

American Legal History – Russell

John F. Grimke's Eyewitness Account of Camden Court Riot, April 27-28, 1785, 83 S.C. Hist. Mag. 209, 210-213 (Robert A. Becker ed. 1982).

Judge Grimke's Report

Charleston, May 18, 1785

Sir,

I hereby transmit you an account of the proceeding of some malcontents in the District of Camden, who had associated for the express purpose of preventing the holding of the Court of Common Pleas in that District on the last Circuit. I feel a very anxious Concern for the Intelligence I herewith communicate, and shall refrain from making any observations upon their Conduct & Resolutions which I enclose to your Excellency. I only fear that the misrepresentations which have been already circulated have wounded the Credit of the District at large more perhaps than it really deserves. Upon my arrival in Camden on the 25 of April, I was informed that a party of Persons from the Vicinity of the High Hills of Santee and the head of the several branches of black River had associated to interrupt the proceedings of the Court. I expressed my discredit of such an illegal measure being adopted and the intelligence being handed to me in the course of Conversation as a prevailing Rumour, and not being pressed upon me as a Fact, I continued in my disbelief of the Report. I was the more Sanguine in this opinion and well supported in it by my acquaintance of several gentlemen of very considerable Influence in the District who lived near the two above-mentioned Places and who would, I doubted not, have taken measures to disperse the unlawful assembly of any of the Inhabitants or their further progress in violating the Laws of their Country. And I was the more confirmed in my Opinion when I observed a greater number of the gentlemen of the District present than I had ever seen at any preceeding Court and none of whom made any mention of this Report to me. The proceedings of the Court were not at all disturbed on the 26th being the 1st Day of opening it.

But on the morning of the 27th Gen. Henderson & Mr. Brown waited on me at my Quarters and informed me of the arrival of the Malcontents the night before and that they were extremely resolute and determined to stop the proceedings of the Court of Common Pleas; but that they professed an anxious Desire of supporting the Criminal Department, that they had deputed a Committee to wait on the Gentlemen of the Bar with Instructions to endeavour to dissuade them from appearing in their Client's Causes; but they could exact no such promises from them; the only measure which then was suggested to their minds was if the Jury did not appear but preferred paying their fines that the Court could not proceed in any trials. This was a measure however from which they could not promise themselves much Success, as several of the Jury would naturally prefer the services of that Duty to the payment of their Fines. They were therefore desirous of holding a Conference with me to consult whether I could not suspend the operations of the Court. I peremptorily interrupted the General, informing him that I would by no means consent to an Interview and that if their behavior or speeches intimidated the Jury from appearing that I should proceed to draw Tales and endeavour to supply the Court with a Jury by that means. I was thoroughly sensible of the difficulty of procuring a whole Jury of tales-men; however I held this Idea out to them with a view of gaining time and of confounding their Plan. I still flattered myself that if I could disconcert or suspend their operations but for a Day, that the Gentlemen of the District who were present would immediately collect a sufficient force to deter them from their proceedings. The presence however of these Gentlemen had no such Effect on their minds, for I had not taken my Seat on the bench in the Criminal Court above half an hour before one of the Party began to call over a list of several names--at first I imagined that he was employed by the Attorney General to cite the witnesses to appear who were summoned to give Evidence to the Grand Jury, who had been already sworn and were now impanelled, but I soon suspected from the unusual agitation which I perceived the persons in Court to be in that this was intended as a signal and was preparatory to something more serious and probably decisive. I therefor ordered the Sheriff to enquire of him why he called out those names and who he was--to which Questions as he would make no reply I commanded the Sheriff to apprehend him, so loud that Hill (for that was his name as I was afterward informed) must have heard me, but he was so far from being intimidated that he proceeded leisurely in calling over the list of names as before, whilst the Sheriff was employed in engaging several Persons to assist him to apprehend Hill. During this short Interval and delay on the part of the Sheriff, I perceived a party collecting

round Hill as with an Intention of repelling the Sheriff. Therefore, I rose from the Bench and thinking a further Exertion on my part was necessary, I questioned him concerning his behaviour and the Insult he was offering to the Court; hoping that it would daunt himself, prevent others from supporting him as they would be more immediately under my own Eye and give a further time for the Sheriff to collect a party for this business, but he replied to me tauntingly that it was [""] not many words that would fill a bushell," and the persons surrounding him not relinquishing their stand as I reasonably expected, I turned to the Grand Jury and addressed them in a short speech adapted to awaken their Resentment for the Outrage offered to the Court and this Insult to the Laws of their Country. I hoped that by calling on them in so sudden and decisive a manner that it would certainly have operated on Hill and his party so strongly as to have caused them to have abandoned so impudent an attempt but I was again mistaken, which when I perceived during my address to the Grand Jury, I suddenly descended from the Bench and invited them to assist me in apprehending Hill. This step alarmed the Malcontents and they immediately fled crying out "here he comes, here he comes." The Grand Jury surrounding me dissuaded me from pursuing the fugitives, alledging that altho' they were ready and willing to support the Dignity of the court that they were sensible they would be overpowered by numbers. Perceiving that none of the Gentlemen of the most extensive influence in the District were present at this moment, I thought it most adviseable to return to the Bench and resume the business of the Court. I immediately sent for Gen. Henderson who had made professions of supporting the Court and who was the only person (besides Capn. Tate) that did make me any offers of this kind and still flattered myself that some Persons would associate to apprehend Hill and his Party who had collected at a small distance in more considerable numbers from the Courthouse and continued calling over the names. Thus I was in some measure confined a Prisoner to the Court House, and it unfortunately happened that Gen. Hen[derson] in whom I had placed the greatest Confidence, did not arrive until the malcontents had removed and dispersed themselves thro' out the Village of Camden. The maneuver it seems of calling over the names in Court was done with an Intention of intimidating the Jury from appearing, Hill imagining that he had possessed himself of the list of the Common Pleas Jury; instead of which he had obtained the Panel of Grand Jurors, which he was calling over and not a list of his associates as I had reason to suspect. The Day following, the Court was occupied until 6 o'clock in the Evening in the trial of the Criminals, whose Conviction and sentence I have already had the Honor of

laying before your Excellency: In the mean time I employed a Gentleman (whose name I will communicate personally to your Excellency) to attend the Conversation and Conduct of the several Companies collected in the town and to inform me whether the intended effect had taken place with regard to the Jury. He informed me that a very large majority of the Persons assembled at the Court approved of the intermission of the proceedings of the Court of Common Pleas, altho' they highly condemned the mode which Hill and his Party had adopted to suspend its process and moreover that the Persons who had assembled for the purpose of serving in the Capacity of Jurors in the aforesaid court had quitted the Town with precipitancy and apprehension. The Sheriff confirming this Report, I thought it needless on the next day to summon a Tales Jury, as the same fears which had operated on the Original Jurors so forcibly would most probably be transmitted to them. I therefore mentioned to several Gentleman of the Bar how I was circumstanced and advised with them that it would be most becoming the Dignity of the court not to call over the List of the C[ommon] P[leas] Ju[ry] at all any by that means to avoid the Indignity and Contempt which would consequently follow the proclaiming their names aloud in court when it was notorious to every one that they had retired home the day before. And I was the more prompt in adopting this measure when I considered that I had received no offer of support from the Gentlemen of the District and that this measure had been advocated (or at least a bill similar to the Resolutions of Hill's Party) most obstinately, in the last House of Assembly by the members of this District. The Gentlemen for whose consideration I had repeated these Sentiments joining my opinion, I adjourned the Court to the next sitting thereof in November.

I am, etc.

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