

complicity. And, should the draught of the militia be insufficient, certainly the legislature will enable the Executive to raise and maintain a standing body of forces, to accomplish the object of government. They will come, at different times, in different directions, and accumulated numbers: for the whole force of the United States will be directed against us; so has the President, who never speaks till he has determined, declared by his proclamation. If this country reject the conditions offered, the whole country will be considered as in a state of rebellion; every man must be considered either as a citizen, or as an enemy. If he say, he is a citizen, he may be called upon by the force under the authority of government, to unite in subduing its enemies. If he refuse, he becomes an enemy, and as such may be treated. The army of government may live among us at five quarters, and reduce us to obedience by plunder, fire and sword.

Will the British receive us? The governor of Canada dare not, without authority from London. And it is not to be supposed, that Britain will risk the loss of the friendship and trade of the United States, for to pass an object as our becoming her subjects. If she did, might we not expect, that the United States would seize her dominions on the eastern part of Canada and Nova Scotia and intercept our communication with her. Against the whole force of the United States, exerted as we have reason to fear, what have we to rest on? Where are our arms? where are our magazines of military stores? Or where can we obtain a supply of these articles, but from the United States, with whom we shall be at war. All communication between us and our fellow citizens on the east side of the mountains will be cut off. Even the supplies of the common articles of life, which we receive from them, will be prevented; and not a single article of food or clothing, much less of arms or ammunition, will be allowed to us, from that quarter. Army after army will be sent against us. In a state of open war, we shall be considered as any other enemy, with the additional rancour attached to a civil war. Our agriculture will be destroyed, our fields laid waste, our houses burnt, and, while we are fighting our fellow citizens on one side, the Indians, (and God knows soon) will attack us on the other. The consciences of many among ourselves will shrink back with horror, at the idea of drawing a sword against our brethren. They will call for neutrality. They will enter into associations for mutual defence. Many who now from fear of danger or insult, put on the appearance of zeal and violence, will, when it comes to decisive exertion, draw back. But those who are for war will strive, by force, to draw in those who are for peace. We shall attack and destroy each other, and fall by our own hands. Our corn fields will be converted into fields of battle. No man will sow; for no man will be sure that he shall reap. Famine, distress, and famine, will tear us apart. All moral confidence will be at an end, and all the bands of society will be dissolved. Every man will be afraid to speak to his neighbour. There will be no power of government to control the violence of the wicked. No man's life, no man's house, no man's goods, no man's wife, no man's daughter, will be safe. A scene of general destruction will take place. And, should government weary of chastising us at last leave us to ourselves; we shall be a miserable remnant, without wealth, commerce, or wine; a prey to the savages, or slaves to Britain.

Are we prepared for a separation from the United States, and to exist as an independent people? This is a question which ought to be settled, previously to our taking up arms against government. For to disobey a government, while, by remaining in it, we admit its authority to command is too absurd, and too contrary to the duty of citizens, for any man of reason and virtue to support: especially where that government, like ours, is created and changeable by the people themselves, that is by the whole people, or a majority of the whole people. Our appeal to arms is therefore a declaration of independence, and must issue either in separation or obedience.

Government cannot recede farther than it has done. It has already made sacrifices, which entitle it to grateful returns, it offers to forgive past offences, and consider us having never erred. It cannot, without a total extinction of all authority, repeal this law, while we disobey it; Government must either subdue us, or cast us off. For, however, we may flatter ourselves with the destructive hope of defeating government, we have no prospect of subduing it; and compelling the United States to retain us in the Union. Suppose us then a separate people, what prospect have we of being able to secure those objects, which are essential to the prosperity of this country, and of far more consequence than the repeal of the excise law. Shall we at our own expense, subdue the Indians, seize the Western posts, and open the Mississippi? Or will not the British, countenanced by the United States, retain the posts, and arm and protect the Indians against us? and will not the Spaniards under the same countenance, block up the Mississippi, and refuse perhaps all trade with us? At present there is a fair prospect of an accommodation with Britain, and by the influence of the United States we have reason to hope for a surrender of the western posts, and of consequence, a peace with the Indians. There is also a negotiation, industriously, and not unpromisingly, conducted with Spain for the free navigation of the Mississippi. The continuance of our union with the United States may therefore, in a short time secure us all our favorite objects. And there must be time: for we have to deal with powerful and powerful nations, whose rights we cannot infringe; we must therefore solicit, and not extort. But separated from the United States, and, of course, from the friendship of France, and the world, what hope have we to bend the haughty nations of Britain and Spain. We should be their sport, or their slaves.

In rejecting the conditions now offered us by government, we cannot hope to extort a repeal of the excise law. If we would remove it by force, we must be able to cut ourselves off from the United States, with the loss of our prosperity, our happiness, and perhaps our existence. A rejection of the conditions is a declaration of war, and war is the sure road to ruin.

Let us next consider what will be the consequence of our submission to government, on the terms offered. We are restored to the peace and protection of government. We shall be tried for offences and delinquencies by courts and juries in our neighbourhood. But with these favorable terms, we must submit to the excise law.

The peculiar objection which lay in the mouths of the people on this side of the mountains to this law, was this, that, from our local circumstances, it drew from us a sum of money which, was disproportioned to our wealth, and would soon exhaust our circulating medium. However necessary, on these grounds, an objection to the excise law might be three years ago, it is less necessary now. Since that period, the progress of this country to wealth has been amazingly rapid.—There have been more public and private buildings raised, and fewer sheriff sales for debt, within this period, than for nine years preceding.—Three years ago, I believe there was hardly a burr millstone in this country: now there are perhaps a dozen. The quantity of money circulating among us is since greatly increased; in other words the value of money is greatly lessened, and thereby the value of the excise to be paid by us is greatly lessened. Then there was hardly any trade to the Spanish settlements on the Mississippi; it was, at any rate, small, and confined to a few adventurers: the quantity of grain exported was but little; of course but little was withdrawn from our own consumption; and this little was generally bought with goods. Now a very respectable trade is carried on to the Spanish settlements; our traders are treated with great civility by the Spaniards; the duty on our trade is reduced to a mere trifle; and there is very little difficulty in bringing away dollars in return. We shall soon have the whole supply of that market to ourselves. Last spring, our best flour was sold there a dollar each barrel dearer than flour from New-York.—None of the traders now depend on goods for the purchase of wheat; but must purchase, at a reasonable price, in money. From this increased exportation of our grain, the necessity of distillation is greatly lessened in degree, and will every day lessen. Government does not now, as formerly supply the army with whiskey, through contractors purchasing with goods; but employs agents to purchase it with money. Last year ten thousand dollars was laid out, in this way, by one agent in this country; and the execution of an order for ten thousand more, was done only by the present troubles. The contractors themselves have, these two last years purchased their supplies with cash. From these circumstances, and the pay, and other expenses of the army, government sends far more money to this side of the mountains, than it would draw back by the excise. At the commencement of this law, a very great quantity of foreign spirits was consumed in this country. But so severe is the duty which this law lays on foreign spirits, that the people on the east side of the mountains drink such spirits at a very increased price, and our store-keepers cannot afford to bring foreign spirits, in any considerable quantity, over the mountains.

As our circumstances are thus materially changed, so the law itself is changed also. Originally, the duty on a still was 60 cents per gallon; now, it is 54. Originally, the duty on the gallon of whiskey was 9 cents; now, it is 7 cents. Another material alteration is granting a licence by the month at ten cents per gallon on the still, a provision peculiarly suited to a country, where few distillers work in summer.

I do not say, that, by these alterations in our circumstances, and in the law, our objections to the excise law are removed, but they are surely lessened. We have reason also to believe, that our remonstrance would be listened to more effectually, if, by obedience, we put ourselves in a capacity of being heard: but it is natural to answer, why complain of a law which you have never obeyed. I will go yet further, and state an opinion, that the easiest and speediest, and I believe the only way, to accomplish our object, a total repeal of this law, is instantly to accept of the conditions offered by government, honestly comply with them, and thus come fairly before the legislature with our remonstrance.

I have before stated the impossibility, that the legislature should repeal this law so long as we resist it. I will now explain to you on what grounds I form the opinion that they will repeal it as soon as possible, after, by our submission, we have restored them to their authority, and you may judge for yourselves of the probability of this opinion.

The present prospect of French affairs, and the favorable reception which Mr. Jay our ambassador has met with in England, give reason to hope for a good understanding between us and Britain, and a consequent termination of the Indian war, I estimate two years, as a reasonable period for these causes to operate, and these effects to be produced. If the extraordinary expenses of the Indian war ceased, there is reason to expect, such is the increasing trade of America, that the imposts would suffice for the ordinary expenses of government. If this be true, so generally is the excise on domestic produce disliked, and so imperfectly paid, that we have no reason to presume, that the legislature will keep it up, longer than it is necessary.

You have now the grounds on which I state the opinion, that it may be repealed in two years. If repealed then, it will have lasted five years; of these five, we shall perhaps, if we comply now, be compelled to pay for only two years; and, supposing the tax unequal, paying but two years out of five may correct the inequality; and while we pay, a far greater sum for the expenses of the war is circulated among us. Thus the Indian war occasioning the excise, bears with it a remedy; and, when this remedy fails, there is reason to expect, the evil may also fail.

Whether therefore we would avoid ruin, or whether we would obtain a repeal of the excise law, it appears evident to me, that we have no way to gain our point, but by immediately accepting, and faithfully performing, the conditions proposed.

If we do not, we shall no more get cash for our whiskey. The army will be supplied with whiskey from Kentucky. And (a law passed last session authorizing it) our whiskey, if carried any where out of this country, will with the horses, carriages, or boats, be seized and forfeited. We shall therefore become the only consumers of our whiskey. It will again cease to be a cash article, and again become a mere drug.

But it is said, that if we submit now, we have nothing to expect from a remonstrance; for our past remonstrances have been ineffectual. I say it is too hasty to draw this conclusion.—Besides what I formerly observed, that we have never, by obedience, intitled ourselves to relief. I request your attention to the situation of the United States hitherto. The imposts have not been sufficient for the expenses of government including those of the Indian war. The excise law, therefore, could not be repealed, unless some new fund was substituted in its stead. Now it is impossible to impose any tax whatever, that will operate equally on all men. Suppose therefore some other tax imposed, in lieu of this, while we continued to resist this. What would be the consequence? It might be as unpopular here, or in some other place, as this excise; the consequence would be, that from an experience of the weakness of government, in failing to enforce the excise, the new tax would be resisted also, and no tax would ever be enforced. Suppose a direct tax on a general valuation of property; there would be great funds. Suppose a direct tax on lands. The amount of all direct taxes, in each state, must be in proportion to its number of inhabitants, now unless lands or other property in quantity or value, bore the same proportion in each state with the number of inhabitants to the whole; the direct tax would in some states be unconstitutional, and of course resisted. I am informed, that, in New-England, a direct tax would be as unpopular, as the excise here. Government therefore could not, with safety, substitute any other tax, in lieu of the excise, till it had first shown, that its authority was sufficient to enforce the excise.

Attend especially to the situation of the United States during the last session of Congress, and judge for yourselves what a time to release any established subject of taxation, and try a new experiment? The whole world seemed to lower upon us. The Indians attacked our back settlements? The Algerines plundered, and the British captured our ships at sea.—It was judged necessary, for safety and justice to equip a fleet, to fortify our harbours, and to send out against the Indians 2000 volunteers from Kentucky. For all these purposes, the imposts (diminished by the spoliation and the Embargo) would come too slowly in; and it was found necessary, to anticipate the revenue, by enabling the President to borrow a million of dollars. Was this a time to press a repeal of the excise? From all these circumstances, the failure of our past remonstrances is no sufficient reason to conclude, that after we have submitted to the authority of government, and after its embarrassments are removed, our future remonstrances will fail of a just effect.

On all these grounds, I do most earnestly exhort to an immediate acceptance of the conditions offered by the Commissioners, and a faithful performance of them on our part: as the only way in which we can hope for redress, or escape ruin.

I have thus expressed my sentiments honestly and freely, as, at this crisis, it becomes every man, who has any regard to the welfare of this country, to take every occasion to do. This is not a time for concealment or dissimulation. Let every man speak out, and not, by silence or falsehood, deceive one another. Let a free currency of opinions restore mutual confidence and mutual safety; that the dagger of the assassin, the torch of the incendiary, and tongue of the slanderer be not feared. Let the energy of government be restored, let the public peace, and the rights of persons and property be preserved sacred; and let every individual repose, with confidence and safety, on the protection of the Law. Let the power of punishment be exerted only, as our principles prescribe, by courts and juries; let offences be ascertained only by the volumes of our laws; while a man's words and actions are lawful, let his safety be untouched; and let not individuals assume the public duty of repaying vengeance.

Do you, gentlemen, who by your station can do it so effectually, unite with me in expressing, propagating, and supporting these sentiments; and through you, both now and hereafter, let them be felt to be the voice of your country.

They are mine—and were an angel from Heaven to charge me, to make to you, as I should answer it at the tribunal of God, a faithful declaration of my opinion of the interests of this country, at this important period, I would, were it the last moment

of my life, address you, as I have now done. And O! may the God of wisdom and peace inspire this people with discernment and virtue, remove from their minds blindness and passion, and save this country from becoming a field of blood.

For the Gazette of the United States.

Mr. FENNO,

I observe that the Insurgents in the western parts of this state object against an Excise, and call for Direct Taxes; and some of their friends have intimated that it will be best to let them go on in their opposition to the existing laws until the next session of Congress, when the act will probably be repealed, or if not, it will then appear that the sense of the majority is in favor of it, and "our western brethren," finding this to be the case, will submit. It is not my intention to expose the absurdity of a proposal to suffer any man, or any body of men, to oppose the laws, burn and destroy the houses and other property of their neighbors because they are supporters of the laws, and for the same reason proscribe their fellow-citizens, for months, with impunity; nor to shew the folly of expecting that our "western brethren" (now, to be sure, acting a very unbrotherly part) will ever be willing to pay taxes of any kind; but my design is to shew the impropriety of a repeal of the excise law, and that the voice of the Union is in favor of its continuance. For this purpose I shall refer to official documents.

It will be recollected (but perhaps not by some of our "western brethren") that the weight of direct taxes were very severely felt about the time of forming the present Constitution of the United States;—complaints against them were loud; and hence the Convention which formed that constitution (consisting of confidential characters appointed by the States for that purpose) in defining the powers of Congress, provided,

Art. 1, Sec. 8. That "Congress shall have power to lay and collect duties, imposts and excises," in addition to taxes—"but all duties, imposts, and excises shall be uniform throughout the United States."

This clause forms the foundation of the present Excise Law. The Constitution containing it, was submitted to the then existing Congress, and to the Conventions chosen in each state by the people, who assented to, and ratified it, but some proposed what they thought amendments relative to direct taxes and excise—they are as follows:

AMENDMENTS PROPOSED.

By Massachusetts.

"That Congress do not lay direct taxes, but when the monies arising from the impost and excise are insufficient for the public exigencies."

S. Carolina.

"That the General Government of the United States ought never to impose direct taxes, but where the monies arising from the duties, imposts and excise, are insufficient for the public exigencies."

N. Hampshire.

"That Congress do not lay direct taxes, but when the money arising from impost, excise, and their other resources, are insufficient for the public exigency."

Virginia.

"When Congress shall lay direct taxes or excises, they shall immediately inform the Executive power of each state, of the quota of such state, and if the Legislature of any state shall pass a law which shall be effectual for raising such quota at the time required by Congress, the taxes and excises laid by Congress shall not be collected in such state."

New-York.

"That Congress do not impose any excise on any article (ardent spirits excepted) of the growth, production or manufacture of the United States, or any of them."

"That Congress do not lay direct taxes, but when the monies arising from the impost and excise shall be insufficient for the public exigencies."

N. Carolina.

"When Congress shall lay direct taxes or excises, they shall immediately inform the Executive power of each state," &c.—as proposed by Virginia.

It has been observed before, that the states had ratified the Constitution including the excise, and from the above amendments it appears that it was not obnoxious to either of them. New-York, indeed, objected against it so far as articles of the growth, production or manufacture of the United States (ar-

* Except Rhode Island.

dent spirits excepted) might be affected by it, but that state expressly joined with Massachusetts, S. Carolina, and N. Hampshire, in giving it a decided preference to direct taxes, which with them, she says, ought not to be laid, "but when the monies arising from the impost and excise shall be insufficient," &c.

Hence, then, it is evident that the voice of the Union was in favor of an excise at the time of passing the Constitution: that it has been so ever since, appears from the law's remaining unrevoked to this day, notwithstanding the objections that have been made against it, and its having been frequently revised by Congress. It is therefore altogether improbable that the law will be repealed in the next session; but were it otherwise, it is the duty of our "western brethren," quietly and peaceably to submit to it during its existence, and to remember that there is no law which will justify their burning houses, destroying official books and papers, banishing their fellow-citizens, and robbing the public mails.

G. D.

† Perhaps this exception would have been omitted had the Convention of New-York known that "ardent spirits" are the "common drink of the country," as appeared afterwards from the Resolutions of a meeting of our "western brethren;" and that they have since been found to be "the Cash" of the country.

Legislature of Pennsylvania.

IN SENATE.

Wednesday September 10, 1794.

WHEREAS the disaffection of some of the Brigades of the City Militia of Pennsylvania, to the service which they are constitutionally required to perform, by the President of the United States, as communicated in the message of the Governor of the 10th inst. (involving circumstances highly derogatory to the reputation and injurious to the interests of the Commonwealth) demands the most serious attention of the Legislature, to the investigation of the causes that have produced such a dereliction of duty. Such enquiries are more peculiarly necessary in the present instance, considering the object of this armament is to quell an insurrection of a deluded people in our own state, who have daringly avowed an open resistance to the operation of the laws—and further considering there is reason to believe, that our sister states, who are more remotely affected by the consequences, have with singular alacrity furnished their respective quotas—therefore, in order to obtain the necessary information on the subject.

Resolved,

That the Secretary of the Commonwealth be, forthwith, required to lay before the Senate, copies of all official acts and proceedings of the Executive, as well as the returns that have been made by the Militia Officers, that have relation to the calling out the apportioned Militia of this state, in compliance with the requisition of the President of the United States, dated the 7th ultimo.

Extract from the Journal, T. MATLACK, Clerk of the Senate.

A. J. DALLAS, Secretary of the Commonwealth of Pennsylvania.

In obedience to the resolution of the Senate passed this day, requiring "the Secretary of the Commonwealth forthwith to lay before the Senate, copies of all official acts and proceedings of the Executive, as well as the returns that have been made by the militia officers, that have relation to the calling out the apportioned militia of this state, in compliance with the requisition of the President of the United States, dated the 7th ult."

The Secretary of the Commonwealth respectfully reports:

That copies of all official acts and proceedings of the State Executive, in relation to the President's requisition of the 7th ult. were laid before each branch of the Legislature, together with the other documents referred to in the Governor's address, at the opening of the present session.

That besides the written documents, parole instructions were repeatedly given to the Adjutant General, and other militia officers, for the exertion of every lawful means, to ensure a punctual compliance with the requisition, and it appears that in consequence of such instructions, the Adjutant General has, at several times, renewed his applications to the Brigade Inspectors.

That the Inspector of the city of Philadelphia Brigade, has, almost daily called at the Secretary's Office, with re-