

hat purpose, and I believe  
the m... e apprehensive of danger.  
Q. Was not it mentioned as  
useless to try to get a guard? and did I  
not say that I could get my own guard?  
A. You stated that you could get  
your own guard, and I think it was my-  
self who observed that it was myself who  
observed that it was useless.  
Q. Was there not a verbal  
order from the Colonel, to stop the  
guard, perhaps some good men, might  
be killed? Answer. I think there was  
such an order, but I am not certain.  
Q. At the time you asked me  
about going home, did I not say you  
had better stay?  
Answer. I do not recollect your ad-  
vising me to stay.  
Q. 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 broken  
some time in the month of September,  
previous to the 20th, and I think Capt.  
Strother was officer of the day.  
Q. 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 in-  
formed me that they came with their  
charges, and was compelled to give  
way, and let them pass.  
Jonathan Smith, a private of Captain  
Strother's company, a witness in behalf  
of the prosecution, being sworn, states:  
That he knows nothing of the matter.  
Q. 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.  
Q. 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.  
Q. Question by the accused. Did you  
not near 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 Vick, a private of Captain  
Strother's company, a witness in behalf  
of the prosecution, being sworn, states:  
That he knows nothing of the matter.  
Q. Question by the court. Did you ever  
hear Capt. Strother try to suppress mu-  
tiny? Answer. I recollect, when the  
men were paraded one day, Captain  
Strother asked them if they were  
making such a fuss about it; and, on being  
informed, he told them that it would be  
time enough for to go home when he  
went.  
Q. 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.  
Q. Question by the prosecutor. How  
many days previous to the men's leav-  
ing Fort Jackson, was this precautionary  
language made use of by Captain  
Strother? Answer. I do not recollect.  
Q. Question by the accused. Did you  
not hear me say to the men, the even-  
ing they were paraded, that they had  
better stay until the expiration of six  
months, and go home with me? An-  
swer. I do not remember.  
James Carter, private of Capt. Stroth-  
er's company, a witness in behalf of the  
prosecution, being sworn, states: That  
he knows nothing of the matter.  
Q. Question by the court. Do you know  
whether Capt. Strother ever used any  
expression either to encourage, or dis-  
courage mutiny? Answer. I heard  
Capt. Strother say to the men, that they  
had better quit such foolish notions,  
and remain until he went home.  
Q. Question by the prosecutor. Did  
you ever hear Capt. Strother threaten to  
have men put under arrest, who were  
speaking of going home at the expira-  
tion of three months? Answer. I never  
heard any thing of the matter.  
John Harris, a private of Captain  
Strother'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 conse-  
quence were they to go home; to which  
he replied, that he had been looking  
and could find no law compelling them  
to go any longer than three months, and  
that he did not know whether they  
would be hurt or not.  
Q. 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 lan-  
guage, 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.  
Q. Question. Did I not tell you to stay  
when baking biscuit? Answer. I did  
not see you say so.  
Robert King, 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 Capt. Strother on the subject of mu-  
tiny, or on the propriety of stay-

ing until he went.  
Wm. Long, a private of Capt. Stroth-  
er's company, a witness in behalf of the  
prosecution, being sworn, states: That  
Capt. Strother came to the men on pa-  
rade the night previous to their depart-  
ure from Fort Jackson, and told them  
it would be time enough to go home  
when he did.  
Q. Question by the prosecutor. Was  
that the only time you ever heard Capt.  
Strother say any thing on the subject?  
Answer. I heard him speak on the sub-  
ject several times.  
The court adjourned until to-morrow  
10 o'clock.  
The court met, pursuant to adjourn-  
ment; Present, the president and mem-  
bers; and proceeded to the further ex-  
amination of witnesses.  
Sergeant Elijah 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 ab-  
out departing from Fort Jackson, to  
stay until he went, which would be time  
enough; and that he heard Capt. Stroth-  
er say there was no law to compel them  
to serve longer than six months.  
Anderson S. Britt, of Capt. Strother's  
company, a witness in behalf of the pro-  
secution, being sworn, states: That he  
heard Captain Strother say to the men,  
one evening, on parade, that it was rum-  
ored in camp, that they intended go-  
ing home at the end of three months,  
and he wished them to use no more lan-  
guage 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.  
John Green, a private of Capt. Stroth-  
er'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, Capt. Strother asked him per-  
haps twenty or thirty days previ-  
ous 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  
said, that it was his duty to know it;  
that the accused never reported to him,  
as commanding officer, any thing rela-  
tive to the mutiny of his company, until  
the night of the 15th Sept. When the  
bake shop was demolished, he heard the  
accused, who was then officer of the day,  
parading his troops, he ordered the  
party not to march against the mutin-  
ers, as he conceived them too inconsid-  
erable to effect any good; that he recol-  
lects no other attempt made by Captain  
Strother, to quiet the refractory dispo-  
sition of the men, but once, when he  
heard him ask the men if they had no  
breeding, that they behaved like a par-  
cel of Savages; to let him hear no more  
of it, until the 20th Septemr, or 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.  
Q. 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 the conversa-  
tion between yourself and Col. Pipkin,  
when you askd him if you were not as  
obedient an officer as any under his  
command, when he answered in the af-  
firmative, 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. Key, a witness,  
being sworn, states: That, during his  
detachment at Fort Jackson, he never  
saw any thing favorable or unfavorable  
to his conduct as charged, and that he  
never heard one of Capt. 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 that 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 15th, 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 af-  
terwards there was a riotous alterca-  
tion by the sergeant's behavior; he ser-  
viced the colonel on the same subject,  
and that he was compelled to order the

sergeant and that he was compelled to  
order the sergeant to desist using any  
such mutinous language.  
Q. 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, consid-  
ered 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. Pogram, a witness in  
behalf of the defendant, being duly  
sworn, states: That he was at Fort Jack-  
son 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 Sep-  
tember, of which he was bearer, from  
captain Strother to his brother-in-law at  
Fort Williams; from which the follow-  
ing is an extract:  
"I want you to stay at Fort Will-  
iams, 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 com-  
pliments; 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 mutinous lan-  
guage compelling the men to stay in service for  
a longer period than three months; in an-  
swer 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 lan-  
guage 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 his captain at various  
times; and sometime subsequent to the  
10th, he persuaded his men to continue  
in service until majors Hicks and Ral-  
ston 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 in-  
nocence, and willingly submits his case  
to 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 charged, with the exception of  
failing to report his men to the com-  
manding 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 adjourn-  
ment; Present the president and mem-  
bers, and proceeded to the trial of 3d  
Lieut. James M'Cauley, 1st Reg. W. T.  
militia, arraigned on the following charges  
and specifications:  
Charge 1st—Exciting to Mutiny.  
SPECIFICATION: In that, between  
the 10th and 15th Sept. 1814, speaking  
words tending to lead men to the  
act of mutiny by saying that the opin-  
ion of the United States' attorney for  
the state of Virginia was nothing but  
newspaper law.  
Charge 2d—Conniving at Mutiny.  
SPECIFICATION: In that, on the  
19th September, 1814, he gave direc-  
tions to some of the mutinous party, to  
put in his knapsack his proportionable  
part of provisions which had been for-  
cibly 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 oc-  
cupy him that length of time.  
Charge 3d—Disobedience of Orders.  
SPECIFICATION: In that, not using his  
endeavour to suppress any mutiny or  
intended mutiny, as required by said  
order of 22d August, 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 captain  
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 dis-  
courage 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. M'Cauley's tent, to make  
use of the black drink before their de-  
parture 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 captain  
Strother's company, a witness, in be-  
half of the prosecution, being sworn,  
states: That he recollects no attempt  
made by the accused either to encour-  
age or discourage mutiny; and further  
ad. not.  
James Gumbdral, a corporal of capt.  
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 Sep-  
tember, if he had given out the foolish  
notion of 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 Col.  
discountenanced it, and his orders ought  
to be obeyed; the accused then told him  
that the Col. wished to devil them all he  
could; at which time the conversation  
ceased; 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 par-  
ticularly to do so; that the Lieutenant  
was frequently present when the com-  
pany were using the black drink, and uttering  
mutinous language; and knows of no at-  
tempt made by the accused to stop the  
progress of mutiny.  
John Smith (lieutenant) 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 enquires, that it was  
not right to go home; but knows of no  
other exertion, by him to suppress mu-  
tiny.  
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, if  
some of the party if he would go, he an-  
swered that he reckoned so, and direct-  
ed his proportionable part to be put in  
the bag, belonging to some of the mess,  
at morning, one and a half pailful of  
flour was placed in it.  
John Harris, a private of capt. Kel-  
patrick's company, a witness in behalf  
of the prosecution, being sworn, states:  
That, some time in the month of Sep-  
tember, he asked the accused, in his pre-  
sence, 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 afterwards  
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.  
Colonel P. Pipkin, a witness on be-  
half of the defendant, being sworn,  
states: That the accused to his knowl-  
edge never made any attempt either to  
excite or discourage mutiny, but sup-  
poses he did not use his endeavour to  
suppress mutiny, as required by a regu-  
latory order, dated 23d August, 1814.  
Q. Question by the accused. Did I not  
sometime before the mutiniers went  
off, ask you if those men who remained,  
would not be attached to other compa-  
nies?  
Answer. I was asked that question  
a day or two before they went away, by  
some persons, but disremember who  
they were.  
Capt. George Melane, a witness be-  
ing 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 T. Cooksey, a witness  
on 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 vigilant  
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 sup-  
press mutiny and that he heard the lieut-  
enant say, that he did not calculate on  
going home until he obtained a hono-  
rable discharge, which would be be-  
tween the 20th December and 20th Jan-  
uary, 1814.  
Ensign Jesse Gilbert, a witness in  
behalf of the defendant, being sworn,  
states: That he was frequently in com-  
pany with the accused during the mutiny,  
and never heard him make use of  
any language, as charged, and of any  
at-tempt of his, either to excite or check  
the proceedings of the mutinous party.  
Q. Question by the accused. Did you

never hear me say that I was deter-  
mined to continue in service, until I got  
an honorable discharge? Answer. You  
mentioned to me, that it was your in-  
tention to stay until the expiration of  
the time of service, let others do as they  
would; and that this observation was  
made by the accused, about 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 mu-  
tinous language; and say they had bet-  
ter stay; that he and the accused messed  
together, ever since mustered into ser-  
vice; 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 mutinising, 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 Benham, 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 mutin-  
ous 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 Bumpus, a private of 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 James, a private of capt.  
Strother's company, a witness in behalf  
of the defendant, being sworn, states:  
That the accused told him that he ex-  
pected to continue in service until the  
expiration of the time; that, in his pre-  
sence, he persuaded the men to stay at  
Fort Jackson until discharge; 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 com-  
pany shewed that he ever shewed a dis-  
position 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-mor-  
row, 9 o'clock.  
The court met, pursuant to adjourn-  
ment; Present, the president and mem-  
bers, 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 accus-  
ed, that he had to blame himself alone  
for his misconduct in leaving the ser-  
vice.  
Phillip Bryant, a private of captain  
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 discontinue the  
use of black drink to stay in the ser-  
vice 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 encamp-  
ment, 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, whereas the accus-  
ed turned off, and left them; sometime  
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 re-  
turn what you have taken by force from  
the issuing house; and, as far as came  
under his view, the accused discounten-  
anced all mutinous proceedings, heard  
one of the witnesses in behalf of the pro-  
secution, say, that the Captain and Lieut-  
enant could be broke, the men would  
be fugitives; that he has frequently  
heard the men ask the Lieutenant if he  
always told the men to stay six months;  
and said he intended saying as long as  
the Colonel did.  
Lieutenant James M'Cauley 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 accus-  
ed guilty, as charged, and sentenced, that  
he be dismissed the service, have his  
word broken over his head, with a total  
disqualification of ever holding a com-  
mission 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, pro-  
ceeded to the trial of Jacob Webb, a  
private of capt. Strother's company.  
Charge—Desertion.  
SPECIFICATION: In that, on the  
night of the 19th September, 1814, he