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## FROM THE BALANCE.

[While the melancholy fate of Major Andre, has rung through the world in all the forms that fancy could invent, the following piece of history, certainly no less affecting, has scarcely ever been noticed, since it was recorded by the able pen of Dr. RAMSAY.]

## ACCOUNT OF THE DEATH AND CHARACTER

OF COLONEL ISAAC HAYNE,

From Ramsay's History of the Revolution in South Carolina.

AS soon as the American army obtained possession of the country, the inhabitants after returning to their former allegiance, resolutely put all to risk in support of independence. Though the British, in the career of their conquests, had inculcated the necessity and propriety of transferring allegiance from the vanquished to the victor, yet they treated with the utmost severity those unfortunate men, when in their power, who, having once accepted of British protection, acted on these very principles in afterwards re-joining their victorious countrymen.

Among the sufferers on this score, the illustrious Col. Hayne, stands conspicuous. During the siege of Charleston, that gentleman served his country in a corps of militia horse. After the capitulation, there being no American army in the state, and the prospect of one being both distant and uncertain, no alternative was left but either to abandon his family and property, or to surrender to the conquerors. This hard dilemma, together with well founded information, that others in similar circumstances had been paroled to their plantations, weighed with Col. Hayne, so far as to induce a conclusion that, instead of waiting to be captured, it would be both more safe and more honorable to come within the British lines, and surrender himself a voluntary prisoner. Reports made of his superior abilities and influence, uniformly exerted in the American cause, operated with the conquerors to refuse him a parole, though they were in the habit of daily granting that indulgence to others of the inhabitants. To his great astonishment he was told, "that he must either become a British subject, or submit to close confinement." To be arrested and detained in the capital, was to himself not an intolerable evil: but to abandon both his family to the small-pox, a disease then raging in the neighborhood, and which in a short time after proved mortal to his wife and two children, and to the insults and depredations of the royal army, was too much for a tender husband and a fond parent. To acknowledge himself the subject of a King, whose government he had from principle renounced, was repugnant to his feelings; but without this he was cut off from every prospect of a return to his family. In this embarrassing situation he waited on the author of this history, with a declaration to the following effect: "If the British would grant me the indulgence which we, in the day of our power, gave to their adherents, of removing my family and property, I would seek an asylum in the remotest corner of the United States rather than submit to their government; but as they allow no other alternative than submission or confinement in the capital, at a distance from my wife and family, at a time when they are in the most pressing need for my presence and support, I must for the present yield to the demands of the conquerors. I request you to bear in mind, that, previous to my taking this step, I declare, that it is contrary to my inclination, and forced on me by hard necessity. I never will bear arms against my country. My new masters can require no service of me but what is enjoined by the old militia law of the province, which substitutes a fine in lieu of personal service. That I will pay as the price of my protection. If my conduct should be censured by my countrymen, I beg that you would remember this conversation, and bear witness for me, that I do not mean to desert the cause of America."

In this state of distress Col. Hayne, subscribed to a declaration of his allegiance

to the King of Great Britain, but not without expressly objecting to the clause which required him, "with his arms to support the Royal government." The Commandant of the garrison, Brigadier General Patterson, and James Simpson, Esq. Intendant of the British Police, assured him, that this would never be required, and added further, "that when the regular forces could not defend the country without the aid of its inhabitants, it would be high time for the Royal army to quit."

Having submitted to their government, he readily obtained permission to return to his family. In violation of the special condition under which he subscribed the declaration of his allegiance, he was repeatedly called on to take arms against his countrymen, and was finally threatened with close confinement in case of farther refusal. This open breach of contract, together with the inability of the late conquerors to give him that protection which was as a compensation for his allegiance, the Americans having regained that part of the state in which he resided, induced him to consider himself released from all engagements to the British Commanders. The inhabitants of his neighborhood, who had also revolted, subscribed a petition to General Pickens, praying that Col. Hayne might be appointed to the command of the regiment. Having resumed his arms, and the tide of conquest being fairly turned in the short space of thirteen months after the surrender of Charleston, he was sent in the month of July, 1781, with a small party to reconnoitre.—They penetrated within seven miles of the capital—took General Williamson prisoner, and retreated to the head quarters of the regiment. This was the same Williamson, who, having been an active and useful officer in the militia of South Carolina, from the commencement of the war to the surrender of Charleston in May, 1780, became, soon after that event, a British subject. Such was the anxiety of the British commandant to rescue General Williamson, that he ordered his whole cavalry on this business. Col. Hayne, unfortunately fell into their hands. Tho' he had conducted himself peaceably while under the British government, and had injured no man, yet for having resumed his arms, for accepting British protection, he was, when brought to Charleston, confined in a loathsome provost. At first he was promised a trial, and had counsel prepared to justify his conduct by the laws of nations and usages of war; but this was finally refused. Had he been considered as a British subject, he had an undoubted right to trial—if an American officer, to his parole; but in violation of every principle of the constitution, he was ordered for execution by the arbitrary mandate of Lord Rawdon and Lieutenant-Colonel Balfour.

The Royal Lieutenant Governor Bull, and a great number of inhabitants, both Loyalists and Americans, interceded for his life. The ladies of Charleston generally signed a petition in his behalf, in which was introduced every delicate sentiment that was likely to operate on the gallantry of officers, or the humanity of men. His children, accompanied by some near relations, were presented on their bended knees, as humble suitors for their father's life. Such powerful intercessions were made in his favour as touched many an unfeeling heart, and drew tears from many an hard eye; but Lord Rawdon and Lieutenant-Colonel Balfour remained inflexible.

After his fate was fixed, he was repeatedly visited by his friends, and converted on various subjects with the fortitude of a man, a philosopher, and a christian. He particularly lamented that, on principles of reciprocal retaliation, his execution would probably be an introduction to the shedding of so much innocent blood. His children who had lost their parent, were brought to him in the place of his confinement, and received from his lips the dying advice of an affectionate father. On the last evening of his life he told a friend, "that he was no more alarmed at the thoughts of death than at any other occurrence that was necessary and unavoidable." He requested those in whom the

supreme power was vested, to accommodate the mode of his death to his feelings as an officer; but this was refused.

On the morning of the fatal day, on receiving his summons to proceed to the place of execution, he delivered some papers to his eldest son, a youth of about thirteen years of age—"Present," said he, "these papers to Mrs. Edwards, with my request that she would forward them to her brother in Congress. You will next repair to the place of my execution—receive my body, and see it decently interred among my forefathers." They took a final leave. The Colonel's arms were pinioned, and a guard placed around his person. The procession began from the Exchange, in the forenoon of the 4th of August, 1781. The streets were crowded with thousands of anxious spectators. He walked to the place of execution with such decent firmness, composure and dignity, as to awaken the compassion of many and to command respect from all. There was a majesty in his suffering which rendered him superior to the pangs of death. When the city barrier was past, and the instrument of his catastrophe appeared full in view, a faithful friend by his side observed to him, "that he hoped he would exhibit an example of the manner in which an American can die!" He answered with the utmost tranquility, "I will endeavor to do so." He ascended the cart with a firm step and serene aspect. He enquired of the executioner, who was making an attempt to get up to pull the cap over his eyes, what he wanted? Upon being informed of his design the Col. replied, "I will save you that trouble," and pulled it over himself.—He was afterwards asked whether he wished to say any thing, to which he answered, "I will only take leave of my friends, and be ready. He then affectionately shook hands with three gentlemen—recommended his children to their care—and gave the signal to the cart to move.

Thus fell, in the bloom of life, a brave officer, a worthy citizen, a just and upright man, furnishing an example of heroism in death that extorted a confession from his enemies, "that though he did not die in a good cause, he must at least have acted from a persuasion of its being so."

Few men stood higher in the estimation of their countrymen than the illustrious man whose exit has been just described. General Greene demanded from the British commanders their reasons for his execution. To which he received a written answer, signed by N. Balfour, acknowledging, "that it took place by the joint order of Lord Rawdon and himself, but in consequence of the most express direction from Lord Cornwallis, to put to death those who should be found in arms, after being at their own requests received as subjects since the capitulation of Charleston, & the clear conquest of the province in the summer of 1780."

The regular officers of the continental army presented a petition to General Greene, requesting that he would retaliate for the execution of Col. Hayne. By this they voluntarily subjected themselves to all the consequences to which, in case of capture they would be exposed. General Greene soon after issued a proclamation, threatening to make British officers the object of retaliation. This encouraged the revolted inhabitants to continue in arms, and effaced every impression that was expected from the fate of Col. Hayne. The British interest gained no permanent advantage, while pity and revenge sharpened the swords of the countrymen and friends of the much loved sufferer.

Had this execution taken place four or five months sooner, the policy of the measure, as tending to prevent a revolt, would have been some apology for it; but after Lord Rawdon was driven from almost the whole of his posts in the country, and the people had generally resumed their arms in favour of America, it had more the appearance of the revenge of a disappointed savage, than of the political severity of a conqueror.

Messrs. Editors,

THE extract in the Balance of last week, from Dr. Ramsay's story, respecting the barbarous execution of Col. Hayne, mentions a petition of the ladies of Charleston in favor of the unhappy sufferer. Having a copy of that petition I communicate it for republication. It was signed by all the ladies in Charleston, except four; and it does much honor to the female character.

Lord Rawdon is now the Earl of Moira. Rawdon and Balfour, by that instance of savage barbarity, incurred great odium, as well in England as in this country. In the eloquent speeches of Burke and some others, in the British Parliament, that black deed was painted in all its horrors.

## PETITION

OF THE LADIES OF CHARLESTON IN FAVOR OF COL. HAYNE; PRESENTED TO

LORD RAWDON AND COL. BALFOUR.

MY LORD AND SIR,

WE should have reason to reproach ourselves with having omitted a proper occasion of manifesting the tenderness peculiarly characteristic of our sex, if we do not profess ourselves deeply interested and affected by the imminent and shocking doom of the most unfortunate Mr. Hayne, if we did not intreat you, in the most earnest manner, graciously to avert, prolong or mitigate it. We do not even think, much less do we intend to imply in the remotest degree, that your sentence is unjust; but we are induced to hope, that every end it proposes, may be equally answered as if carried into execution: for to us it does not appear probable, that any, whom it is intended to influence, and deter from similar delinquency, will be encouraged with the hope of impunity, by reason of any favour shewn him, as they must surely reflect, that it was owing to certain causes and circumstances, that will not apply to them. We presume to make this intercession for him, and to hope that it will not prove fruitless, from the knowledge of your dispositions in particular, as well as from the reflection in general, that humanity is rarely separable from courage, and that the gallant soldier feels as much reluctance to cause, by deliberate decrees, the infliction of death on men, in cold blood, as he does ardor in the day of battle and heat of action, to make the enemies of his country perish by the sword. He may rejoice to behold his laurels sprinkled with the blood of armed and resisting adversaries, but will regret to see them wet with the tears of unhappy orphans, mourning the loss of a tender, amiable, and worthy parent, executed like a vile and infamous felon. To the praises that men, who have been witnesses and sharers of your dangers and services in the field, may found of your military virtues and prowess, we trust you will give the ladies occasion, to add the praises of your milder and softer virtues, by furnishing them with a striking proof of your clemency and politeness, in the present instance. May the unhappy object of our petition owe to that clemency & politeness—to our prayers and to his own merits in other respects—what you may think him not intitled to, if policy and justice were not outweighed in his behalf. To any other men in power, than such as we think you both to be, we should employ on the occasion more ingenuity & art, to dress up and enforce the many pathetic and favourable circumstances attending his case, in order to move your passions, and engage your favour; but we think this will be needless, and is obviated by your own spontaneous feelings, humane considerations, & liberal reasoning; nor shall we dwell on his most excellent character, the outrages and excesses, and perhaps murders, prevented by him, to which innocent & unarmed individuals were exposed in an extensive manner; nor shall we here lay any stress on the most grievous shock his numerous and respectable connections must sustain by his death, which will be aggravated by the mode of it; nor shall we do more than remind you of the complicated distress and sufferings, that must befall his young and promising children, to whom, perhaps, death would be