

In Council October 5th 1794

Sir

In consequence of the late Disturbances in Washington, several of the principal Offenders were upon proper Examination committed to the Gaol of that County by Mr Crank the Chief Justice of that District or by the County Magistrates. apprehensions are entertained that these Prisoners are not secure in Hagers Town and that attempts may be made for their Liberation by Force - and, of consequence, Prudence and the public Justice require that, if equally practicable, they should be removed to a place of greater safety.

It would be desirable that they should be committed to the Gaol of Frederick where there would be little Hazard of Violence in their Behalf. but Difficulties have occurred as to the Mode in which this can be effected consistently with the Law of the Land. It has been suggested that it may be done by the Chief Justice of the District or a Judge of the General Court on a Habeas Corpus issued by either for that purpose.

Additional Difficulties are created by the Nature of the Offence. whether it is proper for the Cognizance of the State Courts or those of the General Government and whether, if exclusively for the Cognizance of the latter, the Magistracy of the State can do any act for their safe Custody are Questions that contribute to embarrass the Views above stated.

The Insurgents did undoubtedly set themselves in opposition to the Militia Act as well as the Cause Law. and have unquestionably violated the Peace and Laws of this State. as well as a particular Law of the Continent.

The Witnesses have been recognized to the County Court of Washington. but certainly it would be more proper in every Respect that the Prisoners should be tried in the General Court if it is not forbidden by Law.

Under these Circumstances we request your advice as to the practicability and the Mode of removing them to Frederick County Gaol. and we request further that, if it can be done with propriety Measures may be taken for their Trial in the General Court at next Term. If it should appear that the Continental Judiciary has exclusive Jurisdiction in these Cases. a Representation of the Case to the President cannot too soon be made

Luther Martin Esquire
atty Genl State of Maryland

We are &c
Tho: P. Lee