

A Supernumerary Crisis

from the *Pennsylvania Packet*, June 4, 1782

TO SIR GUY CARLETON

It is the nature of compassion to associate with misfortune; and I address this to you in behalf even of an enemy, a captain in the British service, now on his way to the Head-quarters of the American army, and unfortunately doomed to death for a crime not his own. — A sentence so extraordinary, an execution so repugnant to every human sensation, ought never to be told without the circumstances which produced it: and as the destined victim is yet in existence, and in your hands rests his life or death, I shall briefly state the case, and the melancholy consequence.

Captain Huddy, of the Jersey militia, was attacked in a small fort on Tom's river, by a party of refugees in the British pay and service, was made prisoner, together with his company, carried to New-York and lodged in the provost of that city; about three weeks after which, he was taken out of the provost down to the water side, put into a boat, and brought again upon the Jersey shore, and there, contrary to the practice of all nations but savages, was hung up on a tree, and left hanging till found by our people, who took him down and buried him.

The inhabitants of that part of the country where the murder was committed, sent a deputation to General Washington with a full and certified state of the fact. Struck, as every human breast must be, with such brutish outrage, and determined both to punish and prevent it for the future, the General represented the case to General Clinton, who then commanded, and demanded that the refugee officer who ordered and attended the execution, and whose name is Lippencut, should be delivered up as a murderer; and in case of refusal, that the person of some British officer should suffer in his stead. The demand, though not refused, has not been complied with; and the melancholy lot (not by selection, but by casting lots) has fallen upon Captain Asgil, of the guards, who, as I have already mentioned, is on his way from Lancaster to camp, a martyr to the general wickedness of the cause he engaged in, and the ingratitude of those whom he has served.

The first reflection which arises on this black business is, what sort of men must Englishmen be, and what sort of order and discipline do they preserve in their army, when in the immediate place of their Head-Quarters, and under the eye and nose of their commander in chief, a prisoner can be taken at pleasure from his confinement, and his death made a matter of sport.

The history of the most savage Indians does not produce instances exactly of this kind. They, at least, have a formality in their punishments. With them it is the horridness of revenge, but with your army it is a still greater crime, the horridness of diversion.

The British generals who have succeeded each other, from the time of General Gage to yourself, have all affected to speak in language that they have no right to. In their proclamations, their addresses, their letters to general Washington, and their supplications to congress (for they deserve no other name) they talk of British honour, British generosity and British clemency, as if those things were matters of fact; whereas, we whose eyes are open, who speak the same language with yourselves, many of whom were born on the same spot with you, and who can no more be mistaken in your words than in your actions, can declare to all the world, that so far as our knowledge goes, there is not a more detestable character, nor a meaner or more barbarous enemy, than the present British one. With us you have forfeited all pretensions to reputation, and it is only by holding you like a wild beast, afraid of your keepers, that you can be made manageable. — But to return to the point in question.

Tho' I can think no man innocent who has lent his hand to destroy the country which he did not plant, and to ruin those that he could not enslave, yet abstracted from all ideas of right and wrong on the original question, captain Asgil, in the present case, is not the guilty man. The villain and the victim are here separated characters. You hold the one and we the other. You disown or affect to disown and reprobate the conduct of Lippencut, yet you give him a sanctuary; and by so doing you as effectually become the executioner of Asgil, as if you had put the rope on his neck, and dismissed him from the world.

Whatever your feelings on this interesting occasion may be are best known to yourself. Within the grave of your own mind lies buried the fate of Asgil. He becomes the corpse of your will, or the survivor of your justice. Deliver up the one and you save the other; withhold the one and the other dies by your choice.

On our part the case is exceeding plain; AN OFFICER HAS BEEN TAKEN FROM HIS CONFINEMENT AND MURDERED. AND THE MURDERER IS WITHIN YOUR LINES. Your army has been guilty of a thousand instances of equal cruelty, but they have been rendered equivocal, and sheltered from personal detection. Here the crime is fixt; and is one of those extraordinary cases which can neither be denied nor palliated, and to which the custom of war does not apply; for it never could be supposed that such a brutal outrage would ever be committed. It is an original in the history of civilized barbarians, and is truly British.

On your part, you are accountable to us for the personal safety of the prisoners within your walls. Here can be no mistake; they can neither be spies nor suspected as such; your security is not endangered, nor your operations subjected to miscarriage, by men immured within a dungeon. They differ in every circumstance from men in the field, and leave no pretence for severity or punishment. But if to the dismal condition of captivity with you, must be added the constant apprehensions of death; if to be imprisoned is so nearly to be entombed; and, if after all, the murderers are to be protected, and thereby the crime encouraged, wherein do you differ from Indians either in character or conduct.

We can have no idea of your honour or your justice in any future transaction, of what nature it may be, while you shelter within your lines an outrageous murderer and sacrifice in his stead an officer of your own. If you have no regard to us, at least spare the blood which it is your duty to save. Whether the punishment will be greater on he, who, in this case, innocently dies, or on he whom sad necessity forces to retaliate, is, in the nicety of sensation an undecided question? It rests with you to prevent the sufferings of both. You have nothing to do but to give up the murderer, and the matter ends.

But to protect him, be he who he may, is to patronize his crime, and to trifle it off by frivolous and unmeaning enquiries is to promote it. There is no declaration you can make, no promise you can give, that will obtain credit. It is the man and not the apology that is demanded.

You see yourself pressed on all sides to spare the life of your own officer, for die he will if you withhold justice. The murder of captain Huddy is an offence not to be borne with, and there is no security which we can have that such actions or similar ones shall not be repeated, but by making the punishment fall upon yourselves. To destroy the last security of captivity, and to take the unarmed, the unresisting prisoner to private and sportive execution, is carrying barbarity too high for silence. The evil **MUST** be put an end to; and the choice of persons rests with you. But if your attachment to the guilty is stronger than to the innocent, you invent a crime that must destroy your character, and if the cause of your king needs to be so supported, for ever cease, sir, to torture our remembrance with the wretched phrases of British honour, British generosity, and British clemency.

From this melancholy circumstance, learn, sir, a lesson of morality. The refugees are men whom your predecessors have instructed in wickedness the better to fit them to their master's purpose. To make them useful they have made them vile, and the consequence of their tutored villany is now descending on the heads of their encouragers. They have been trained like hounds to the scent of blood and cherished in every species of dissolute barbarity. Their ideas of right and wrong are worn away in the constant habitude of repeated infamy, till like men practised in execution they feel not the value of another's life.

The task before you, tho' painful, is not difficult; give up the murderer, and save your officer, as the first outset of a necessary reformation.

Philadelphia, May 31, 1782. COMMON SENSE.