

## STINGLE'S CASE.

District Court, E. D. Pennsylvania.      Sept. 4, 1863.

## ARMY—LIABILITY TO DRAFT—HABEAS CORPUS.

1. Under the act of March 3, 1863, § 3 [12 Stat. 731], if a married man over thirty-five years of age were enrolled and drafted in the first class, he might be discharged by a federal court on habeas corpus.
2. A person illegally conscripted into the federal army may be discharged on habeas corpus.

[Cited in Brightley's Dig. 51,440, to the points as given above. Nowhere reported; opinion not now accessible. Decided by CADWALADER, District Judge.]

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