

Six Prisoners Explain Why They Refused Bail and Were Imprisoned on 25 February, *Carlisle Gazette*, 5 March 1788

Whereas a publication has appeared in the last Gazette, signed John Agnew and Samuel Irvin, in which our conduct is misrepresented in the most glaring manner; our own vindication, therefore, calls upon us to set before you a true state of facts; for the truth of which we appeal to every spectator who was present during the transaction. By the appointment of the sheriff [Charles Leeper] we appeared before John Agnew, Esquire, at his office on Monday last [25 February 1788] in the afternoon, who laid before us a warrant and a number of depositions containing the charge alleged against us. Upon perusal of the warrant and depositions aforesaid, we prayed a hearing or investigation of the premises, which, if granted, we proposed to exculpate ourselves from every part of the accusation; but this was positively refused. We then, with some degree of spirit, contended that the warrant required a hearing, there being no oath set forth in it, which we pleaded was absolutely necessary according to the constitution and laws of this state, before any person should be held to bail or deprived of their liberty. For this we had every reason to believe the Chief Justice [Thomas McKean] (who issued the warrant), had neither oath or affirmation before them at the time of granting the warrant, Thomas Duncan, Esquire having declared on his honor, at the late orphans' court, in a reputable meeting at Mr. William Rainey's, that no deposition had been sent down to the Chief Justice. We again pleaded that as freemen we had a right to an impartial investigation of the affair, but still the old cant was reiterated by John Agnew, Esquire that he could grant us no hearing. The only alternative was to enter bail or be committed, for he would not be browbeat. At length Samuel Irvin, Esquire arrived and retired with John Agnew, Esquire to a separate apartment, in order to consult what would be best to be done. On their return they proposed to write to the chief justices to know whether they would grant us a hearing or not; and in the meantime remain in the custody of the sheriff, until the 25th day of March next, and then appear to know their determination. Although we considered that the chief justices had no power to supersede our rights as freemen, yet we agreed to postpone it to the time proposed provided we were assured of a full discussion at that period. But this also was refused us. We then again demanded to be confronted by the witnesses. This being again refused, we said we would not engage to appear a second time, on the same warrant; but, willing to submit to the decision of his worship, our *mittimus* was then written, and we were about to be sent to limbo, when we made a demand of the prosecutors and witnesses being recognized to prosecute previous to our commitment. This legal request was obstinately and peremptorily refused. On this ground we refused bail and consequently were committed.

William Petrikin, Samuel Greer, Joseph Young, Joseph Steel, James Wallace, Barthol. White.
Carlisle, March 1, 1788.

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