



Gazette of the United States

EVENING ADVERTISER

[No. 22 of Vol. V.]

TUESDAY, January 7, 1793

CHARLESON, (S. C.) Dec. 10.

Citizens Markland & M'Lver,

WHEN an individual receives an injury from a set of men, whether those men are acting under the cloak of office or not, the peace and happiness of that individual is disturbed, and his good name, more commonly, suffers in the opinion of the people at large, than that it should be defended. But when the individual is attacked by a powerful body, his liberty taken from him, and his actions, nay, his thoughts, are scrutinized, under specious pretences of public safety, it is then no longer a private injury; it becomes one of public nature. Citizens, it is from the channel of your paper, I seek to produce to my fellow citizens, not of this state only, but of the whole United States, a relation of an arbitrary act, which although seemingly aimed at me, yet strikes at the very basis of the political liberty of my country. In giving this relation, "I shall nothing extenuate—nor set down aught in malice."

On Saturday night the 7th instant, I was accosted in my yard by a person who came in at my gate, with the usual compliment of—How do you do, sir, I supposed him an acquaintance, and when he came near enough to the light to be distinguished, I recognized the person of col. Wade Hampton; close at his heels followed two other men; these, with the colonel, I invited to walk in; they entered and sat down. Mr. Hampton, prefaced his business by saying, that he imagined I must know what he came upon. I declared my ignorance. He continued his preface, by saying, he presumed I must have heard the opinions and surmises which have been made on my going up the country some few weeks back. I replied, that those reports which he alluded to had reached my ears while in the country, and precipitated my return to Charleston, to face my enemies. He then produced his commission, which was a bench warrant, signed by Thomas Waties, and E. H. Bay, (two of the associate judges) to take my body into custody, for attempting to levy troops from among the citizens of this state, and under commissions of the French republic. This warrant was grounded on a representation of a committee who were appointed by the house of representatives now sitting at Columbia, setting forth, "That divers persons, citizens of this state, have wickedly attempted, under a foreign authority, to levy an armed force within state, without the permission and contrary to the express prohibition of the government of the United States." This warrant acted against my body only. I submitted it was cloathed with the authority of those whom the people had chosen to execute the laws; and however innocent I might be, it was the part of a good citizen to submit. The sequel, however, proved that more was intended, and the taking of my body was the most trifling part. Col. Hampton, after executing his duty as sheriff, produced another species of power, in the character of special messenger to the house of representatives: this was a search warrant, signed by Robert Anderson, as chairman of a committee appointed by the house, and composed of Robert Anderson, Henry Wm. Desaussure, John Rutledge, jun. capt. Butler, John Drayton, Timothy Ford, and James Green Hunt, which declares and sets forth, "That William Tate, Stephen Drayton, John Hambleton, Robert Tate, Jacob Roberts Brown, and Richard Speake, have feverally been concerned and employed in enrolling the citizens of this state, and exciting them to arm themselves in the service of the French republic; and to march out of this state, under officers appointed and commissioned by the minister plenipotentiary of the French republic, and that the said W. T. S. D. &c. possess certain informations of and in the premises, as well as divers papers or records, relative thereto, which are necessary and proper to be obtained and brought before the committee, in order to enable them more fully to discharge the trust and duty committed to them, as aforesaid, &c." Consequently, col. W. Hampton was not only authorized to take the above persons into custody, but immediately, notwithstanding excuses, neglects or refusals, to compel them to appear before the committee at Columbia. And moreover, to search for all papers, records, memorandums or writings in anywise relating to, or touching the premises, which may be in the custody of the said S. D. W. T. &c. (and repeats) "and all papers so found, forthwith, together with the persons aforesaid, to bring before the said committee, at the place aforesaid." Concluding with requiring and enjoining all citizens of this state, upon being thereunto required, to be aiding and assisting—as they shall answer the contrary at their peril.

Citizens of America, after perusing the above, attend to the following: The warrant from the committee, declaring that divers persons are levying troops, or an armed force, in this state, without permission, and contrary to the government, of the United States, and thereby declaring it to be illegal, is acting under the proclamation of the President of the United States, dated the 10th of April, 1793, enjoining the citizens of these states to observe an exact neutrality respecting the belligerent powers. The 3d section of the 2d article of the constitution defines the power of the President, respecting extraordinary occasions, and such measures as are expedient to be taken, in which the law of the land has been made, he may recommend; but it does not empower him to create a new law, however expedient it may be. In the 3d section, the 1st article, declares what treason against the United States shall consist of, i. e. the levying war against them, or in adhering to their enemies, giving them aid and comfort. The 2d clause of the 6th article declares, that this constitution and the laws of the United States, which shall be made in pursuance thereof, or which shall be made under the authority of the United States, shall be the supreme law of the land. The 6th clause in the amendment to the constitution declares, the right of the people to be secure in their persons, houses, papers and effects, against unreasonable searches and seizures, shall not be violated: and warrants shall issue but on probable cause, supported by oath or affirmation, and particularly describing the places to be searched, and the persons and things to be seized.

The immediate following clause, viz. the 7th, declares, that no person shall be held to answer for a capital, or otherwise infamous crime, unless on a presentment or indictment by a grand jury, except in cases arising in the land or naval forces, or in the militia, when in actual service, in the time of war or public danger. The constitution of the United States is the law of the land, and on attentively perusing it, I cannot find a clause which, in a most distant manner, can be construed, even by the formidable host of lawyers who compose the committee, so as to make it treason in any American's entering into the service of the French republic, while that people are not engaged in a war against America: for the 3d section and the 1st article clearly, without a possibility of the words being explained away, or extorted to any other meaning, says, "Treason against the United States, shall consist only in levying war against them, or in adhering to their enemies, giving them aid and comfort!" The warrant by which I have been treated as a slave has not accused me of attempting to levy war on Jamaica. It or of adhering to the enemies of the United States, and exciting themselves in the service of the French Republic, and to march out of this state, under officers appointed and commissioned by the minister of the French Republic, in a vessel by the minister of the French Republic. Does this act constitute treason? or can it be construed into a crime? By the law of the land it cannot; but by the proclamation of the President it may—that is, in the eyes of those who think there is infallibility in others as well as the Pope. But let us refer to the federal constitution, and see the power placed in the hands of the President. We will begin with the solemn oath which he takes on entering into office—"I do solemnly swear, that I will faithfully execute the office of President of the United States, and will, to the best of my ability, preserve, protect and defend the constitution of the United States." This is the oath of office: he must preserve, protect and defend, but he cannot add to or alter a title of the constitution; and although, without pretending to omniscience or infallibility, he may discover defects in the constitution yet in this case he can only recommend to the consideration of Congress, such measures as he may judge necessary and expedient—except in extraordinary occasions, and then his power is extended so far as to convene both houses, or either of them.

If, then, no article of the law of the land prohibits my joining the armies of France, I was at liberty so to do, notwithstanding the proclamation of the President: for he had no power to restrain my political liberty. But when power is so far misused, as upon the slightest grounds, to attack the freedom and the life and property of the citizens, it is full time to examine the government we live under; as a freeman I will do it, and as a just man I will neither lessen nor misrepresent. I am accused, among others, of being concerned in levying and arming the citizens to march out of the state, and to enter the service of the French Republic; and the accusation has been supported with the oath of one: it goes on with declaring that the armament, under myself, is intended against some of the Spanish islands belonging to the King of Spain—No mention of levying war against this state, or any other of the union. I have said that col. Hampton took my body into custody, under the bench warrant on Saturday the 7th inst. and when he was to act under the committee's warrant, his urbanity prompted him to propose my sending for an intimate and confidential friend, who should search my papers for treasonable correspondence. I declined at first, but on the colonel's saying it would be, in every stage of the business, more satisfactory to him, I proposed capt. T. Hall, and accordingly one of the persons attending on the sheriff went in search of him, and on coming about 11 o'clock at night, after a search took place, where my papers lay exposed, or where drawers, trunks and boxes were found, which were not secured by locks. A man long in public service, and who, when his country was invaded by British arms, in consequence of the rank he held in the army of these United States, independent of correspondencies in a private life for forty years back, could not but be in possession of many secrets. The hour of two o'clock in the morning came; the progress made was but small. I saw the difficulty attending the business, and endeavored to return the civility and politeness with which the sheriff acted, by proposing seals to be placed on the locks and drawers of my desk, and pledging my honor that I would not in anywise give information to any one, or secrete any papers, and that a bed should be prepared for the sheriff, that when day-

light returned the search should be continued; giving my parole not to quit the chamber for the remainder of the night. This being agreed to, Mr. Hall, as clerk of the session, placed the official seal on the desk and drawers; and at two o'clock left my house and fell in the possession and care of the sheriff. At ten o'clock Sunday morning capt. Hall resumed the search. Having gone through the whole of my papers which were not secured by locks, he then broke the seals he had placed on my desk, and demanded my keys: these I peremptorily refused to deliver, observing that, if they conceived it to be in the execution of their office, they might force my locks; but I was determined not to produce a key.—Accordingly my locks were forced, my papers examined with the eye of scrutiny, and not a paper nor a sentence could be found that could tend to support the charge which had occasioned this wantonly attack upon the privileges and immunities of a citizen. I have already set forth in the words of the bench warrant, and, in those of the warrant from the committee of the house, the charges which were laid against me. I have scrupulously examined the law of the land, and the law of this state, and have, together with my accusations, placed them before my fellow citizens, to judge. In the constitution of this state, the 2d clause of the 9th art. declares, that "No freeman of the state shall be taken, or imprisoned, or dis seized of his freehold, liberties or privileges, or outlawed, or exiled, or in any manner destroyed, or deprived of his life, liberty or property, but by the judgment of his peers, or by the law of the land." Upon the evidence of *no man*, who has not declared how he became possessed of the evidence, am held out as a traitor to my country and treated with all the rigour and persecutions under the most arbitrary government. Upon the evidence of laws of the land, and the past as of this state, the act imputed here-treasonable, is not meant into a fore that *ad* cannot be construed made crime, because no existing amounted it one. But allowing President's to *misprison*, by admission of laws, proclamation to have been the law was in establishing *crimes* to come at the silent, yet the necessary to condemn evidence which such, that nothing the aggressor, of a despot was without short of the

hereafter attempt to call Shall *ad* of liberty, when neither American locks, or other security, characteretofore held sacred, can pro-how citizen from the rigorous search tesar-chamber warrant? Suppose, for oment, I was seen at the head of one thousand, or even ten thousand men, all citizens, and all equally free to go where they pleased, as I supposed myself to be at *one time*, and that we were just stepping out of the limits of this state, progressing to a country, no matter whether in or out of the limits of the United States: could it be construed against the laws of this country, when the preamble to every constitution passed in America declares that *all men are free*? I am not free to commit murder; I am not free to make depredations upon any individual of the United States: but certainly I am free to quit these states *when I please* to go *where I please*, or I am more a slave to tyranny now, than I was twenty years ago.

If then this political freedom is possessed by the citizens of America, and it has been declared to be their *inherent right* by the general voice of the people, what assumption of power must it be, when a set of individuals shall attempt to invade or in any shape diminish that right. Americans, it becomes your cause more immediately than mine; every indignity which I have been made to suffer, I have

The year and days being demanded by one fifth of the members present. Those who voted in the affirmative are; Theodoros Bailey, Abraham Baldwin, John Beatty, Thos. Blount, Thos. P. Carnes, Gabriel Christie, Abraham Clarke, Isaac Coles, Wm. Johnson Dawson, Henry Dearborn, Geo. Dent, Wm. Findley, W. B. Giles, Christ. Greenup, Andrew Gregg, Wm. Barry Grove, Carter B. Harrison, John Heath, Danl. Heister, Wm. Irvine, Richd. B. Lee, Matthew Locke, Nathn. Macon, James Madison, Joseph McDowell, Ab-
Montgomery

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