

it will be remembered that, the Orders of the Prisoner are not otherwise a subject of complaint, than as they interfered with those of the General. If they did not necessarily collide with those orders, if, so far from opposing, they were calculated to effect, the object of those orders, by curing them of that irregularity which attached to them, - then clearly the Prisoner is not guilty of the first charge; - or if the orders of the General were irregular, unmilitary, and illegal, and not officially notified to the Prisoner, then unquestionably, he was not bound to recognize them, and must stand entirely free from censure.

There is before this Court scarcely the shadow of Testimony, in support of the second charge. It may in truth be affirmed, that it rests upon the misconceived statements of one witness, of the conversation held by him with the Prisoner. That witness is not free from the imputation of interested views, in relation to the decision of this Court; and it has appeared in evidence, that the dismissal of the Prisoner, was often spoken of by him, as the removal of an obstacle to his promotion, which, if not, to him a much wished for event, was at least a much favored topic of conversation. All the other witnesses, who have been examined to this point, have concurred in the fact that the peremptory tone and manner of the Prisoner in relation to <sup>his</sup> orders, negated all idea of solicitation.

It is painful to advert to facts, which have disclosed to this Court, temper and feelings  
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over which the memory of former acts of courtesy and kindness, would gladly throw the mantle of oblivion. Nothing could compel the prisoner to notice them, but that duty, which he owes to his own character; when that character is unjustifiably assailed. The Prisoner believes, that enough appears before this Court, to justify him in asserting, that his arrest was not entirely the effect of a disinterested view, to the good of the Public Service. Declarations of the General have been proved, going to the full extent of showing, a settled design, on the part of the General, to involve the Prisoner in difficulties, under the pressure of which, he might be obliged to submit to arbitrary power, or if he disdained to yield, be driven from the Ranks of the militia. Threats, even of such a complexion, might be placed by a charitable Interpretation, to the account of momentary irritation, were they not viewed in connection with subsequent acts, so well calculated to carry them into execution. Whence else could have originated the Orders of the General, so unusual, and unprecedented, and so well adapted to mortify the Prisoner. It must be allowed that however little intention there may be alleged to have existed, in these threats, that at least as far as the agency of the General could operate, they have been seriously executed. This conduct on the part of the General, becomes still more strongly characterized, when the Prisoner refers, to the communication held by the General in writing, with the officers of the Prisoners Battalion, after his orders were issued to those officers, and the General's direction to them not to obey their proper officers. — Upon this topic the Prisoner refrains from dilating; the testimony is before the Court, and they will doubtless give it, its due weight; he has only to add, his

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