

doubt. On pretence of military obedience, I am ordered to the only part of the world in which I can do no military service. An enemy's prison is not the King's garrison, nor is any thing to be done or suffered there, any part of an officer's duty ; so far from it that it implies a direct incapacity for any military function. What are the military orders I am to give to men who have no arms to fight, and no liberty to march ? Or by what rule is my not being in the hands of rebels, understood to be a neglect of duty to my Sovereign ? Sir, the thing is too evident ; those who calumniate my conduct on this account are desirous not of serving the King, but of insulting me, and of establishing new, dangerous, unmilitary and unconstitutional powers in themselves.

While a precedent is establishing in my particular case, I request it may moreover be remembered that I am deprived of a court-martial upon my conduct in America, because I am not supposed to be amenable to the justice of the kingdom : and the King is told I have disobeyed his orders, in the very same breath that I am stated not to be accountable to him : by this doctrine it seems supposed, that I am not capable of receiving orders for the purposes of public justice or public service, but am perfectly subject to all such as have a tendency to my own destruction.

But it has been suggested when no military duty could be devised as a ground for this order