

MEMORIAL

OF

William King, of Alabama,

COMPLAINING THAT THE

RANK OF COLONEL IN THE ARMY

HAS BEEN

UNJUSTLY WITHHELD FROM HIM,

AND

PRAYING THAT SAME MAY BE RESTORED TO HIM, &c.

DECEMBER 19, 1825.

Printed by order of the Senate of the United States.

WASHINGTON:

PRINTED BY GALES & SEATON.

1825.

MEMORIAL.

To the Honorable the Senate of the United States:

The Memorial of William King, of the State of Alabama, who claims to be of right, and in fact, a Colonel in the army of the United States, is

RESPECTFULLY PRESENTED:

Your memorialist begs leave, respectfully, to state, that it is now nearly six years since he was suspended from his rank and command as Colonel of the Fourth United States' Regiment of Infantry, by the sentence of a *spurious* Court Martial, before which he was tried in 1819, on divers charges, conceived in malice, supported by intrigue, and founded, for the most part, (where they had foundation to rest upon,) on facts, in themselves harmless and venial, or on transactions that had their origin in the most perfect devotedness to what was conceived to be the line of duty and the best interests of the public service.

Your memorialist will not detain your honorable body to show that the court before which he was tried, was as imperfect and illegal in its organization, as its finding was contrary to fact, and its sentence unjust and unmerited. That it acted under the authority of a self-made President, was composed of seven junior officers, when the law imperatively required thirteen superior ones; that five out of the seven had been subjected to the galling indignity of having your memorialist, during the recent war with Great Britain, promoted over their heads; that one, the heir apparent of the commission of your memorialist, declared, weeks before the meeting of the court, and three hundred miles from where its sessions were held, his unfriendly feelings towards the accused, to be such that he should object to himself as a member; but, instead of pursuing this honorable course, he quietly took his seat at the board, after lulling the suspicions of your memorialist to rest, by the most seeming good will. That another member was in a state of intoxication during the whole session of the court, and on one occasion so brutally drunk and ungovernable, that it became necessary to bind him hand and foot, and in that ignominious state he was thrown into his bunk to sober. That the self-made President of the court was a mere puppet in the hands of the accuser; feasted with him; slept with him; imbibed his prejudices; loaned himself to the propagation of his scandal against the character of the accused; and, in a word, well nigh made himself a party to the case on which he was sitting in judgment.

Nor will your memorialist trespass upon your time to explain and justify the minor charges alleged against him—he will not even dwell upon the charge of having given orders to shoot deserters taken in the fact; a charge which had rendered him the object of public indignation, presuming upon which the court ventured their outrage upon justice and the discipline of the army. That your memorialist did give special orders in three several instances to shoot deserters, he has ever avowed, and he rests his justification upon the circumstances of his situation. With a handful of men he had been left to defend a province just wrested by force of arms from a foreign power, with which he was bound to consider his country at war; for the territory of this power had been violated; her soldiery slaughtered; her strong holds carried at the point of the bayonet, and their garrisons left in his charge as prisoners of war to be sent home. In this state of things desertion prevailed to an extent rarely before known to the American army—men went off in squads with their arms in their hands, and your memorialist felt himself called upon, by every consideration that could have weight with a soldier, to adopt measures calculated to check the evil, without being fastidiously nice as to their legality. *No person suffered under the orders of your memorialist;* and although the Court Martial made him responsible for the fate of a deserter who was shot by the party sent in pursuit of him, yet the fact was in evidence before the court, that the order under which this individual was shot, was given by a most gallant and meritorious officer, since dead, entirely on his own responsibility, and at a time when your memorialist was seventy miles distant, and for which no accountability could attach to him, unless, as the court, in their wisdom, seem to have thought, in criminal as in civil jurisprudence, one man may assume and be made answerable for the acts of another. On no other principle can your memorialist be held responsible for the fate of the deserter in question.

Your memorialist rests his cause entirely upon its own merits, and not on any extraneous circumstance—otherwise he might tell you, that, for eleven years he served his country with a zeal and fidelity second to no man. That, by five years of assiduous devotion to the duties of his profession on the Banks of the Mississippi, he found himself, at the commencement of the late war with Great Britain, in some measure qualified to be useful; and that he was useful, let the fact of his having been, with the advice and consent of the honorable body to which he now addresses himself, raised from the grade of Lieutenant to the rank of Colonel, in the short space of twelve months, answer. Nor was this promotion obtained by personal intrigues, or through the interest of friends. Your memorialist bears about his person, and will carry with him to the grave, the most incontestible evidence that it was the reward of services performed in the presence of the enemy. He might further tell you, that, up to the day of his arrest, he confidently believed he had passed through life without reproach and without suspicion. Nor was he singular in this opinion—he boldly avers it was common throughout the army; but in a moment this fair character, which he would gladly have

laid down his life to preserve unsullied, was loaded with obloquy by the machinations of his enemies, and the prejudices of his judges.

That the sentence passed upon your memorialist, whether righteous or unrighteous, legal or illegal, was commensurate with every offence imputed to him, even his bitterest enemies have not hesitated to admit. It has been fulfilled to the very letter; and your memorialist claims to be, once more, a Colonel in the army of the United States.

Under the act of 1820, reducing the military establishment the name of your memorialist was dropt from the army list, contrary to the true intent and meaning of the law, as your honorable body have once solemnly decided. He therefore approaches your august presence, as the palladium of the soldiers' rights, in search of justice, and prays that your honorable body will consider him of right, and in fact, a Colonel in the army of the United States, and will, accordingly, withhold your advice and consent to any nomination to fill a vacancy in the rank of Colonel, which may now exist, or hereafter occur in the army of the United States, tending in any manner to prejudice the rights and interest of your memorialist.

And he will, &c. &c.

WILL. KING.



