay until the expiration of the time of service, let others do as they would; and that his observation was made by the accused, about eight or ten days previous to the men's departure from Fort Jackson.

James Shelton, a private of Captain Strother's company, a witness in behalf of the defendant, being sworn, states: That he heard the accused, several times, check the men when using mutinous language; and say they had best stay; that he and the accused messed together, ever since they were in service; knows no provision having been drawn from the mutinous party; or any, for the purpose of going home; that the accused stated to some of the men, who intended quitting the service, the impropriety of leaving the service, and that the Colonel had informed him, that, provided they would stay, they should be commanded by their own officers.

John Bertram, a private of Captain Strother's company, a witness in behalf of the defendant, being sworn, states: That the accused and himself messed together, during the mutiny at Fort Jackson, that the accused frequently checked the men, when using mutinous language in his presence; knows of no provision having been received in the mess, from the mutinous party; heard the accused say, at various times, that he did not calculate on going home previous to the 15th January.

John G. Clark, a private of Captain Strother's company, a witness in behalf of the defendant, being sworn, states: That he knows nothing of the matter.

Robert Dimpuss, a private in Capt. Strother's company, a witness in behalf of the defendant, being sworn, states: That he knows nothing of the matter contained in the charges.

Benjamin Jones, a private of Capt. Strother's company, a witness in behalf of the defendant, being sworn, states: That the accused told him that he expected to continue in service until the expiration of the time; that in his presence, he persuaded the men to stay at Fort Jackson until discharged; and such language was used by the accused at various times during the mutiny.

Robert Plant, a private of Captain Strother's company, a witness in behalf of the defendant, being sworn states: That the accused advised him not to leave the service although all the company should; that he ever shewed a disposition to suppress mutiny, as far as it came within his view; and heard him threaten to put some of the men under guard, who were speaking of going home.

The Court adjourned until to-morrow 9 o'clock.

The Court met, pursuant to adjournment: Present, the President and members, and proceeded to business.

Ensign George J. Martin, a witness in behalf of the defendant, being sworn, states: That he knows nothing of the matter, further than heard one of the men, under the command of the accused, say that he had to blame himself alone for his misconduct, in leaving the service.

Philip Bryant, a private in Capt. Strother's company, a witness in behalf of the defendant, being sworn, states: That the accused directed some of the men in his presence, to condone the use of *black drink*, to stay in the service until they were certain the time had expired for which they had engaged. He heard some of the mutinous party ask the accused if they were to take him outside the chain, to the old encampment, at the point of the bayonet; if he would not follow on there? to which he replied, they must use no such threats as that; when one of the party said, they would try it any how, whereat the defendant turned off, and left them, some time afterwards returned; some of the party asked him if they should carry any provisions for him; that the accused answered in the negative, and said, return what you have taken by force from the issuing house; and, as far as came under his view, the accused discountenanced all mutinous proceedings; heard one of the witnesses in behalf of the prosecution say, that if the Captain and Lieutenant could be broke, the men would be acquitted; that he has frequently heard the men ask the Lieutenant if he intended going home, and that he always told the men to stay six months; and said he intended staying as long as the Colonel did.

Lieutenant McCauley states in his defence, that he is conscious of his innocence, and cheerfully submits the matter to the decision of the Court.

The Court, after mature deliberation on the evidence adduced, find the accused Guilty, as charged, and sentence, that he be dismissed the service, have his sword broken over his head with a total disqualification of ever holding commission in the Army of the United States.

The Court having been qualified in presence of the prisoners, who having been previously asked if they had any objections to any of the members, and having answered in the negative, proceeded to the trial of *Jacob Webb*, a private in Captain Strother's company.

CHARGE—DESERPTION.—SPECIFICATION. In this: that on the night of the 19th September, 1814, he deserted his post, while on guard between the hours of six in the evening and six of the morning of the same month, Sept. 1814.

CHARGE 2d—MUTINY.—SPECIFICATION. In this: that, on the morning of the 20th Sept. 1814, paraded with the mutinous party, and at the end of reveille beat, marched off with them, yelling, and firing scattering guns, and after arriving in the neighborhood of Fort Strother, between the 20th and 30th September, 1814, he headed the mutinous party of Capt. Strother's company.

CHARGE 3d—ROBBERY.—SPECIFICATION. That, between Fort Strother and Fort Deposit, he stopped a wagon, and took out flour, belonging to the contractor's agents; Messrs. Pope, Braham, and Hickman, in the month of September, between the 20th and 30th of the same.

To which charges and specifications the prisoner plead Not Guilty.

Lieut. David Mitchell, a witness in behalf of the prosecution, being sworn, states: That he is totally unacquainted with the matter.

Lieut. Thomas Horne, a witness in behalf of the prosecution, being sworn, states: That he was officer of the guard on the 19th September; that the prisoner belonged to his guard, refused to do the duty of a sentinel on post, did not return after going to his tent, although ordered to do so, and continued there during the night. On the morning of the 20th Sept. the mutinous party left Fort Jackson, after which the prisoner was missing, and candidly believes he accompanied them.

Captain Strother, a witness in behalf of the prosecution, being sworn, states: That he believes the prisoner paraded at reveille, as charged, and he is certain that he marched off with the mutinous party.

John Carroll, a witness in behalf of the prosecution, being sworn, states: That the prisoner was not the man who forcibly took the provisions of the contractor's wagons.

The Court adjourned for want of evidence, until to-morrow, 9 o'clock.

The Court met, pursuant to adjournment: Present the President and members; and proceeded to the further examination of the witnesses.

Green B. Newsom, a private of Capt. Strother's company, a witness in behalf of the defendant, being sworn, states: That the prisoner deserted his post at Fort Jackson, went off with the mutinous party, and, when in the vicinity of Fort Strother, was elected captain of the party; does not know who robbed the wagons of flour, that the prisoner, as captain, ordered them to interfere with nothing at Fort Strother, and accordingly nothing was touched.

Samuel H. Burton, a private of Captain Strother's company, a witness in behalf of the defendant, states: That he believes Webb was not present when the flour was taken from the wagons.

Samuel Gibb, a private of Captain Strother's company, a witness in behalf of the defendant, being sworn, states: That the prisoner did march off on the morning of the 20th Sept. with the mutinous party, and believes the prisoner was not concerned in taking the flour from the wagons.

J Webb, a private of Captain Strother's company, a witness in behalf of the defendant, being sworn, states: That the prisoner took command of the mutinous party of Captain Strother's company, at the request of a majority of the men, and, he believes, with the intention of comforting the sick, and preventing violence on the forts.

The prisoner, in his defence, states, that he served three months, faithfully, and conceived, from the best information he could get, that his term of service had expired; that he was told, by both non-commissioned officers and privates, that it was nothing but right to go home; and, as soon as he discovered his error, he returned to his duty.*

The Court, after mature consideration on the evidence adduced, find the prisoner *Webb*, guilty of the first and second charges and specifications, and sentence him to receive the punishment of death by shooting.

David Morrow, a Sergeant of Captain Strother's Company, W. T.

CHARGE 1st—MUTINY.—SPECIFICATION. In this: that, between the 20th and 30th Sept. 1814, he carried about a paper to get assigners to go home on the 20th of the same; also, on the morning of the 19th Sept. 1814, he forced the guard at the issuing house, and broke the door, and rolled out several barrels of flour, went to the bullock pen, shot down several heeves, brought them to camp, there issued the beef and flour among the mutinous party, cooked it, and, on the morning of the 20th Sept. 1815, at the end of reveille-beat, marched off at the head of the mutinous party of Captain Strother's party, yelling and firing his gun.

CHARGE 2d.—EXCITING TO MUTINY.—SPECIFICATION. In this: persuading soldiers to go home on the 20th Sept. 1814, and not reporting those who were speaking words tending to lead men to the act of mutiny, as required by a regimental order of the 23d August, 1814.

To which charges and specifications, the prisoner plead Not Guilty.

Stephen Ray, a sergeant of Capt. Mebane's company, a witness in behalf of the prosecution, being sworn, states: That he was on fatigue on the night on the 19th of September; some of the party expressed their dissatisfaction at not having an opportunity of cooking provisions to go home, as well as those in camp; when the prisoner said, that any person who intended going home the next morning, was a fool for being there at work; accordingly, a great many of the party left their duty, and repaired to the camp to cook; and that the prisoner did march off on the morning of the 20th, with the mutinous party, yelling, and firing their guns.

Philip Bryant, a private of Captain Strother's company, a witness in behalf of the prosecution, being sworn, states: That he saw the prisoner with a subscription paper, and heard it read,

* This is true. The following extract from the the muster Roll shows that he came back on the 15th of October. Extract from the Muster Roll.

"Jacob Webb—Private—Returned October 15."

going about to procure subscribers to proceed home on the 20th September, 1814; saw the prisoner at the issuing house; heard him order another man to break down the door; saw him picking out flour, and having it rolled out, on the 19th September; that beef was brought into camp on the same day, and the prisoner issued both meat and flour to the mutinous party; that the prisoner marched off at the head of the mutinous party of Captain Strother's company, at the end of the reveille-beat, on the morning of the 20th September, yelling, and firing his gun; that the prisoner persuaded soldiers to go home on the 20th of September, 1814.

Col. P. Pipkin, a witness in behalf of the prosecution, being sworn, states: That, on the morning of the 19th September, as well as he recollects, the prisoner was actively employed in getting the provisions rolled on between the issuing house and encampment; on the night of the 17th or 18th of the same month, the prisoner came to his tent, and asked permission to go into a small house and write a letter to his family, stating that he had declined going home; that he saw the letter, which was expressive of his intention of staying in service until he could get an honorable discharge; on the morning of the 20th, thinks that the prisoner paraded on the right of the mutinous party of Capt. Strother's company at the beat of reveille, and is not positive whether he marched off in that way or not, but believes he did; and he disremembers the prisoner's reporting any of the party who were acting mutinously.

George Cohee, a corporal of Capt. Strother's company, a witness in behalf of the prosecution, being sworn, states: That the prisoner issued the provisions on the 19th of September, to the mutinous party; and further believes the prisoner fired his gun on the morning of the 20th, when marching off from Fort Jackson.

Green B. Newsom, a private of Captain Strother's company, a witness in behalf of the prosecution, being sworn, states: That he believes the prisoner was not of the party who brought in the beef, and was at the head of the mutinous part of Capt. Strother's company when they marched off on the morning of the 20th September, 1814.

George Gumbree, a corporal of Capt. Strother's company, a witness in behalf of the prosecution, being sworn, states: That the prisoner was not of the party who shot the beeves at the bullock pen.

Capt. Strother, a witness in behalf of the prosecution, being sworn, states: That the prisoner marched off with the mutinous part of his company, on the morning of the 20th, and that the prisoner never reported any men to him who were speaking of going home from Fort Jackson.

The prisoner, having refused the privilege of producing any evidence in his behalf, *exhibited an honorable discharge* from the 28th infantry, with the following General Order:

"CAMP STEWART, 1st Nov. 1814.—GENERAL ORDERS..

To all officers of the United States' Army: Whereas David Morrow, belonging to Capt. John Strother's company, attached to the 1st regiment Tennessee militia, who deserted from Fort Jackson on the 20th or 21st September last, has come forward and surrendered himself to this camp has acknowledged the error of his conduct, professed his penitence for the same, and begged permission to join his company, and serve out his time of service or duty, as a faithful soldier: he is hereby pardoned, on reporting himself to his company of Col. P. Pipkin's regiment, without delay, subject to the will of the commanding General.

The officers commanding at stations, are directed to furnish him with rations, and the said David Morrow is permitted to join Capt. Blackmore, who will suffer him to do so, in order more safely to pursue his proper journey to his proper station. By command:

GEO. DUFFIELD, Aid-de-Camp to Brig. Gen. Taylor."

And states, in his defence, that the reason of his leaving the service, was in consequence of the advice which he received from his Captain, corroborated by the opinion of Gen. Johnston, Col. Chatham, Capt. Earp, as well as many others, who stated that there was no existing law, within their knowledge, compelling men to stay in service longer than three months; as well as an assurance of Serjeant Check, who said that he had once left the service under the same law, and had not received any punishment for doing so; and, furthermore, throws himself on the mercy of the Court.*

The Court, after mature consideration on the evidence adduced, find the prisoner guilty as charged, with the exception of forcing the guard and killing the beeves, and sentence him to receive the punishment of death by shooting.

John Harris, a private of Captain Strother's company.

CHARGE 1st—MUTINY.—SPECIFICATION. In this: between the 10th and 20th September, 1814, he went about through the camps, to get assigners to go home on the 20th Sept. 1814, and stated that he would soon have a larger company than Capt. Kilpatrick; and, on the morning of the 19th September, he received his proportionable part of the beef and flour that was forcibly taken, cooked it, and, on the morning of the 20th September, 1814, at the end of the reveille-beat, marched off, yelling, and firing his gun; and after arriving in the neighborhood of Fort Strother, he stated that he would retake those who had been taken by Capt. Blackmore.

CHARGE 2d—CONNIVING AT MUTINY.—SPECIFICATION In this: not reporting those who were of the mutinous party, as required by the Rules and Articles of War. To which charges and specifications the prisoner plead Not Guilty.

Lieut. Noah Bennett, a witness in behalf of the prosecution, being sworn, states: That he saw the prisoner, on the 19th September, 1814, with a paper containing a good many names, and the prisoner informed him he only set down such men's names as directed him to do so; that those who were present said it was a list of men's names to draw provisions to go home on the 20th; that the prisoner was one of the mutinous party who marched off on the morning of the 20th, that he belonged to the same company, and believes the prisoner never reported any

* This is the most shocking case of all. Serjeant Morrow was pardoned by his General and returned to duty on the 8th day of November. Extract from Muster Roll:

"David Morrow, 1st Serjeant—Returned, Nov. 8."

the mutinous party; as required by the Rules and Articles of War; that the prisoner was under his immediate command on the 19th September, and that he behaved himself, as usual, well until the evening, when he saw him with the paper described heretofore.

John H Hogan, a witness in behalf of the prosecution, being sworn, states: That he saw the prisoner with a paper, setting down such men's names as intended drawing provision for the purpose of going home, and, on the morning of the 20th September, he saw the prisoner march off with the mutinous party.

John Husbands, a private of Capt. Kilpatrick's company, a witness in behalf of the defendant, being sworn, states: That he saw the prisoner some time previous to the 20th September, with a paper, setting down such men's names as intended going home; that the prisoner did not appear to be using any persuasion, and stated it was right some should remain at the fort; that he would soon have a larger party than Captain Kilpatrick; and believes that the prisoner did march off with the mutinous party, on the morning of the 20th.

John Johnson, a private of Captain McKay's company, a witness in behalf of the prosecution, being sworn, states: That, while at Fort Jackson, in the month of August, he heard the prisoner say that there was no law to compel the men to stay in service longer than three months; that he was a man of spirit, and would not stay longer; that a considerable number of the men would go then, and one who would refuse, he could see him by oneted about six inches; that they would go up to the *big, or great man*, and shiver their muskets over his head; but not strike so hard as to kill him.

The Court adjourned until to-morrow, 9 o'clock.

The Court met, pursuant to adjournment: Present, the President and members; and proceeded to the further examination of the witnesses.

Edward Stephens, a serjeant of Captain Kilpatrick's company, a witness in behalf of the defendant, being sworn, states: That he saw the prisoner with a paper, setting down such men's names as were going home, and said that he would take down none but such as directed him to do so; and the prisoner marched off with the mutinous party on the 20th Sept.

James Alexander, (Serjeant Major,) a witness in behalf of the defendant, being sworn, states: That, on the 19th September, he saw the prisoner, when the provisions were issued; believes he received his proportionable part; and, on the morning of the 20th, marched off with the mutinous party; that the prisoner told him he did not suppose the list which he had of men's names, was improper, as it was to be handed to the Colonel, that the prisoner gave up his gun to Captain Kilpatrick, and thinks he demanded and got a receipt, which he had given for his gun, or the Captain wrote one for that purpose.

Ensign Daniel Kelly, a witness in behalf of the defendant, being sworn, states: That the prisoner belonged to the same company, and was frequently near him, during August, and the beginning of September; that he generally behaved himself well, and was obedient to orders.

James Smith, a private of Lieut. Mitchell's detachment, a witness in behalf of the defendant, being sworn, states: That the prisoner advised him not to go home, with the mutinous party; and believes went himself on the 20th Sept.

James Nelson, a private of Captain Mebane's company, a witness in behalf of the defendant, being sworn, states: That he heard General Washington of Tennessee, say to the members of a Court Martial, that he did know whether the men were ordered out for a tour of three or six months; that he had wrote to the Governor, but had received no answer to his letter on that subject.

The prisoner states, in his defence, that he was totally unacquainted with the nature of militia service; that he had frequently heard his officers say they knew of no law compelling militia to remain in service longer than three months; and, from the opinion of other men of respectability and information, conceived his term of service had expired; returned his gun to his Captain, under that impression, took up the receipt he had given for it, and departed from Fort Jackson, unconscious of having discharged his duty.

The Court, after mature consideration on the evidence adduced, find the prisoner guilty as charged, with the exception of yelling and firing his gun, and saying he would retake those who had been taken by Captain Blackmore, and sentence him to receive the punishment of death by shooting.

The Court adjourned until to-morrow nine o'clock.

The Court met, pursuant to adjournment. Present: the President and Member; and having been qualified before the prisoner, Lewis, who having been previously asked if he had any objection to any of the members of the Court, and, answering in the negative proceeded to the trial of HENRY LEWIS, a private of Capt. Mebane's company.

CHARGE FIRST—EXCITING TO MUTINY.—SPECIFICATION. In this: that, between the 10th and 20th September, 1814, in presence of a large portion of the troops, said there was no law to compel militia to serve longer than three months, at any time, and said that he would go home on the 20th September, 1814, and that he would take provisions where he could find them.

CHARGE SECOND—MUTINY.—SPECIFICATION. In this: that, on the morning of the 19th September, 1814, he went to the bullock-pen, shot down several heeves, brought them to the camp, made a proclamation for the mutinous to draw rations, to take them home, of the beef and flour that was forcibly taken; cooked it; and, on the morning of the 20th September, 1814, at the end of reveille, marched off at the head of the mutinous party of Captain Mebane's company, yelling, and firing scattering guns.

To which charges and specifications the prisoner plead *Not Guilty*.

† Harris had a wife and nine children, and it appears that he gave up his gun before he left camp, and actually took up his receipt for it. Extract from the Muster Roll.

“Harris—Private—Returned October. 19.”

Major *Hicks*, a witness, in behalf of the prosecution, being sworn, states: That he heard the prisoner say there was no law, or he believed there was no law, to serve longer than three months, and he intended going home at the expiration of that time, and he or they would take provisions where it could be found; heard Major Hick'n state to him, upon honor, that there was no law, he had seen it, compelling militia to stay six months; that he had seen in a Virginia newspaper, that the act of 10th April, 1812, had been revived, in 1814; upon which the prisoner replied it was nothing but newspaper law, and he would not believe a word of it.

Major *Roton*, a witness, in behalf of the prosecution, being sworn, states: That he saw the mutinous part of Capt. Mebane's company march off, and believes the prisoner was among them.

Colonel *P. Pipkin*, a witness, in behalf of the prosecution, being sworn, states: That, on the 12th September, 1814, the prisoner observed, in his presence, that he did know of any law compelling men to stay in service longer than three months; he would go home at the end of that time; (he or they) would take provisions which could be found. On the morning of the 15th, he saw the prisoner with his gun, and a party, coming in the direction of the bullock pen. On the morning of the 20th, while reveille was beating, saw the prisoner march out of Fort Jackson, at the head of the mutinous party of Capt. Mebane's company, took the right of the line, and, at the end of reveille, counter-marched from the right, and took the road.

Lieutenant *John T. Cooksey*, a witness, in behalf of the prosecution, being sworn, states: That the prisoner marched off at the head of the mutinous part of Capt. Mebane's company, on the morning of the 20th September.

Corporal *James Gumbreel*, of Capt. Strother's company, a witness in behalf of the prosecution, being sworn, states: That he heard the prisoner say, he believed there was no law compelling militia to stay in service longer than three months; he would be glad to see such a law, as he had served *one or two tours* of duty, and if it was justice, he was willing to serve six months; and that the prisoner did not kill the heaves at the bullock pen.

Lieut. *Richard Swanson*, a witness in behalf of the prosecution, being sworn, states: That he saw the prisoner with the mutinous party, when the provisions were issued, and believes he received his proportionable part.

William D. Roulton, sergeant of Capt. Mebane's company, a witness, being sworn in behalf of the prosecution, saith, that he believes he heard the prisoner, say there was no law, or he never saw any person who had seen a law, compelling militia to serve longer than three months, and, unless such a law was shown him, he would go home on the 20th Sept. 1814.

The prisoner having voluntarily refused to produce any evidence in his behalf, states, in extenuation of his conduct, that *he was led astray* by the erroneous opinions of men of better information, who positively assured him there was no law compelling militia to serve longer than three months; that he was also persuaded off by Sergeant-Hooker; regrets such a disgraceful act; and throws himself on the mercy of the Court.*

The Court after mature deliberation on the evidence adduced, find the prisoner guilty of the first and second charges, first specification, and so much of the second specification, as marching off at the head of the mutinous part of Captain Mebane's company, on the morning of the 23d Sept. 1814; and sentence him to receive the punishment of death by shooting.

The Court, having been sworn in presence of the prisoner, *David Hunt*, arraigned on the following charges and specifications, who being previously asked if he had any objection to any members of the Court, and having answered in the negative, proceeded to the trial of *David Hunt*,

CHARGE.—MUTINY.—SPECIFICATION. In this: that, on the morning of the 3d September, 1814, he said he would go home at the end of the three months, or die in the attempt; and that, on the 19th September, he broke the guard-house, and went off with the mutinous party on the 20th September, 1814; and that he received his proportionable part of the provisions that were forcibly taken from the contractor's agent on the 19th September, 1814.

To which charge and specification the prisoner plead Not Guilty.

Lieut. *Rodney Earhart*, a witness in behalf of the prosecution, being sworn, states: That he heard the prisoner, on or about the 3d September, say he would go home at the end of three months, or die in the attempt; that he was confined in the guard-house; and, on the 19th September, at night, as well as he recollects, he made his escape therefrom.

Question by the prisoner. Do you not recollect my saying the cause why I was going home at the end of three months, was, that I had sent a letter to my brother to come and take my place. Answer. I do; but it was after I had threatened to report you for using that expression.

Lieut. *R. Swanson*, a witness in behalf of the prosecution, being sworn, states: That the prisoner was confined in the guard-house on 19th September, and on examination of the house next morning, was broken, and the prisoner missing. The prisoner was cooking provisions on the 19th September, and said he intended going the next day.

William Owen, a private of Captain Mebane's company, a witness, being sworn, states: That he heard the prisoner say, sometime in September, that he would go home at the end of three months, or die in trying.

Joseph Lawrence, a corporal of Capt. Mebane's company, a witness in behalf of the defendant, being sworn, states: That he was officer of the guard on the 19th September, 1814; the prisoner made his escape on that night, and was missing from camp after the mutinous party marched off on the morning of the 20th September, 1814.

James Dunaway, private of Captain Mebane's company, a witness, being sworn in behalf of the defendant, states: That he believes the prisoner received his proportionable part of the provisions which had been forcibly taken from the contractors, and that he did march off with the mutinous party on the 20th September, 1814; further, that the prisoner wrote a letter at the time he was confined under guard to his brother to come and take his place.

* Extract from the Master Roll.

"Henry Lewis, Private; Returned, Oct. 27."

The prisoner having declined the privilege of producing any other evidence, stated, in extenuation, that he was *totally unacquainted with the law of militia service*; was induced to believe, through the opinion of other men, that there was no law compelling them to serve longer than three months; that he was threatened into the act by others; erred through ignorance; is sorry for his improper conduct, and solicits the mercy of the Court*.

The Court find the prisoner, Hunt, guilty as charged, and sentence him to receive the punishment of death by shooting.

The Court, having been sworn in presence of the prisoner, arraigned on the following charges and specifications, who having been previously asked, if he had objection to any of the members, and having answered in the negative, proceeded to the trial of *Edward Linsey*, a private of Captain Searcy's company.

CHARGE 1st.—MUTINY.—SPECIFICATION. In this: that on the morning of the 19th September, 1814; he went with a number of others, to the issuing house, and forced the guard, and broke down the door, or showed others how to do it, and took out several barrels of flour, rolled it to the camp, issued it, received his proportionable part, cooked it, and, at the end of reveille-beat, marched off with the mutinous party, yelling and firing his gun.

CHARGE 2d.—EXCITING TO MUTINY.—SPECIFICATION.—In this: that, between the 20th September, 1814, speaking words, tending to lead men to the act of mutiny.

To which charges and specifications the prisoner pleaded Not Guilty.

Corporal *James McDonald*, of Captain Mebane's company, a witness in behalf of the prosecution, being sworn: states: That the prisoner passed, or forced the guard, going to the issuing house, with a number of others, on the 19th September; that he lifted the door down; that flour was rolled out by the same party, and carried to camp, issued, and believes the prisoner received his proportionable part; and disremembers seeing him for several days after the 20th September, 1814.

Edward Pickett, a private of Captain Searcy's company, a witness in behalf of the prosecution, being sworn, states: That he saw the prisoner at the issuing house, on the 19th September, 1814, take a mattox, and show how the door might be taken; believes he received his proportionable part of the provisions taken therefrom; and, on the morning of the 20th September, paraded, and, at the end of reveille-beat, marched off with the mutinous party.

Pharaoh Hudgins, a private of Captain Strother's company, a witness in behalf of the prosecution, being sworn, states; That the prisoner stated, in his presence, that it could not be long before he would be at liberty, when refused the liberty of passing the chain; and saw the prisoner march off with the mutinous party from Fort Jackson, on the 20th September, 1814.

Lieutenant *David Mitchell*, a witness in behalf of the prosecution, being sworn, states: That he saw the prisoner at the issuing house, on the 19th September, 1814, take the door down, after being prized off, and the party, of which the prisoner was one, rolled out eleven barrels of flour. When they had got in front of the line, heard the prisoner direct the party to call and receive their rations, which he issued, and marched off with the mutinous party, on the morning of the 20th September, 1814.

James Gumbal, a corporal of Captain Strother's company, a witness in behalf of the defendant being sworn, states: That, either in August or September, he heard the prisoner say he would endeavor to go home at the end of three months.

Edward Black, a private of Captain Strother's company, a witness in behalf of the defendant, being sworn, states: That the prisoner did not break down the door of the issuing house, at Fort Jackson, on the 19th September.

The prisoner states, in his defence, that he did not force the guard as charged; he went to the issuing house by permission; acted incorrectly through ignorance; regrets the impropriety of his conduct; and implores the mercy of the Court.†

The Court, after due consideration, find the prisoner guilty as charged, with the exception of "forcing the guard; cooking, his provisions, and yelling and firing his gun." and sentence him to receive the punishment of death by shooting.

The Court met pursuant to adjournment: Present, the President and members, and, having been qualified in presence of the prisoners, who having been previously asked if they had any objections to any of the members of the Court, and answering negatively, proceeded to the trial of the prisoners, arraigned on the following charges and specifications: Leonard Farmer, Peter Duncan, Stephen Johnson, Lewis Thomas, Simon Scott, Pharaoh Hudgins, Samuel H. Burton, and Samuel Austin, of Capt. Strother's company; James Thompson, Hugh Carlin, Joseph Wright, Joshua Joiner, John Smothers, and Henry Butler, of Capt. Mebane's company; Wade H. Night, Burwell Hobdes, John Oliver, Philip Holland, of Captain Searcy's company; James Arnold and Alexander McMorris, of Captain Kilpatrick's company.

CHARGE 1st.—DESERTION.—SPECIFICATION.—In this: that, on the morning of the 19th Sept. 1814, between six o'clock in the evening and six of the morning, they did desert from their posts on guard.

CHARGE 2d.—MUTINY.—SPECIFICATION.—In this: that, on the morning of the 19th Sept. 1814, they received their proportionable part of the provisions that were forcibly taken, and, on the morning of the 20th September, at the end of reveille-beat, marched off with the mutinous party.

To which charges and specifications, the prisoners unanimously plead GUILTY; ‡ and state, in extenuation of their conduct, (in substance) that, from the best intelligence they could get from men who they supposed possessed information sufficient to point out the correct course

*Extract from the Muster Roll.

†David Hunt Private; Returned, Oct 22."

‡Extract from the Muster Roll.

§Edward Linsey, Private; Returned, Oct. 12."

¶ Well indeed might these unfortunate men plead guilty and ask for mercy, when they found that all who had been tried had been sentenced to be shot.

to be pursued, they were induced to believe that their term of service was only for three months; were conscious that they had performed their duty faithfully; and through ignorance, and the machination of wicked men, committed the disgraceful act of leaving the service of their country; sincerely profess penitence; and implore the mercy of the Court.

The Court, after due consideration, find the prisoners guilty as charged, and sentence them *to make up the time lost whilst absent from service; that one-half of their pay be stopped; that, at the end of their respective service, they shall have half of the hair of their head shaved close off, then drummed out of camp.* But, from the youth and inexperience of Arnold and Hobdy, the Court beg leave to recommend them to the commanding General, for a remission of the sentence. The Court adjourned until to-morrow, nine o'clock.

The Court met pursuant to adjournment: Present, the President and members; and, after being qualified in presence of the prisoners, who being previously asked if they had any objections to any members of the Court, and answering negatively, proceeded to the trial of serjeant James Nelson, Joseph Routon, A. Whitton, and Robert B. Roberts, privates of Captain Mebane's company.

CHARGE—MUTINY.—SPECIFICATION. In this: that, on the morning of the 19th September, 1814, they forcibly took *beef and flour*, from the contractor's agent, M. T. Hagland, at Fort Jackson, received their proportionable part, and, on the morning of the 20th, at the end of reveille, marched off with the mutinous party. To which the prisoners plead Not Guilty.

Lieut. John T. Cooksey, a witness in behalf of the prosecution, being sworn, states: That the prisoners marched off with the mutinous party, on the 20th September, 1814.

Thomas Dunaway, a private of Capt. Mebane's company, a witness in behalf of the prosecution, being sworn, states: That he was with the prisoner, Routon, when the flour was taken from the contractor's agent; knows he did not take any, and believes none of the others did: that Routon and Whitton, belonged to the same mess; believes they received their proportionable part of the provisions thus forcibly taken: and is under the impression the prisoners marched off with the mutinous party at the end of reveille-beat, on the morning of the 20th of September, 1814.

John Hickman, a private of Captain Mebane's company a witness in behalf of the prosecution being sworn, states: That the prisoners did receive their proportionable part of the provisions taken from the contractor's agent, on the 20th September, 1814.

The prisoners having refused the privilege of producing any testimony in their behalf, made the following *defence*: That, from the best information they could get, with the persuasion of men who ought to have known better, they supposed their term of service had expired, and were consequently induced to leave the service of their country, erred through ignorance, regret their misconduct, and implore the mercy of the Court.

The Court, after due consideration, find the prisoners guilty, and sentence them *to remunerate the Government for time lost whilst absent from duty; to a stoppage of one-third of their pay, and, at the expiration of their term of service, to have one-half of the hair of their head shaved close off, and drummed out of camp.*

The Court having been qualified in presence of the prisoners, arraigned on the following charges and specifications, who being previously asked if they had objection to any of the members of the Court, and having answered negatively, proceeded to the trial of Obadiah McBey, a private of Captain Strother's company, Jeremiah Dennis and James Blythe, of Captain Mebane's company.

CHARGE 1st—DESERPTION.—SPECIFICATION. In this: that, on the night of the 19th September 1814, between six o'clock of the evening, and six of the morning of the 20th, they did desert from their posts on guard.

CHARGE 2d—MUTINY.—SPECIFICATION. In this: that on the morning of the 19th Sept. 1814, they received their proportionable part of the *beef and flour* that was forcibly taken from the contractor's agent at Fort Jackson, M. T. Hagland, and, on the morning of the 20th, at the end of reveille-beat, marched off with the mutinous party.

To which charges and specifications the prisoners plead Guilty; and state, in extenuation, that they had performed their duty as good as sentinels, on guard, on 19th September, with the exception of being regularly relieved the next morning; from the most correct information they could procure, were impressed with the belief that their term of service had expired, and under this impression, *McBey delivered up his gun and accoutrements, and received a receipt for them;* they acted incorrectly through ignorance, and implore the clemency of the Court.

The Court after due consideration, find the prisoners guilty as charged, and sentence them *to make up the time lost whilst absent from their duty; that one-half of their pay be stopped; that, at the end of their respective service, shall have one-half of the hair of the head shaved close off, and then drummed out of camp.*

The Court adjourned until to-morrow, 9 o'clock.

The Court met, pursuant to adjournment: Present, the President and members; and, having been qualified in presence of the prisoners, who being previously asked if they had any objections to any of the members of the Court, and answering negatively, proceeded to the trial of the following prisoners: Privates, John Baufield, Major Headspeth, Coleman Nicholas, sifer, Thomas Dunaway, John Manning, James L. Arnold, John Patterson, Thomas Wood, Edward Easters, Bethleam Easters, Basdal Sommers, Thomas Hall, John Williams, Thomas Branden, John Hampton, Jacob Bennett, William Quinn, John Earley, John L. Hervingdon, Stephen Blythe, John Kelly, John Jones, William Jones, Aquilla Knight, Harman Redding, John Wright, Robinson Wright, Thomas Ashley, John Cross, James Andrews, Drury Hell, John Hickman, William Pate, James Grisson, Thomas Lundey, corporal, John Webb, George Collee, James Grumbree, Robert Kilbuck, John Morgan, drummer, Armstead H. Morgan, Andrew S. Britt, Elisha McFall, Edmund Black, Daniel Rake, Lewis Fletcher, Edward Johnson, Francis Compury, Green B. Newson, Gideon Harris, Hardy Weems, John Gregg, John Watkins, John Green, John Olfian, Jonathan Butts, James Rose.

John Wherworth, John H. Read, John Benham, Moses Age, Robert Kelgore, Smith Hampton, Thomas D. Long, Thomas Wolsey, Thomas Perry, William Mirra, William Grimes, William Long, William Weakley, William Robinson, Thomas Graves, Needum B. Farior, Samuel Gibbs, Timothy Milliard, Willis Richardson, Wilson Davis, Thomas Davis, Hopson Tally, Morgan Jones, Robert White, Elijah Treker, Cornelius McKenzie, John Ledbetter, John Wilson, Washington Ledbetter, Stephen Shepherd, Wesley Cowan, Samuel Bowman, James J. Harris, Anderson Griffith, corporal, William Chitola, Nevit Lane, Frederick Rowland, Daniel Richardson, John Linguino, Demsey Sawyer, Isaac Richmond, William D. Tompison, corporal, Silvanus Walker, John Walker, Asa Walker, William Bryant, Edward Picket, Terrell Guess, James Denson, Benjamin Bush, William Welsh, John Lee, Ernest Seagreaves, John P. Brushing, George Haynes, John Alsop, Daniel Wyatt, Solomon Wyatt, Thomas Dunn, John Harning, Thomas Pace, David A. Welsh.

CHARGE MUTINY.—In receiving their proportionable part of flour and meat, taken from the contractor's agent, on the 19th September, 1814, and marching off with the mutinous party from Fort Jackson, on the 20th Sept. 1814.

To which charges and specifications the prisoners plead Guilty, with the exception of Frederick Rowland, and state, in their defence, that, from the best intelligence they could procure, with the opinion of men of respectability and information, they were credulous enough to suppose they were bound by no law to continue in service longer than three months, they were actuated by the purest motives in leaving the service: of their country, erred through ignorance alone, sincerely lament such improper conduct, and throw themselves on the mercy of the Court.

The Court, after due consideration, find the prisoner Frederick Rowland, not guilty, and acquit him; and find the balance, severally, guilty, and sentence them to *make good the time lost whilst absent from duty; that one-third of their pay stopped; that, at the end of their respective service, they shall have one-half of the hair of the head shaved off close, and then drummed out of camp.* But from the youth and inexperience of Thomas Wood, John Manning, Edward Black, Hopson Tally, James J. Harris, and William Walsh, beg leave to recommend them to the commanding General for a remission of the sentence.

The Court, having been qualified in presence of the prisoner, arraigned on the annexed charges and specifications, who being previously asked if he had any objections to any of the members of the court, and answering in the negative, proceeded to the trial of *Nathan Johnson*, (a drummer,) of captain Newland's company.

CHARGE 1st—EXCITING TO MUTINY.—SPECIFICATION. In this: sending a letter between the 1st August 1814, and 20th September, 1814, to the soldiers of Fort Strother, encouraging them to go home on the 20th September, and stating he intended doing the same.

CHARGE 2d.—MUTINY.—SPECIFICATION. In this, that, on the morning of the 20th September, he, together with a number of others, did march off, without permission from Fort Williams. To which charges and specifications the prisoner plead Not Guilty.

Godfrey Ratts, a private of Captain Mebane's company, a witness in behalf of the prosecution, being sworn, states: That the prisoner was at Fort Williams on 21st September, 1814, and believes none who went off previous returned by that time.

Nathaniel Caldwell, a sergeant of Captain Newland's company, a witness in behalf of the prosecution, being sworn, states: That the prisoner intended going home on the 20th Sept. 1814, but believes he did not leave Fort Williams, on that day.

Isaac Wood, a private of Captain Blackmore's company, a witness in behalf of the prosecution, being sworn states: That a letter was received at *Fort Strother*, signed by *Nathan Johnson*, as well as he recollects, encouraging the men to go home on 20th Sept. 1814; and believes that the author of the letter stated he intended doing the same.

Lieut. Dicken Ward, a witness in behalf of the prosecution, being sworn, states: That he saw a letter at *Fort Strother*, between the 1st August and 30th September, 1814, which had been received from *Fort Williams*, signed by *Nathan Johnson*, encouraging the men to be in a state of readiness to go home on the 30th Sept. as he and others at *Fort Williams* intended doing the same; but is not certain that the prisoner was the writer of the letter.

Ensign James H. Williams, a witness in behalf of the prosecution being sworn, states, that, the prisoner was attached to the same company he was; is uncertain which day of September the prisoner left *Fort Williams*; and that he knows no other man of that name at that garrison.

The prisoner having refused the privilege of producing any testimony in his defence, submits his case to the decision of the Court,

The Court, after due consideration, find the prisoner guilty of the first charge, and latter clause of the first specification, and sentence him to a *stoppage of one third of his pay; and, at the expiration of his term of service, to have one-half of the hair of the head shaved close off, and drummed out of camp.*

The Court adjourned until to-morrow, 9 o'clock.

The Court, met pursuant to adjournment: Present, the President and members before the prisoners arraigned on the annexed charges and specifications; who being previously asked if they had any objections, to any of the members of the Court, and having answered negatively, proceeded to the trial of *Archibald Hair*, *Isaac Williams*, *George Joy*, *William Pratt*, *Jesse Pearce*, *James Wren*, *Robert Dyer*, *David Broy*, *John Strong*, *John Nurly*, *Cannon Quarly*, *Samuel S. Barrett*, *Blake Mahlin*, *Godfrey Ratts*, *Levan Harmon*, *William Pew*, *Peter Johnston*, *John Windows*, *Daniel Hughes*, *James Fox*, *James Maxwell*, *William Sulbner*, *Thomas Turner*, *John Farris*, *Joshua Edwards*, *William Powell*, *Corporal Elisha Phelps*, *John Warnock*.

CHARGE.—MUTINY.—SPECIFICATION. In this: that, between the 10th and 20th Sept. 1814, they marched off from *Fort Williams* with the mutinous party.

To which the prisoners plead Guilty; and state in explanation of their conduct, that, from

the best information they could procure, they were induced to believe there was no law binding militia to continue in service longer than three months; their tour of duty had legally expired; acted improperly through ignorance; sincerely lament the disgraceful act, and implore the mercy of the Court.

The Court, after due consideration, find the prisoners guilty, and sentence them to *remunerate the United States for the time lost whilst absent from duty; to a stoppage of one third of their pay; and, at the expiration of their respective term of service, to have one half of the hair of their heads shaved off close, and to be drummed out of camp.*

The Court having been qualified in presence of the prisoners, arraigned on the following charge and specification, who being previously asked if they had any objection to any of the members of the Court, and having answered negatively, proceeded to the trial of Emman Hays, William Durning, Joshua Lovell, Henry Woodward, Samuel Wyatt, Joseph Pistole, Edmund Isom, Isom Wood, Edward Burchett, David Buckhannan, John Davis, Everett Creech, Moses Elliott, William Logan, and Archless Wells.

CHARGE—MUTINY.—SPECIFICATION. In this: that between the 19th and 20th September, 1814, they went off from Fort Strother with the mutinous party.

To which the prisoners plead Guilty: and state in their defence, that, from the best information they could procure, with the opinion of men of respectability and information, were induced to believe there was no law binding militia to serve longer than three months: that they were actuated by the purest motives in leaving the service of their country; earnestly deplore the disgraceful act, committed through erroneous impressions, and implore the mercy of the Court.

The Court, after due consideration, find the prisoners guilty as charged, and sentence them *remunerate the United States for the time lost whilst absent from duty; to a stoppage of one-third their pay; and, at the expiration of their respective terms of service, to have one-half of the hair of the head shaved off close, and drummed out of camp.* But, from the youth and inexperience of Edward Burchett, and extreme ignorance of John Davis, beg leave to recommend them to the Commanding General for a remission of the sentence. The Court adjourned until to-morrow, 11 o'clock.

The Court met pursuant to adjournment: Present, the President and members. And no persons appearing before them for trial, adjourned until to-morrow, 9 o'clock.

The Court met pursuant to adjournment: Present, the President and members: and, having been qualified in presence of the accused, who being previously asked if he had any objection to any of the members of the court, and having answered negatively, proceeded to the trial of *Captain A. Roberts*, of Mississippi militia, in the service of the United States, arraigned on the following charges and specifications:

CHARGE 1—Conduct unbecoming an Officer and a Gentleman.—SPECIFICATION 1st. In being repeatedly intoxicated in the presence of both officers and men, at Fort Montgomery, between 15th September and 15th December, 1814.

SPECIFICATION 2d. In forcibly taking a boat from a citizen, and retaining it without his consent, and refusing, when requested, to give the vouchers required by law, at Fort Stoddart, some time between the 15th September and 15th December, 1814.

CHARGE 2d—Conduct highly unmilitary, and unbecoming an officer.—SPECIFICATION. In seizing, or detaining at Camp Boat Yard, some time between the 15th Sept. and 15th Dec. 1814, a boat, employed in the Quartermaster General's Department, for the transportation of forage for the troops in and near this place; thus jeopardizing the very existence of the army, preventing its necessary and expected supplies. To which the accused plead Not Guilty.

Col. *P. Perkins*, a witness in behalf of the prosecution, being sworn, states: That he has seen the accused, more than once, intoxicated, in presence of both officers and men, at Fort Montgomery, between the 15th September and 15th December, 1814.

Question by the accused. Was it *ever reported* to you that I was too much intoxicated to discharge my duty? Answer. It was reported to me that you were confined to *your tent* by intoxication, but saw nothing of the kind myself.

Capt. *William Johnson*, a witness in behalf of the prosecution, being sworn, states: That he saw the accused once intoxicated, in presence of both officers and men, when officer of the day, between the 15th September and 15th December, 1814, at Fort Montgomery. Some time between 15th September and 15th December, 1814, at Fort Stoddart, he took and detained a boat, from a citizen, and refused to give a certificate, or such vouchers as is required by law; but afterwards understood the accused had delivered her up to the owner. At Camp Boat Yard, the accused had in his possession a boat; that the commander of the boat stated that he was ordered after corn; that the boat was not restored; but an order was given by Captain Roberts for the soldiers to go on board and proceed to Mobile.

Lieut. *J. H. Moore*, a witness in behalf of the prosecution, being sworn, states: That, on the 8th December, he received an order from General Taylor, to procure water transportation for the baggage of Colonel Perkin's regiment. Boats were accordingly provided; after which, a boat belonging to the *Quartermaster General's Department*, at Camp Boat Yard, was pressed by order of the accused, although an order had been issued, by the General, to the contrary; and that it would not be given up, even were he to appear in person. That, at Fort Stoddart, on the 12th December, he understood an order had been given by the accused, to his command, to collect all the boats to be found. After one was taken possession of, it was claimed by a citizen, and given up.

Sergeant *Adam Poole*, a witness in behalf of the defendant, being sworn, states: That a boat in the possession of Capt. Roberts's command, at Fort Stoddart, between the 15th Sept. and 15th December, 1814, was claimed by a citizen, and the accused said he would give him a receipt for her at Mobile, or somewhere down the river; that an order came from General Taylor, concerning a boat at Camp Boat Yard, belonging to the *Quartermaster General's De-*

partment, when some person observed that the order was incorrect, as the boat had been taken before, as he understood, by some other person, and not Capt. Roberts.

George Graham, a witness in behalf of the defendant, being sworn, states: That he never knew the accused guilty of repeated intoxication; that he once saw him in that state, and believes it was the day he left the Boat Yard; that a boat, of which Everie was captain, was taken possession of at the Boat Yard; either by the order of the accused, or the Regimental Quartermaster, and the baggage put on board of her, while the owner, or commander, was absent at Fort Montgomery; it was detained there until an order was brought from the General, (without any date) directing the boat to be given up to the owner; when the Regimental Quartermaster asked the accused what he intended doing, when he ordered the men on board to put off; and afterwards said he would be a pretty fool to obey an order without any date; and further states, that he believes the accused had returned from Fort Montgomery before the baggage was placed on board the boat.

Isaac N. Selzer, a witness in behalf of the defendant, being sworn, states: That he has seen the accused, more than once, unusually merry, which he believed to be the effect of intoxication, some time between the 15th September and 1st December, 1814. At Camp Boat Yard he heard the accused ask the Regimental Quartermaster to press more boats to transport the troops, as well as baggage; to which the Quartermaster replied, that he had already pressed a sufficient number for the transportation of the baggage, and, if any more were taken, it would be at his own risk and responsibility.

Question by the accused. Was it not to press boats to transport the troops to old Fort Stoddart, when this answer was made me by the Regimental Quartermaster? Answer. I do not recollect.

Captain Roberts states, in his defence, that he supposed drinking to be merry, was not amiss; but, being apprehensive it might be considered so, discontinued the practice. That he took a boat, agreeably to the verbal order of General Taylor, from the Boat Yard, to transport the troops to Fort Stoddart, as the cut off was then considered impassable, and returned them again of which the *Quartermaster General's* boat was not one. That Quartermaster Moore was ordered to furnish water transportation for the baggage of Col. Perkins' regiment. He directed the Quartermaster, to press, legally, the *Quartermaster General's* boats, and he informed him he had done so; from which he was induced to believe no further difficulty would arise. As respects the little boat at Fort Stoddart, she would not have been taken, had he not been informed that they were drifted boats, and belonged to no person in the vicinity of that place. But, after it was claimed by a citizen, who said he was the proper owner, it was given up to him.

The Court, after due consideration, find the accused guilty of the first and second charges, first specification of the first charge, first of the second charge, but not guilty of the second specification of the first charge; and sentence him to be dismissed the army of the U. S.

The Court, having been qualified in presence of the prisoner, who having been previously asked if he had any objection to any of the Court, and having answered negatively, proceeded to the trial of *John Bourke*,^a A CITIZEN; and no prosecutor, or charges, appearing against the prisoner, acquit him. The Court adjourned until to-morrow, nine o'clock.

The Court met, pursuant to adjournment: Present, the President and Members: and, no prisoners appearing before them for trial, adjourned *sine die*.

P. PERKINS, *Lieut. Col. and Presdt. of the Court.*

W. L. ROBESON, *Lt. 3d. Inf. and acting Judge Advocate.*

ADJUTANT GENERAL'S OFFICE, Jan. 21, 1823

True copy from the original proceedings on file in this office.

R. JONES, *Adj. Gen. U. S. A.*

HEAD QUARTERS SEVENTH MILITARY DISTRICT,
Adjutant General's Office Mobile, Nov. 21, [1814] }

AFTER GENERAL ORDERS.

A General Court Martial, to consist of five members, and two supernumeraries, will convene at Mobile, at such time as Lieutenant Colonel Arbuckle shall direct, for the trial of such militia prisoners, as shall be brought before it. Lieutenant Colonel Perkins is hereby appointed President of the said Court, and Lieutenant Robeson, of the third regiment Infantry, will act as the Judge Advocate. Colonel Pipkin, of the first regiment West Tennessee Militia, will detail the members from the State troops, at and near Fort Montgomery; order on all witnesses necessary for the trial of the prisoners of his regiment, at this place; also, furnish specific charges against them; and, lastly, will notify Lieut. Col. Arbuckle of the probable time they will reach this point, to enable him to designate the hour of sitting. By command.

ROBERT BUTLER, *Adj. General.*

ADJUTANT GENERAL'S OFFICE, Jan. 21st, 1823

True copy from the General Order Book, of the late Seventh Military District.

R. JONES, *Adj. General*

It appears here that a citizen of the United States was tried among others!

GEN. JACKSON'S ORDER FOR EXECUTING THE MEN.

HEAD QUARTERS SEVENTH MILITARY DISTRICT,
Adjutant General's Office, New Orleans, Jan. 23, 1815. }
GENERAL ORDER.

At a General Court Martial, ordered to convene at Mobile, on the 5th December, 1814, of which Colonel Perkins is President, the following prisoners were tried on the following charges and specifications, viz:

Capt. *John Strother*, 1st regiment W. T. militia, charged with **EXCITING TO MUTINY.**

SPECIFICATION. In this: that, on the march between Fort Deposit and Fort Jackson, between the 4th of July and 31st of the same, he stated, in presence of some of the troops, there was no law to compel them to serve longer than *three months*; and, unless he was shown a better law than he had seen, he would march his company home at the end of that time.

CHARGE 2d.—CONNIVING AT MUTINY.—SPECIFICATION. In this: suffering those under his command to go unreported to the commanding officer, contrary to the Rules and Articles of War in such case made and provided, and in using words tending to lead men to the act of Mutiny; stating that, if he was a Lieutenant, he would march the company under his command home on the 20th September, 1814.

CHARGE 3d.—DISOBEDIENCE OF ORDERS.—SPECIFICATION. In this: not complying with the regimental *order*, bearing date 23d August, 1814, which required the officers of all grades, and privates to use their best endeavor to suppress any mutiny, under the pains and penalties of a violation of the law of the United States. To which charges and specifications the prisoner, Captain Strother, pleaded Not Guilty.

The Court found the prisoner guilty, as charged with the exception of failing to report his men to the commanding officer, and sentence him to be dismissed the service, as unworthy of holding a commission in the army of the United States.

The Court next proceeded to the trial of third Lieutenant *James McCauley*, 1st regiment W. T. militia, charged with

EXCITING TO MUTINY.—SPECIFICATION. In this: that, between the 10th and 20th of Sept. 1814, speaking words tending to lead men to the act of mutiny, by saying that the opinion of the United States' Attorney of the State of Virginia, was nothing but newspaper law.

CHARGE 2d.—CONNIVING AT MUTINY.—SPECIFICATION. In this: that, on the 19th Sept. 1814, he gave directions to some of the mutinous party to put in his knapsack his proportionable part of provisions, which had been forcibly taken out of the issuing house by them; and further said, that he would be with them in a few days, as he had some business to settle which would detain him that length of time.

CHARGE 3d.—DISOBEDIENCE OF ORDERS.—SPECIFICATION. In this: not using his endeavor to suppress any mutiny, or intended mutiny, as required by said order of the 23d Aug. 1814.

To which charges and specifications the prisoner, Lieut. James McCauley, pleaded Not Guilty.

The Court, after mature deliberation on the evidence adduced, found the prisoner guilty as charged, and sentence that he be dismissed the service, have his sword broken over his head, with a total disqualification of ever holding a commission in the army of the United States.

The Court next proceeded to the trial of *John Webb*, a private of Captain Strother's Company, charged with desertion, mutiny, and robbery. To which charge or charges, the prisoner, *John Webb*, pleaded Not Guilty.

The Court, after mature consideration on the evidence adduced, find the prisoner guilty of desertion and mutiny, and not of robbery; and sentence him to receive the punishment of death by shooting.

David Morrow, a sergeant of Captain Strother's company, charged with *mutiny and exciting to mutiny.* To which charges the prisoner pleaded Not Guilty:

The Court found the prisoner guilty and sentence him to receive the punishment of death by shooting.

John Harris, a private of Captain Strother's company, charged with *mutiny and conniving at mutiny.* To which charges the prisoner plead Not Guilty.

The Court after mature consideration on the evidence adduced, find the prisoner guilty, and sentence him to receive the punishment of death by shooting.

Henry Lewis, a private of Capt. Mebane's company, charged with *mutiny and exciting to mutiny.* To which charge or charges the prisoner plead Not Guilty.

The Court found the prisoner, *Henry Lewis*, guilty, and sentence him to receive the punishment of death by shooting.

David Hunt, charged with *mutiny.* To which charge the prisoner pleaded Not Guilty.

The Court found the prisoner guilty, as charged, and has sentenced him to receive the punishment of death by shooting.

Edward Linsey, a private of Captain Searcy's company, charged with *mutiny and exciting to mutiny.* To which charge or charges the prisoner pleaded Not Guilty.

The Court found the prisoner guilty, and has sentenced him to receive the punishment of death by shooting.

The Court next proceeded to the trial of the following: Leonard Farmer, Peter Duncan, Stephen Johnson, Lewis Thomas, Semore Scott, Pharaoh Hudgins, Samuel H. Burton, and Samuel Austin, of Captain Strother's company; James Thompson, Hugh Carlin, Joseph Write, Joshua Joiner, John Smother's and Henry Butler, of Captain Mebane's company; Wade H. Night, Berwell Hobdy, John Oliver, and Philip Holland, of Captain Searey's company; James Arnold and Alexander McMorris, of Captain Kilpatrick's company, charged with *desertion and mutiny*. To which charge or charges the prisoners unanimously pleaded guilty.

The Court found them guilty, and has sentenced them to make up the time whilst absent from service; that one-half of their pay be stopped; that, at the end of their respective service, they have one-half of the hair of their head shaved off close, and then drummed out of camp.

Sergeant James Nelson, Joseph Routon, A. Whitson, and Robert B. Roberts, privates of Capt. Mebane's company, charged with *mutiny and desertion*. To which charge or charges the prisoner pleaded Not Guilty.

The Court found them guilty, and has sentenced them to remunerate the Government for the time lost by their absence from duty; a stoppage of one-third of their pay, and at the expiration of their term of service to have one-half of the hair of their head shaved close off, and drummed out of camp.

Obediah McHey, a private of Captain Strother's company, Jeremiah Dennis, and James Blythe, of Captain Mebane's company, charged with *desertion and mutiny*. To which charge or charges the prisoners pleaded Guilty.

The Court found the prisoners guilty, and has sentenced them to make up the time lost whilst absent from duty; that the one-half of their pay be stopped; that, at the end of their respective service, they shall have one-half of the hair of their head shaved off close, and then drummed out of camp.

The Court next proceeded to the trial of the following prisoners, viz: privates, John Bonfield, Major Hedgpeath, Coleman Nicholas, (sifer,) Thomas Dunaway, John Manning, James L. Arnold, John Patterson, Thomas Wood, Edward Easters, Bethlehem Easters, Basler Summers, Thomas Hall, John Williams, Thomas Brandon, John Hampton, Jacob Bennett, William Quinn, John Earby, John L. Herringdon, Stephen Blythe, John Kelly, John Jones, William Jones, Aquilla Night, Harmon Reding, John Wright, Robinson Wright, Thomas Ashley, John Cross, James Andrews, Drury Hall, John Hickman, William Pate, James Grissom, Thomas Limby (corporals,) John Webb, George Cohee, James Gambreel, Robert Kilbuck, John Morgan, (drummer,) Armstead H. Morgan, Anderson S. Britt, Elisha McFall, Edmund Black, Daniel Ruke, Lewis Fletcher, Edward Johnson, (France's Company,) Green B. Newton, Gideon Harris, Hardy Wilms, John Green, John Watkins, James Green, John Ophin, Jonathan Butts, James Rose, John Whetworth, John H. Read, John Benham, Moses Age, Robert Kelgan, Smith Hampton, Thomas D. Long, Thomas Woolsey, Thomas Perry, William Mimms, Wm. Grimes, Wm. Long, Wm. Weakly, Wm. Robinson, Thomas Graves, Andrew B. Farrior, Samuel Gibbs, Timothy Millyard, Willis Richardson, Wilson Davis, Thomas Davis, Hobson Tally, Morgan Jones, Robert White, Elijah Tucker, Cornelius McKensey, John Leabetter, John Wilson, Washington Leabetter, Stephen Shepherd, Wesley Cowan, Samuel Bowman, James G. Harris, Anderson Griffith, (corporal,) Wm. Chisholm, Nevit Lee, Frederick Rowland, Daniel Richardson, John Leangin, Dempsey Sawyer, Isaac Richmond, Wm. D. Jemison, Silvanus Walker, John Walker, Asa Walker, Wm. Bryant, Edward Picket, Terrell Guess, James Denson, Benjamin Bush, Wm. Walsh, John Lee, Bennet Seagraves, John P. Rushing, George Haines, John Alsop, Daniel Wyatt, Solomon Thomas Dume, John Henning, Thomas Pace, and David A. Welsh, charged with *mutiny and desertion*. To which charge or charges the prisoners unanimously pleaded Guilty.

The Court found them guilty, (except Frederick Rowland, who they found not guilty, and have acquitted him.) *The balance** they have sentenced to make good the time lost when absent from duty; that the one-third of their pay be stopped; that, at the end of their respective service, they shall have one-half of the hair of their head shaved close off, and then drummed out of camp.

Nathan Johnson, a drummer, of Captain Newland's company, charged with *mutiny and exciting to mutiny*. To which charge or charges the prisoner pleaded Not Guilty.

The Court found the prisoner Nathan Johnson, guilty, and has sentenced him to a stoppage of one-third of his pay, and, at the expiration of his time of service, to have one-half of the hair of their head shaved close off, and then drummed out of camp.

Archibald Hair, Isaac Williams, George Jay, William Pratt, Jesse Pearce, James Wrens, Robert Dyer, David Brown, John Strong, John Nunly Cannon Quarles, Samuel S. Barrett, Blake Meldin, Godfrey Ratts, Lewis Harmon, Wm. Pew, Peter Johnson, John Windon, Daniel Hughes, James Fox, James Maxwell, Wm. Scribner, Thomas Turner, John Farris, Joshua Edwards, Wm. Powell, Elisabeth Phelps, and John Warnock, charged with *mutiny and desertion*. To which charge or charges the prisoners pleaded Guilty.

The Court found them Guilty, and has sentenced them to remunerate the United States for the time lost whilst absent from duty, and, at the expiration of their respective time of service, to have one-half of the hair of their head shaved off close, and to be drummed out of camp.

The Court next proceeded to the trials of the following, viz: Emmon Hays, William Durwing Joshua Lovell, Henry Woodward, Samuel Wyatt, Joseph Pistole, Edmond Isom, Isom Wood, Edward Buschett, David Buckhaman, John Davis, Everett Creech, Moses Elliot, Wm. Logan, Archless Wills, charged with *mutiny and desertion*. To which charge or charges the prisoners pleaded Guilty.

* "The balance"—a very *feeling* word in such an order and shows with what levity and trifling Gen. Jackson can treat such a bloody affair.

The Court found them guilty, and has sentenced them to remunerate the United States for the time lost whilst absent from duty; to a stoppage of one-third of their pay, at the expiration of their respective service, to have one-half of the hair of their head shaved off close, and to be drummed out of camp.

The Court next proceeded to the trial of *Captain J. Roberts*, of the Mississippi militia, who was arraigned and tried on the following charges and specifications, viz:

CHARGE 1st.—Conduct unbecoming an officer and a gentleman.—SPECIFICATION 1st. In being repeatedly intoxicated, in the presence of both officers and men, at Fort Montgomery, between 15th Sept. and 15th Dec. 1814.

SPECIFICATION 2d. In forcibly taking a boat from a citizen, and detaining it without his consent, and refusing, when requested, to give the vouchers required by law, at Fort Stoddart, some time between the 15th Sept. and 15th Dec. 1814.

CHARGE 2d.—Conduct highly unmilitary and unbecoming an officer.—SPECIFICATION. In seizing or detaining, at Camp Boat Yard, some time between 15th September and 15th Dec. 1814, a boat employed by the Quartermaster General's Department, for the transportation of forage for the troops, in and near this place—thus jeopardizing the very existence of the Army, preventing its necessary and expected supplies.

To which charges and specifications the prisoner, Capt. A. Roberts, pleaded Not Guilty.

The Court, after due consideration, found the prisoner *guilty* of the 1st and 2d charges, first specification of the first charge, first specification of the second charge; but not guilty of the 3d specification of the first charge; and sentenced him to be dismissed the service of the United States.

John Rourk, a citizen next appeared before the Court; but no prosecutor or charges appearing against the prisoner, they acquitted him.

The Major General APPROVES the PROCEEDINGS and SENTENCES of the Court, orders them to be carried into effect. With respect to those sentenced to *punishment of DEATH* their sentence will be *carried into EXECUTION four days* after the promulgation of *this order at Mobile*. In consequence of the recommendation of the Court in favor of the following, viz: James Arnold, Burwell Hobdy, Thomas Wood, John Manning, Edmond Black, Hopson Tally, James Harris, William Welsh, Edward Burchett, and John Davis, the Major General is willing to pardon them, and orders that they and Frederick Rowland, who was acquitted, return to their duty, and *CITIZEN*: John Rourk will be *dismissed from confinement*.

By Command:

ROBERT BUTLER, ADJ. GEN.

ADJUTANT GENERAL'S OFFICE, }
January 21st, 1828. }

True copy from the General Order Book of the late Seventh Military District.

B. JONES, Adjutant General

Here the official history of this shocking transaction ends. No pains appears to have been taken by General Jackson to examine into the law and find out whether the militia were right. At one dash of his pen, he consigned them all to death, and went the next day to the church at New-Orleans. There he raised up his blood-stained hands in the attitude of prayer to the God of Mercy and Justice. Appalling impiety! It now appears that these unfortunate victims, *all of whom returned voluntarily to the camp*, were entitled to their discharge when they went home to their families. Their **LAWFUL TIME OF**

SERVICE had EXPIRED. Gov. Blount had ordered out a *new detachment* to TAKE THEIR PLACES on the 20th of September; *the very day they went home.* The law of Tennessee required only three months' service: The President had issued no orders to extend their service longer. And yet the LAND IS STAINED WITH THE BLOOD of these BRAVE MEN, thus ILLEGALLY AND INHUMANLY MASSACRED.

The execution was one of the most heart-rending scenes ever exhibited in any country. The following account is from an *eye-witness* of the horrid spectacle:

“Harris was a Baptist preacher, with a large family. He hired as a substitute for three months. This was the case with most of them. They were ignorant men, but obstinate in what they believed right, and what they had been told by their officers was right. They were all sure they could not be kept beyond three months, and they gave up their Muskets and provisions dealt out to them, from the public stores, before they left the camp. This confirmed their conviction that they were right and doing what was lawful.

“Col. Russell commanded at the execution. The militiamen were brought to the place in a large waggon. The military dispositions being made, Col. Russell rode up to the waggon and ordered them to descend. Harris was the only one who betrayed feminine weakness. The awfulness of the occasion; his wife and nine children, the parting with his son; and the fear of a quickly approaching ignominious death, quite overcame him, and he sank in unmanly grief. No feeling of military pride could brace him up.

“Col. Russell, doubtless, felt as a man, but he felt also for the pride of the army, and desired to animate the men with fortitude. “You are about to die, said he, by the sentence of a Court Martial—die like men, *like soldiers.* You have been brave in the field—you have fought well; do no discredit to your country or dishonor to the army or yourselves by any unmanly fears. Meet your fate with courage.”

“Harris attempted to make some apology for his conduct, but while he spoke, wept bitterly. The fear of death, the idea that he should never again behold his wife and little ones, and his son weeping near him, had taken such entire possession of his mind that it was impossible he should rally.

“Lewis, the gallant Lewis, said in a clear and manly tone, ‘Colonel, I have served my country well, I love it dearly and would if I could, serve it longer and better. I have fought bravely—you know I have, and here I have a right to say so myself. I would not wish to die, in this way.’—Here his voice faltered, and he passed his right hand over his eyes—“I did not expect it: But I am now as firm as I have been in battle, and you shall see that I will die as becomes a soldier. “You know I am a brave man,” “Yes, Lewis,” said the Colonel, “you have always behaved like a brave man.” Other declarations were made, and other words of comfort spoken, but they were lost on me, my attention as an eye witness, being chiefly directed to Lewis.

“Six coffins were ranged as directed, and on each of them knelt one of our condemned American Militia Men. Such a sight was never seen before! I trust to God it never will be seen again! Six soldiers were detailed and drawn up to fire at each man. What an awful duty! Their white caps were drawn over the faces of the unhappy men. Harris evidently trembled, and I could almost persuade myself that the heart of Lewis was enlarged, and that his bosom rose with manly courage to meet death. The fatal word was given and they all fell.

“As we approached the scene of blood and carnage, Lewis gave signs of life—the rest were all dead—he crawled upon his coffin. After a lapse of a few minutes he said—I give his very words—“Colonel!” the Colonel was close to him—“Colonel, I am not killed, but I am sadly cut and mangled!” His body was now examined and it was found that but four balls had wounded him. “Colonel,” said he, did I behave well?” “Yes, Lewis,”—said the Colonel in the kindest tone of voice—“like a man.”

“Well, sir,” said he, “have I not atoned for the offence? *Shall I not live?*” The Colonel was much agitated, and gave orders that the Surgeon should, if possible, preserve his life. They did all that skill and humanity could do—it was all of no avail. Poor Lewis expressed a great desire to live—“not,” said he, at one time, “that I fear death, but to repent me of some sins, and I desire to live yet a little longer in the world.” He suffered inconceivable agony from his wounds, and died on the fourth day. He was a brave man, much beloved. He suffered twenty deaths. I have seen the big drops chase each other down his forehead with pain and anguish. There was much sensibility and sympathy throughout the camp. I would not have, unjustly and unnecessarily, signed their death warrant for all the wealth of all the Indies. The soldiers detailed to shoot Lewis, had, from strong feelings of sympathy, or mistaken humanity, failed to shoot him; but four balls had entered his body.

“An Eye Witness” appeals to Colonel Russel, who, he thinks, now lives in Alabama, for the perfect truth of this sketch. He does not fear but the Colonel will keenly recollect, and faithfully depict, the horrors of the day on which six Americans were shot to death under his command, but not by his orders.”

The following certificates and papers have been published by the father of David Hunt, and by John Matthews, *his Captain*, in the Tennessee militia. They are now living in Rutherford County, in the State of Tennessee; they are men of respectability and fair character, and no one who knows them will doubt the truth of what they say of this horrid transaction:

I, James Hunt, of the County of Rutherford, and State of Tennessee, removed from the State of Virginia to this country in the year 1814. I am the father of David Hunt, one of the “six militia men” who were shot in the United States army, in 1815. It has always been, and still is my opinion, that my son did not deserve the death he suffered. Such confidence had I in him, that I thought him incapable of committing an act for which he might deserve to die an ignominious death.

In the late war with Great Britain, and with the Indians, I took great pleasure in equipping my son David, that he might engage in the service of his country. He went as a volunteer with the first army that marched against the Creek Indians. I was highly gratified to hear that, in all the battles he fought with the Creeks, he acted the part of a brave man, as well as that of an orderly soldier.

In 1814, my son became one of the garrison stationed at Fort Jackson. He went there as a substitute for another man. When he engaged with this man, it was the understanding between them that the term of service would expire at the end of three months. Accordingly, at the expiration of this term, my son came home with several others, both officers and soldiers. My son told me he was advised by persons qualified, as he believed, to give advice on such occasions, that he could not be compelled to serve longer than three months.

Soon after my son returned home, it was rumored that he had done wrong in leaving the fort. We reflected that it was possible he might have committed an error. I therefore immediately equipped him with suitable clothing, and he returned as early as he could to his post, without the least apprehension of danger. On his return, however, he was taken and kept in confinement until the 21st of February, 1815; on which day he was put to death. When I heard of his death I was greatly surprised; the intelligence was altogether unexpected. I myself had been a soldier. I had fought in the war of the revolution under Washington. From the little knowledge I had acquired of military discipline under this beloved General, I thought there would be no danger in my son's returning to his post, and acknowledging his error, if he committed one.

JAMES HUNT.

Signed in presence of John Hoover, W. H. Robertson, Thomas Dunaway, James Wade, John Matthews, William Matthews.

I, John Matthews, of the county of Rutherford and State of Tennessee, *Capt. of the 22d Regiment of Tennessee Militia*, do hereby certify that David Hunt one of the six Militia men who were shot at Mobile on the 21st of February, 1815, was a private soldier *under me*, in the county of Rutherford and state aforesaid, and I never knew any thing disrespectful of said David Hunt. I was acquainted with his father James Hunt in the state of Virginia, and I never knew or heard any thing disrespectful of him or his family. I farther certify that the said David Hunt *turned out as a volunteer* against the Creek Indians, and as I am credibly informed acted the part of a *brave soldier in all the battles* in that war, and afterwards became a substitute, and was stationed at Fort Jackson for the term of three months. At the end of this term thinking his tour of duty performed he returned home with a number of his fellow soldiers and several officers. Soon after his return, being informed by his father who had been a soldier in the revolutionary war, and other men of information, that perhaps he was in an error and had better return to his station, the said David readily and cheerfully equipped himself and made a speedy return to the Fort, little thinking what was to be his doom. JOHN MATTHEWS.

I, Thomas Dunaway of the County and state aforesaid, hereby certify that the statements of *John Matthews, Captain*, made above are correct. I served the tour with David Hunt, from the commencement; came home with him—returned with him, and remained till he was shot, and I never saw any thing disrespectful of him during the whole of the campaign. Witness my hand this 17th February 1828. THOS. DUNAWAY.

Mobile, February 21, 1815.

DEAR FATHER AND MOTHER: Before this reaches you I shall be laid in the silent grave. This day between the hours of 2 and 4 o'clock I expect to die an *innocent* death. The doleful sentence of death is pronounced against me and five other militia men. I thank God that I have an interest in the blood of Jesus Christ. Dear brothers, these are the dying words of your affectionate brother. I want you to prepare to meet me in glory. I expect to see you no more on this earth. Dear brothers and sisters, I request you all not to live in sin, but forsake your iniquities, for the day of death is a melancholy day to those who have no God. It is my prayer to God for Christ's sake, for you all to be saved. Dear father, I want you to pay what little I owe here. I wish you to pay Joseph Bowton one dollar for me. I wish you to go to Squire Edwards' and get a power of attorney to draw my pay for my services; likewise collect the note you have of mine. I write no more. Time is growing short. I leave you all in the hands of that ever blessed Jesus who is able to save to the utmost all

who put their trust in him. Dear father and mother, brothers and sisters,
I bid you all farewell until we meet in the happy regions above.

JAMES HUNT.

DAVID HUNT.

I certify that the foregoing is a true copy of an original letter, written
by the above named David Hunt, now in the possession of his father James
Hunt, residing in the county of Rutherford and state of Tennessee.

February 14, 1828.

JOHN HOOVER.

Would to God there was nothing more in this transaction,
to pain every man of feeling or humanity! Had Gen. Jackson
paused but a few days before he signed their death warrant; had
he even taken time to examine the law, these men would have
been saved. The PEACE with GREAT BRITAIN had already
been signed on the 21st of December, and RATIFIED at WASH-
INGTON on the 17th day of February. In the mean time Gen.
Jackson's rash and violent conduct had consigned them all to
death, and they were executed *after peace had been made*.
He gave them *only four days* to prepare to die. He allowed
them no time to see or hear from their friends or families, and
the first tidings that their wives and children heard of their
husbands and fathers after the peace, was that they were
widows and orphans.

ERRATUM.—In page 5th, line 20th, from the bottom, for 1815, read 1813: [Thus, "Nash-
ville, 10th Dec. 1813."]