

Gazette of the United States

AND

DAILY EVENING ADVERTISER.

[No. 60 of Vol. VI.]

THURSDAY, AUGUST 21, 1794.

[Whole No. 610.]

Treasury Department, August 16, 1794.

SIR,
It appears probable, that advantages will result from giving to the citizens at large full information on the subject of the disturbances which exist in the western parts of Pennsylvania. With this view, if no objection to the measure should occur to you, I would cause a publication to be made of the report which I had the honor to address to you, dated the 5th inst.

With the most perfect respect,
I have the honor to be, Sir,
Your most obedient, and
Humble servant,

ALEXANDER HAMILTON.

The President of the
United States.

United States, 16th August, 1794.

SIR,

I AM directed by the President to inform you, in reply to your letter of the 16th instant, that relying that the facts contained in the report, have been stated with due care, and from authentic sources, he perceives no objection to the publication of it, as proposed.

I am &c.

Your most obedient servant.

B. DANDRIDGE.

The Secretary of the Treasury.

Treasury Department, August 5th, 1794.

SIR,

THE disagreeable crisis at which matters have lately arrived in some of the western counties of Pennsylvania, with regard to the laws laying duties on spirits distilled within the United States, and on stills, seems to render proper a review of the circumstances which have attended those laws in that scene, from their commencement to the present time, and of the conduct which has hitherto been observed on the part of the government, its motives and effects—in order to a better judgment of the measures necessary to be pursued in the existing emergency.

The opposition to those laws in the four most western counties of Pennsylvania, (Alleghany, Washington, Fayette, and Westmoreland) commenced as early as they were known to have been passed. It has continued, with different degrees of violence, in the different counties, and at different periods.—But Washington has uniformly distinguished its resistance, by a more excessive spirit, than has appeared in the other counties, and seems to have been chiefly instrumental in kindling and keeping alive the flame.

The opposition first manifested itself in the milder stage of the circulation of opinions unfavorable to the law, and calculated, by the influence of public disesteem, to discourage the accepting or holding of offices under it, or the complying with it by those who might be so disposed; to which was added, the threat of a discontinuance of the business of distilling.

These expedients were shortly after succeeded by private associations to furnish compliances with the law. But it was not long before these more negative modes of opposition were perceived to be likely to prove ineffectual. And in proportion as this was the case, and as the means of introducing the laws into operation were put into execution, the disposition to resistance became more turbulent and more inclined to adopt and practice violent expedients. The officers now began to experience marks of contempt & insult. Threats against them became frequent and loud; and after some time, these threats were ripened into acts of ill-treatment and outrage.

These acts of violence were preceded by certain meetings of malignant persons, who entered into resolutions calculated at once to confirm, inflame and systematize the spirit of opposition.

The first of these meetings was held at a place called Red Stone Old Fort, on the 27th of July, 1791, where it was concerted that county committees should be convened in the four counties, at the respective seats of justice therein. On the 23d of August following, one of these committees assembled in the county of Washington.

This meeting passed some intemperate resolutions, which were afterwards printed in the Pittsburgh Gazette, containing a strong censure on the law, declaring that any person who had accepted or might accept an office under Congress in order to carry it into effect, should be considered as inimical to the interests of the country; and recommending to the citizens of Washington county to treat every person who had accepted or might

hereafter accept any such office with contempt, and also to refuse all kind of communication or intercourse with the officers, and to withhold from them all aid, support, or comfort.

Not content with this vindictive proscription of those who might esteem it their duty, in the capacity of officers, to aid in the execution of the constitutional laws of the land, the meeting proceeded to accumulate topics of crimination of the government, though foreign to each other; authorizing, by this zeal for censure, a suspicion that they were actuated, not merely by the dislike of a particular law, but by a disposition to render the government itself unpopular and odious.

This meeting, in further prosecution of their plan, deputed three of their members to meet delegates from the counties of Westmoreland, Fayette and Alleghany on the 1st Tuesday of Sept. following, for the purpose of expressing the sense of the people of those counties in an address to the legislature of the United States, upon the subject of the Excise Law and other grievances.

Another meeting accordingly took place on the 7th of September, 1791, at Pittsburgh, in the county of Alleghany, at which there appeared persons in character of delegates from the four western counties.

This meeting entered into resolutions more comprehensive in their objects and not less inflammatory in their tendency, than those which had before passed the meeting in Washington. These resolutions contained severe censures not only on the law which was the immediate subject of objection, but upon that they termed the exorbitant salaries of officers; the unreasonable interest of the public debt; the want of discrimination between original holders and transferees, and the institution of a national bank.

The same unfriendly temper towards the government of the United States, which seemed to have led out of their way the meeting at Washington appears to have produced a similar wandering in that at Pittsburgh.

A representation to Congress and a remonstrance to the Legislature of Pennsylvania against the law more particularly complained of were prepared by this meeting—published together with their other proceedings in the Pittsburgh Gazette, and afterwards presented to the respective bodies to whom they were addressed.

These meetings composed of very influential individuals, and conducted without moderation or prudence, are justly chargeable with the excesses which have been from time to time committed; serving to give consistency to an opposition which has at length matured to a point, that threatens the foundations of the government and of the union—unless speedily and effectually subdued.

On the 6th of the same month of September, the opposition broke out in an act of violence upon the person and property of Robert Johnson, collector of the revenue for the counties of Alleghany and Washington.

A party of men armed and disguised, way-laid him at a place on Pigeon Creek in Washington county, seized, tarred and feathered him, cut off his hair, and deprived him of his horse, obliging him to travel on foot a considerable distance in that mortifying and painful situation.

The case was brought before the district court of Pennsylvania, out of which processes issued against John Robertson, John Hamilton, and Thomas M-Comb—three of the persons concerned in the outrage.

The serving of these processes was confided by the then marshal Clement Biddle, to his deputy Joseph Fox, who in the month of October went into Alleghany county for the purpose of serving them.

The appearance and circumstances which Mr. Fox observed himself, in the course of his journey, and learnt afterwards upon his arrival at Pittsburgh, had the effect of deterring him from the service of the processes, and unfortunately led to adopt the injudicious and fruitless expedient of sending them to the parties by a private messenger under cover.

The deputy's report to the marshal, states a number of particulars evincing a considerable fermentation in the part of the country to which he was sent, and inducing a belief on his part, that he could not with safety have executed the processes. The marshal transmitting this report to the district attorney, makes the following observations upon it. "I am sorry to add, that he (the deputy) found the people in general in the western part of the State and particularly beyond the Alleghany mountains such a ferment on account of the act of Congress for laying a duty on distilled spirits, and so much opposed to the execution of the said act, and from a variety of threats to himself personally, although he took the utmost precaution to conceal his errand; that he was not only convinced of the impossibility of serving the processes, but that any attempt to effect it would have occasioned the most violent opposition from the greater part of the inhabitants, and he declares that if he had attempted it, he believes he should not have returned alive.

"I parted no expense nor pains to have the process of the court executed, and have not the least doubt that my deputy would have accomplished it, if it could have been done."

The reality of the danger to the deputy was countenanced by the opinion of Gen. Neville, the inspector of the revenue; a man who before had given, and since has given numerous proofs of a steady and firm temper; and what followed is a further confirmation of it.

The person who had been sent with the processes, was seized, whipped, tarred, and feathered; and after having his money and horse taken from him, was blindfolded and tied in the woods, in which condition he remained for five hours.

Very serious reflections naturally occurred upon this occasion. It seemed highly probable, from the issue of the experiment which had been made, that the ordinary course of civil process would be ineffectual for enforcing the execution of the law, in the scene in question—and that a perseverance in this course might lead to a serious concussion. The law itself was still in the infancy of its operation; and far from established in other important portions of the Union. Prejudices against it had been industriously disseminated, misrepresentations diffused, misconceptions fostered. The legislature of the United States had not yet organized the means by which the executive could come in aid of the judiciary, when found incompetent to the execution of the laws. It neither of these impediments to a decisive exertion had existed, it was desirable, especially in a republican government, to avoid what is in such cases the ultimate resort, till all the milder means had been tried without success.

Under the united influence of these considerations, it appeared advisable to forbear urging coercive measures, till the laws had gone into more extensive operation; till further time for reflection and experience of its operation had served to correct false impressions, and inspire greater moderation; and till the legislature had had an opportunity, by a revision of the law, to remove as far as possible objections, and to reinforce the provisions for securing its execution.

Other incidents occurred from time to time, which are further proofs of the very improper temper that prevailed among the inhabitants of the refractory counties.

Mr. Johnson was not the only officer, who about the same period, experienced outrage. Mr. Wells, collector of the revenue for Westmoreland and Fayette, was also ill-treated at Greensburg and Union town; nor were the outrages perpetrated confined to the officers; they extended to private citizens, who only dared to show their respect for the laws of their country.

Some time in October, 1791, an unhappy man, of the name of Wilson, a stranger in the county, and manifestly disordered in his intellects, imagining himself to be a collector of the revenue, or invested with some trust in relation to it, was so unlucky as to make enquiries concerning the distillers who had

entered their stills; giving out that he was to travel through the United States, to ascertain and report to Congress the number of stills, &c. This man was pursued by a party in disguise, taken out of his bed, carried about a mile back, to a smith's shop, stripped of his clothes, which were afterwards burnt, and after having been himself inhumanly burnt in several places, with a heated iron, was tarred and feathered, and about day-light dismissed, naked, wounded and otherwise in a very suffering condition. These particulars are communicated in a letter from the inspector of the revenue, of the 17th of November, who declares that he had then himself seen the unfortunate maniac, the abuse of whom, as he expresses it, exceeded description, and was sufficient to make human nature shudder. The affair is the more extraordinary as persons of weight and consideration in that country are understood to have been actors in it, and as the symptoms of insanity were during the whole time of exhibiting the punishment apparent—the unhappy sufferer displaying the heroic fortitude of a man, who conceived himself to be a martyr, to the discharge of some important duty.

Not long after a person of the name of Roseberry underwent the humiliating punishment of tarring and feathering with some aggravations, for having in conversation hazarded the very natural and just, but unpalatable remark that the inhabitants of that country could not reasonably expect protection from a government, whose laws they so strenuously opposed.

The audacity of the perpetrators of these excesses was so great, that an armed banditti ventured to seize and carry off two persons, who were witnesses against the rioters in the case of Wilson, in order to prevent their giving testimony of the riot to a Court then sitting, or about to sit.

Designs of personal violence against the inspector of the revenue himself, to force him to a resignation, were repeatedly attempted to be put in execution by armed parties, but by different circumstances were frustrated.

In the session of Congress, which commenced in October 1791, the law, laying a duty on distilled spirits and stills, came under the revision of Congress as had been anticipated. By an act passed May 8th, 1792, during that session, material alterations were made in it—among these, the duty was reduced to a rate so moderate, as to have silenced complaint on that head—and a new and very favorable alternative was given to the distiller, that of paying a monthly, instead a yearly rate, according to the capacity of his still, with liberty to take a licence for the precise term, which he should intend to work it, and to renew that licence for a farther term or terms.

This amending act, in its progress through the legislature, engaged the particular attention of members who themselves were interested in stilleries, and of others who represented parts of the country in which the business of distilling was extensively carried on.

Objections were well considered and great pains taken to obviate all such as had the semblance of reasonableness.

The effect has in a great measure corresponded with the views of the legislature. Opposition has subsided in several districts where it before prevailed, and it was natural to entertain and not easy to abandon a hope that the same thing would by degrees have taken place in the four western counties of this State.

But notwithstanding some flattering appearances & particular junctures, and infinite pains by various expedients to produce the desirable issue, the hope entertained has never been realized, and is now at an end as far as the ordinary means of executing laws are concerned.

The first law had left the number and positions of the officers of Inspection, which were to be established in each district for receiving entries of stills, to the discretion of the supervisor. The second, to secure a due accommodation to distillers, provides peremptorily, that there shall be one in each county.

The idea was immediately embraced, that it was a very important point in the scheme of opposition to the law to prevent the establishment of offices in the respective counties.

For this purpose, the intimidation of well-disposed inhabitants was added to the plan of molesting and obstructing the officers by force or otherwise, as might be necessary. So effectually was the first point carried (the certain destruction of property, and the peril of life being involved) that it became almost impracticable to obtain suitable places for offices in some of the counties; and when obtained, it was found a matter of necessity, in almost every instance, to abandon them.

After much effort the Inspector of the Revenue succeeded in procuring the house of William Faulkner, a Captain in the army, for an office of inspection in the county of Washington. This took place in August, 1792. The office was attended by the Inspector of the Revenue in person, till prevented by the following incidents.

Captain Faulkner being in pursuit of some deserters from the troops, was encountered by a number of people, in the same neighborhood where Mr. Johnson had been ill-treated the preceding year, who reproached him with letting his house for an office of inspection, drew a knife upon him, threatened to scalp him, tar and feather him, and reduce his house and property to ashes, if he did not solemnly promise to prevent the further use of his house for an office. Captain Faulkner was induced to make the promise exacted; and in consequence of the circumstance, wrote a letter to the Inspector, dated the 26th of August, countermanning the permission for using his house; and the day following gave a public notice in the Pittsburgh Gazette, that the office of inspection should be no longer kept there.

At the same time another engine of opposition was in operation. Agreeable to a previous notification, there met at Pittsburgh, on the 21st of August a number of persons, filling themselves "A Meeting of sundry inhabitants of the Western Counties of Pennsylvania."

This meeting entered into resolutions not less execrable than those of its predecessors. The preamble suggests that a tax on SPIRITS LIQUORS is unjust in itself and oppressive upon the poor, that internal taxes upon consumption must in the end de-

troy the liberties of every country in which they are introduced—that the law in question, from certain local circumstances which are specified, would bring immediate distress and ruin upon the Western country; and concludes with the sentiment, that they think it their duty to persist in remonstrances to Congress, and in every other legal measure, that may obstruct the operation of the law.

The resolutions then proceed, first, to appoint a committee to prepare and cause to be presented to Congress, an address stating objections to the law, and praying for its repeal.—Secondly, to appoint committees of correspondence for Washington, Fayette, and Alleghany, charged to correspond together, and with such committee as should be appointed for the same purpose in the county of Westmoreland, or with any committees of a similar nature, that might be appointed in other parts of the United States; and also if found necessary to call together either general meetings of the people, in their respective counties, or conferences of the several committees; and lastly to declare that they will in future consider those who hold office for the collection of the duty, as unworthy of their friendship, that they will have no intercourse, nor dealings with them, will withhold from them every assistance, withhold all the comforts of life which depend upon those duties, that as men and fellow citizens they owe to each other, and will upon all occasions treat them with contempt; earnestly recommending it to THE PEOPLE AT LARGE, TO FOLLOW THE SAME LINE OF CONDUCT TOWARDS THEM.

The idea of pursuing legal measures to obstruct the operation of a law, needs little comment. Legal measures may be pursued to procure the repeal of a law, but to obstruct its operation presents a contradiction in terms. The operation, or what is the same thing, the execution of a law cannot be obstructed after it has been constitutionally enacted, without illegality and crime. The expression quoted is one of those phrases, which can only be used to conceal a disorderly and culpable intention under toims that may elude the hold of the law.

Neither was it difficult to perceive, that the anathema pronounced against the officers of the revenue, placed them in a state of virtual outlawry, and operated as a goal to all those who were bold enough to encounter the guilt and the danger to violate both their lives and their properties.

The foregoing proceedings, as soon as known, were reported by the secretary of the Treasury to the President. The President on the 14th of September, 1792, issued a proclamation—earnestly admonishing and exhorting all persons whom it might concern, to refrain and abstain from all unwarrantable combinations and proceedings, whatsoever, having for object or tendency to obstruct the operation of the laws aforesaid, inasmuch as all lawful ways and means would be put in execution, for bringing to justice the infractors thereof and securing obedience thereto; and moreover, charging and requiring all courts, magistrates and officers whom it might concern, according to the duties of their several offices, to exert the powers in them respectively vested by law for the purposes aforesaid; thereby also enjoining and requiring all persons whomsoever, as they tendered the welfare of their country, the just and due authority of government and the preservation of the public peace, to be aiding and assisting therein according to law.—And likewise directed, that prosecutions might be instituted against the offenders, in the cases in which the laws would support, and the requisite evidence could be obtained.

Pursuant to these instructions, the attorney-general, in co-operation with the attorney of the district, attended a circuit court which was holden at York Town in October, 1792—for the purpose of bringing forward prosecutions in the proper cases.

Collateral measures were taken to procure for this purpose the necessary evidence.

The supervisor of the revenue was sent into the opening survey—to ascertain the real state of that survey—to obtain evidence of the persons who were concerned in the riot, in Faulkner's case, and of those who composed the meeting at Pittsburgh—to uphold the confidence and encourage the perseverance of the officers acting under the law—and to induce, if possible, the inhabitants of that part of the survey, which appeared least disinclined, to come voluntarily into the law, by arguments addressed to their sense of duty, and exhibiting the eventual dangers and mischiefs of resistance.

The mission of the supervisor had no other fruit than that of obtaining evidence of the persons who composed the meeting at Pittsburgh, and of two who were understood to be concerned in the riot—and a confirmation of the enmity which certain active and designing leaders had industriously infused into a large proportion of the inhabitants, not against the particular laws in question only, but of a more ancient date, against the government of the United States itself.

The then Attorney-General being of opinion, that it was at best a doubtful point, whether the proceedings of the meeting at Pittsburgh contained indictable matter, no prosecution was attempted against those who composed it, though if the ground for proceeding against them had appeared to be firm, it is presumed, that the truest policy would have dictated that course.

Indictments were preferred to the circuit court, and found against the two persons understood to have been concerned in the riot, and the usual measures were taken for carrying them into effect.

But it appearing afterwards, from various representations, supported by satisfactory testimony, that there had been some mistake as to the persons accused—justice and policy demanded that the prosecutions should be discontinued, which was accordingly done.

This issue of the business unavoidably defeated the attempt to establish examples of the punishment of persons who engaged in a violent resistance to the laws—and left the officers to struggle against the stream of resistance, without the advantage of such examples.

The following plan, afterwards successively put in execution, was about this time digested, for carrying if possible the laws into effect, without the necessity of recurring to force.

1. To prosecute delinquents in the cases in which it could be clearly done for non-compliance with the laws. 2. To intercept the markets for the surplus produce of the distilleries of the non-complying counties, by seizing the spirits in their way to those markets, in places where it could be effected without opposition. 3. By purchases, through agents, for the use of the army (instead of deriving the supply through contractors as formerly) confining them to spirits, in respect to which there had been a compliance with the laws.

The motives to this plan speak for themselves. It

For the Remainder see the last page.