

MR. FENNO,

THAT the sentiments contained in the following PROTEST may be more generally known throughout the Union, you are requested to insert it in the GAZETTE OF THE UNITED STATES.

The Minority on the Vote respecting the Resolutions of the House of Representatives on the subject of the Excise Bill, now depending in the Congress of the United States, having had permission to enter on the journals the reasons of their dissent, have accordingly introduced the following:

1st. BECAUSE, the precedent being once established, that it is expedient for the State Legislatures to enter into legislative resolutions, respecting the acts and proceedings of Congress, would be attended with the most fatal consequences to the peace and tranquility of the Union; for under the specious and seducing plea, that is now alledged, of protecting from invasion the liberties of the people, an opposition to every act of the federal government, for imposing taxes, might be justified; now the state legislatures are chosen for the particular objects of municipal jurisdiction; the people have never committed to them an agency in the business of federal legislation, nor have invested them with authority to oppose legislative barriers to the discretion of Congress, in the exercise of their constitutional powers; for they must necessarily be incompetent thereto, for want of the collected wisdom and extensive information that the complicated affairs of the Union require.

2d. Because we cannot but express, in language of unqualified disapprobation, the impropriety of the House of Representatives of Pennsylvania, discussing the merits of a report of the Secretary of the Treasury, at the very period that Congress was employed in deliberation on the same subject; and of foreboding the mischief that might ensue from its adoption, by the federal legislature; this was drawing an inference of a necessary perversion of power, to the public detriment, from the exercise of their constitutional authorities; which was ungenerous, as the possible abuse of power is equally incident to every trust; and as amongst the acts of Congress there is no evidence on record that can justify so dreary and unfavorable an anticipation of their acts, the intentions should be never maliciously prejudged, nor should censure be implicated, without the proof, or even appearance, of error or criminality; the federal government merits kinder treatment than to be brought into disrepute from a mere apprehension of meditated danger.

3d. Because, on a supposition that Congress, regardless of their duty to their country, and their constituents, should pass acts, which contravene the constitution, by encroaching on those powers, which the states have exclusively retained, it is presumable that there would be found such inflexible integrity and independence in the federal judiciary, so to expound the laws, as to prevent their being carried into execution; besides, an additional security and salutary check, arise out of the enlightened patriotism of our Chief-Magistrate, who, we may rest assured, will never sanction a legislative act, that indicates an encroachment on the reserved rights and powers of the people.

4th. Because, the federal and state governments, are, in their respective characters, agents and trustees of the people, totally distinct from, and independent of, each other, instituted with different powers, and designated for different purposes. Neither has any right to interfere with the constitutional acts of the other; and should either attempt to enlarge its sphere of jurisdiction, at the expense of the other, there is an ultimate appeal to the sentiments and sanction of the people, who are their common constituents, their common superior, and their common umpire. This responsibility, and dependence on the people, may not only be deemed an effectual guard against the dangerous and improper exercise of the legislative trusts, but as a sufficient controul, to prevent undue encroachments on each other's authorities.

5th. Because, from the relative situation and circumstances of the federal and state governments, with respect to weight and influence, there is too much reason to apprehend danger, from the encroachments of the latter, on the acknowledged rights and constitutional powers of the former. The federal government, in its infancy, encountered many difficulties, arising principally from the stronger attachments and predilection of influential characters to their state authorities. But its operations have been so instrumental in meliorating the situation of the country, aggrandizing its interests, and rendering the people happy, that many of its warmest enemies in this and other States, have abandoned their former propensities, and become its firm friends and supporters.

But there is still much to be apprehended from an undue interference of the state legislatures on the proceedings of Congress; a disposition to which, arises out of the qualities inherent in, and attached to, all public bodies, but which will be much matured, from a precedent being established, by so powerful a state as Pennsylvania—and should other states follow the example, of transmitting to their delegates in Congress, legislative resolutions, on the various matters that may be depending in that body, there is too much reason to believe they would have an improper bias on the minds of the members, who might pay too great a deference to opinions sanctioned by such high and respectable authority; this would tend to disarm the federal government of its power, and reduce it to a slavish dependence on the state legislatures.

It would give rise to a legislative warfare betwixt the federal and municipal governments, and instead of a system of legislation that should be founded on a spirit of mutual concession and accommodation, which connects by ties of sympathy the various interests of the union, it would flow from the discordant and distinct views and wishes of the separate members of the confederacy.

6th. Because in the interference of the House of Representatives, there exists such a palpable inconsistency of conduct and dereliction of principle; for whilst they express the most fearful apprehension of an attack on the liberties of the people, from the operation of an excise bill, now depending before Congress, their patriotism has not extended so far, as to propose the repeal of an act of this State of a similar nature, but which involves powers far more obnoxious and oppressive to the people, than those which are in the contemplation of the act of Congress.

The people have for a long series of years, submitted to this species of taxation, without murmur or complaint, and gave a preference to it at a time when the fiscal administration was not preferred for revenue. We have too much respect for the house to harbour a wish of tainting their resolutions by a suspicion of insidious design; the same consideration induces us to regard their conduct in this instance, with very serious concern.

7th. Because it is well known that government, in a great measure is founded on, and supported by, public opinion; it therefore becomes necessary, for those who are favorably inclined to the federal government, to cherish every sentiment, propitious to its existence; but these resolutions, clothed in the garb of legislative suspicion and distrust, must have a strong tendency, to enlist on the side of opposition to federal authority, some of the most popular prejudices; and thereby to diffuse among the people, a want of confidence in the wisdom and purity of the federal councils; the seeds of dissention and jealousy being once sown (without timely care and precaution to prevent it) they will inevitably ripen into a harvest of disaffection.

8th. Because, as the federal government is intended as a bond of union, to cement the States together by a tie of general interest, and a general system of legislation, equally operative on every member of the confederacy, it is necessary that the fullest confidence should be evinced of a general disposition to acquiesce in

the acts of federal legislature; the State governments, like the radius of a circle, have a common centre in the federal government: the further they individually depart from it, the more they respectively recede from each other, and the further they remove from the influence of that authority, which can alone prevent the dreaded disunion of the subordinate parts. Now if one State interferes in the proceedings of the federal government, it not only betrays an indisposition to comply with the result of the federal arrangements, but induces an idea of the exertion of an undue influence; which must necessarily inflame the prejudices of the disaffected, and create alarms and jealousies in the other States of the Union.

9th. Because, the people of this State, in ratifying the federal constitution, made a solemn compact with the people of the other States to vest certain specific, and defined powers, in the federal government, for the common good of the Union.

Whilst the government of the United States, confines itself within constitutional bounds it is incompatible with the duties arising out of its engagements, for a State legislature, to interfere by legislative resolutions, in opposing the exercise of their powers; for however anxious a State may be to disengage itself from its federal obligation, yet it cannot effect it, without the consent of the other States, which are joint parties to the contract.

Under the influence of the ideas expressed in the foregoing observations, and as friends to the constitutional and acknowledged rights of the federal and State governments, we feel ourselves called upon solemnly to enter our reasons of dissent, against so fatal a precedent, as that established by the resolutions of the House of Representatives, and to depreciate the pernicious consequences that may arise therefrom.

- WILLIAM BINGHAM, JAMES COLLINS, JONATHAN ROBERTS, HENRY TYSON, JOHN CHAPMAN, WILLIAM M'PHERSON, BENJAMIN MARKLEY, THOMAS LILLY, JOHN STEWART, RICHARD DOWNING, DANIEL CLYMER.

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Wanted a GROUND RENT, of

15 or 20 f. pr. annum, well secured.

Enquire of JOSIAH HEWES, LAWRENCE SECKEL, OWEN JONES, junr.

MASSACHUSETTS STATE LOTTERY.

THE Managers at the STATE LOTTERY, present the Public with the First Class of the Massachusetts semi-annual State Lottery, which will commence drawing in the Representatives Chamber, in Boston, on the Seventeenth of March next, or sooner, if the Tickets shall be disposed of.

SCHEME.

NOT TWO BLANKS TO A PRIZE.

25,000 Tickets, at Five Dollars each, are 125,000 Dollars, to be paid in the following Prizes, subject to a deduction of twelve and an half per cent. for the use of the Commonwealth.

Table with 4 columns: Prizes, Dollars, Prizes, Dollars. Lists prize amounts from 10000 down to 8.

8388 Prizes. 16612 Blanks.

TICKETS may be had of the several Managers, who will pay the Prizes on demand—of the TREASURER of the Commonwealth—of JAMES WHITE, at his Book-Store, Franklin's-Head Court-Street, and at other places as usual.

Managers: BENJAMIN AUSTIN, junr., DAVID COBB, SAMUEL COOPER, GEORGE R. MINOT, JOHN KNEELAND.

Tickets in the above Lottery are to be sold by Stephen Austin, corner of Front and Pine Streets, Philadelphia.

PLEASE TO NOTICE.

FOR the accommodation of those who would wish to become Adventurers in the First Class of the MASSACHUSETTS SEMI-ANNUAL STATE LOTTERY, letters, post paid, directed to SAMUEL COOPER, at his Office, North side State-House, Boston, enclosing Philadelphia, New-York or Boston Bank-Bills, or other good Bills, will be particularly attended to, and Tickets forwarded immediately upon the receipt of such letters.

Boston, Dec. 22, 1790.

N. B. A List of Prizes will be deposited with the Printer hereof, immediately after the drawing is completed.

The Managers of the STATE LOTTERY assure the public, that the first Class of the Semi-annual Lottery will positively commence drawing on the day appointed, viz. the 17th of March next. As the Managers have in their several Monthly Lotteries commenced drawing at the hour assigned, so they are determined to be equally as punctual in this.

New Line of Stages.

THE Subscriber has established a line of STAGES from Hartford to Boston, by way of Norwich and Providence, which will run thro twice a week during the Winter Season, and three times a week during the Summer Season.

Good Carriages, Horses, and careful Drivers are provided. Passengers pay three Pence per Mile, and are allowed 14 pound Baggage each.—Extra Baggage pays at the rate of three Pence per Mile for every 150 wt. As the Mail is to go in these Stages for the year 1791, fixed hours for starting from the respective Stage Houses is absolutely necessary—from which there can be no deviation.

The Stage for the Eastward leaves Hartford—Mondays and Thursdays, Norwich—Tuesdays and Fridays, Providence—Wednesdays and Saturdays, leaves Boston—Mondays and Thursdays, Providence—Tuesdays and Fridays, Norwich—Wednesdays and Saturdays.

JESSE BROWN.

TO BE SOLD.

THE SEAT OF THE LATE GOVERNOR LIVINGSTON,

situate about a mile from Elizabeth-Town, on the public road to Morris Town. The farm contains between 90 and 100 acres of land, 15 or 20 acres of which are wood land; there is also appertaining to the said farm about 19 acres of salt meadow. Particular attention having been paid to the cultivation of fruit; there is on the farm a very large collection of various kinds of the choicest fruit trees, &c. in full bearing; the house is large, convenient, well built and in very good repair.

Enquire of the Printer, for further particulars. New-York, Jan. 1791. 80 3m

Forty Dollars Reward.

LOST by the Subscriber, on the 12th day of January 1791, between Penollopou and Freehold, in the county of Monmouth, and State of New-Jersey, the following Certificates, issued by the said State, to sundry Soldiers, for the three-fourth parts of the depreciation of their pay; all of which are signed by John Stevens, junr. Treasurer, and counterigned by James Ewing, Auditor, viz.

Table with 4 columns: No., Dated, Payable to, Amount. Lists names like Powell Alford, Jacob Long, Oliver Cromwell, etc.

Any person who may have living the said Certificates, and will return them to the subscriber, living at Penollopou aforesaid, shall receive the above reward; and in proportion for any part of them which may be returned.

All persons are hereby cautioned against purchasing any of the above Certificates, as payment is stopped at the public offices. If any of them should be offered for sale, the person to whom they are offered is requested to stop the same, and give notice thereof to their humble servant. KENNETH HANKINSON. Monmouth County, New-Jersey, Jan. 15, 1791.