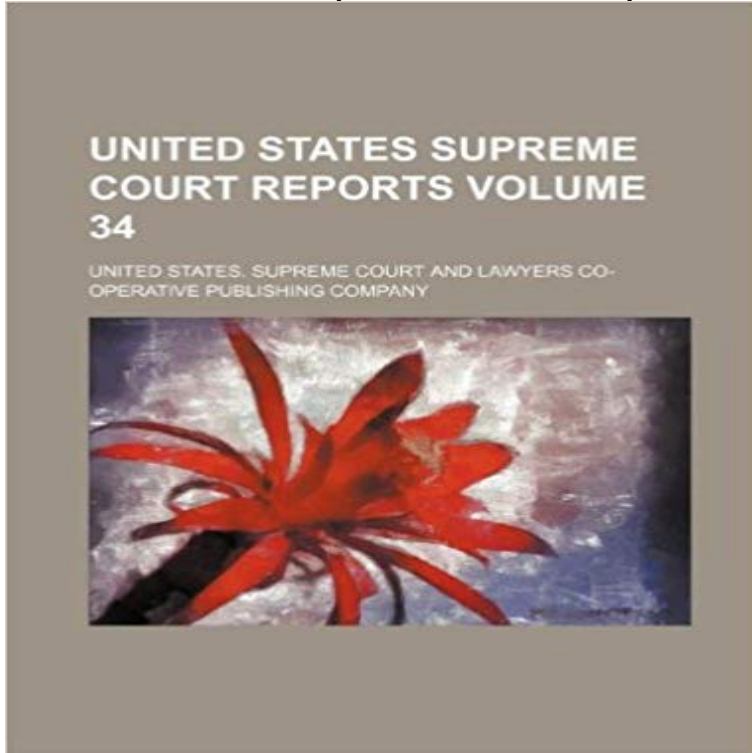


## United States Supreme Court reports Volume 34



This historic book may have numerous typos and missing text. Purchasers can download a free scanned copy of the original book (without typos) from the publisher. Not indexed. Not illustrated. 1918 Excerpt: ... (except to such distances as the duty of the post may require) from, the barracks in Albemarle County, as guards over the convention troops; that they receive the usual pay of the Continental army, and a suit of clothes aa a bounty to each non-commissioned officer and private: That as soon as the said regiment shall be so far completed as to be able to do the duty of 127 the post, the militia now in the service there be discharged. It also appears that the further question was litigated, whether the court was authorized to find the ultimate fact that the regiment of guards, when it was disbanded on the 15th of June, 1781, was reduced, within the terms of the Resolutions of October 3 and 21, 1780. The opinion of the Court of Claims says of the claims in suit that it has regretfully reached the conclusion that the moral probabilities on which it rests do not constitute such a foundation of circumstantial evidence as would sustain a verdict in a suit at niripriui, or authorize a judgment in this court. It further says: During the period of the Revolution the term muster out was not used, and troops, either individually or as organizations, are spoken of as discharged when dismissed from the continental service. A regiment broken up and consolidated is spoken of as reduced, and officers who were thereby thrown out and became unattached were designated as supernumeraries. The consolidated regiments, moreover, are variously designated as the new arrangement, the new establish The Continental Congress, by the Resolutions 8d October and 21st October, 1780 (3 Jour. Cong. pp. 533, 538), determined to reorganize the army In a manner which

would involve the consolidation or reduction of regiments. The army, which ...

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