

Philadelphia, September 2.

This day, at 12 o'clock, the Governor, being introduced by a Committee to both Houses of the Legislature, assembled in the Senate Chamber, delivered the following

ADDRESS.

Gentlemen of the Senate, and
Gentlemen of the House of Representatives,

A SOLEMN declaration of the President, has announced, that, in pursuance of combinations to defeat the execution of the laws, laying duties upon spirits distilled within the United States, and upon stills, "many persons, in the western parts of Pennsylvania, had, at length, been hardy enough to perpetrate acts, which he is advised amount to treason, being overt acts of levying war against the United States."—A communication to me has, likewise, expressed his determination "to take measures for calling forth the militia, in order to suppress those combinations, and to cause the laws to be duly executed." These occurrences have appeared, in my judgment, to be of a nature and tendency to interfere and obstruct, as to claim, independent of every other consideration, an exercise of the executive authority, to convene the General Assembly, upon extraordinary occasions.

Accordingly stirred; but experience justifies an expectation, that you will consider every private sacrifice amply compensated, by the opportunity of contributing to restore public tranquility and order. Unless, indeed, that wholesome subordination to the laws, which confers on virtue its merited safety, which secures to industry its laudable acquisitions, and which shelters freedom from the blasts of licentiousness, can be introduced and preserved, we pursue, in vain, the avocations of domestic life, and boast, without pretext, of equal rights and civil liberty.

The impracticability of combining social order with the principles of a free Republic, so long the favorite assertion of interested Statesmen, seemed already to have received a satisfactory refutation from the experiment, which our country had made. The friends of Liberty, who had rejoiced in the accomplishment of our Revolution, rejoiced with still greater exultation, the peaceable and almost unanimous adoption of our Federal Constitution. The visible effects of this system, raised upon the firm basis of popular representation, and directed to the legitimate objects of Government, attracted the attention, and hitherto have excited, the admiration, or the envy of mankind. If, indeed, we examine, more particularly, the operations of the government, we shall find, that, since our Federal character from a state of degradation, the American Union has been rendered respectable among the nations of the earth. While Europe is involved in all the horrors of war, and distracted by the embarrassment of her finances, we find our country preferred from a participation in the dreadful conflict; and its treasury exhibiting no claim to diminish the profits of genius or labour, but what is necessary to protect a distant and defenceless frontier from savage depredation—to pay an honest debt, the price of our National Independence, or to defray the unavoidable expenses of Government; the price of our political establishment. In other countries, too, the disposition, the interest, and the prosperity of the government, may be distinguished from the disposition, the interest, and the prosperity of the people; but so long as the spirit of our social compact continues to operate; so long as the laws are enacted by the immediate authority, and maintained by the ready obedience, of the citizens; that odious distinction can not be generated here. With the prosperity of the American People must be coeval and commensurate. Thus, the reputation which our government has acquired abroad, the peace which it has preserved at home, and the moderation of its fiscal demands, are intimately and obviously allied to the morality, the industry, the affluence, and the happiness, which appear in all the circles of domestic life.

But a period has unfortunately arrived, which renders it indispensable to remark, that this scene, so honorable to the beneficent to our country, can only be perpetuated by the efficient means, which have produced it. The establishment of a free government, with a competent legislative power, and the certainty of submission to the laws when duly made, were the real sources of our prosperity.—Nothing more will be necessary to convert all our enjoyments into cares, than the dissemination of an unmerited contempt for the government, which the People have thus created; or the practice of an unconstitutional opposition to the laws, which they have thus authorized to be enacted. Such proceedings, indeed, are not less unreasonable in their nature, than pernicious in their consequences. It is unreasonable to oppose a measure which our Representatives have been empowered to adopt; it is unreasonable to risk the subversion of the government, merely to extort, what a change of our representatives may procure; it is unreasonable to resist by the force of arms, what could not be prevented by the force of argument; and above all, it is unreasonable that a few should counteract the will of the many, or that a part of the community should undertake to prescribe to the whole.

I enquire not, Gentlemen, whether there was any original impolicy, or whether there is any oppressive operation in the laws, which the present occasion particularly contemplates; it is enough for my object to know, that they exist by an authority competent to make them; for, this knowledge (speaking as a Magistrate, or as a Freeman) is enough to convince me, that they ought to be obeyed. If an abstract opinion, controverting the policy of any legislative act; or if a partial inconvenience resulting from the operation of a general law, shall be deemed a sufficient justification for disobedience, and hostile opposition, to the Government, on what foundation can we longer rest the national hopes of respect, tranquility, and order? In a country so extensive, with interests so various, and with habits so diversified, can we expect from human wisdom, a system of legislation, that shall reconcile every difference, or gratify every prejudice? Or, is there any principle of discrimination, that will warrant a compliance with the local pretensions of one district, and justify the denial of a similar indulgence, to the local pretensions of any district, in the Union? Enquiries of this kind must inevitably terminate in a conviction, that there is no alternative in a free Country, but a submission to the laws, ordained by the regular exercise of Constitutional authority; or a subjection to the anarchy, produced invariably by a popular disregard of social obligation. Here, therefore, is the point for serious deliberation: for, should the event be unpropitious to the laws, the glorious harvest of our Revolution will be wantonly laid waste; the foes of freedom and republicanism will acquire new energy from our disgrace; the present age will regard our conduct with contempt, and posterity will pronounce our names with detestation. To us, Gentlemen, in particular, this dreadful reflection must bring additional pain, should the calamity which it contemplates, be occasioned, or promoted by the fatal example of Pennsylvania.

That the Acts of Congress, commonly called the Excise laws, had created considerable discontent in various parts of the State; and that this discontent had been manifested, not only by a non-compliance with the laws, but by an irregular and violent conduct towards the officers, who were employed to execute them, have long been circumstances of public

notoriety; and, at an early period of my administration, were mentioned as a proper subject for legislative interposition. With a design to facilitate the measures of the Federal Government, I employed, likewise, repeated opportunities to inculcate the indispensable duty of obedience to the laws; and, from time to time, I received, with peculiar satisfaction, the strongest assurances, that, on the part of the State Officers, every reasonable exertion would be made to constitute the minds of their Fellow Citizens, and to effectuate the acts of the Union. It is to be lamented, however, that the result of these efforts, has not corresponded with the expectation which I had formed. The spirit of lawless opposition seems to have acquired fresh vigor during a transient sleep; and being, at length, excited into action, it has recently violated the public peace, overthrowing in its career the barriers of personal safety, and the safeguards of private property.

From the information, which I have collected through various channels, and the result of which it is my duty, Gentlemen, to submit to your observation, it may be conjectured, that, at the period of perpetrating the late outrageous Riots, in the western parts of the State, the principal source of discontent, had been augmented by several collateral considerations. Under circumstances peculiarly insidious, therefore, the martial of the District seems to have entered the western counties, to set certain judiciary proceedings, by which a number of citizens, who had consented to enter their stills, agreeably to the act of Congress, were summoned to appear at a District Court, to be holden in the City of Philadelphia. From the documents which I have had an opportunity of examining on the subject, it appears that this officer was allowed without injury, or molestation, to discharge his duty in the County of Fayette; that proceeding, for the same purpose into the County of Allegheny, he requested the company and assistance of Gen. Nevil, the Inspector of the Revenue; that while thus accompanied he suffered some insults and encountered some opposition; that considerable bodies of armed men having at several times demanded the surrender of General Nevil's commission and papers, attached and ultimately destroyed his house and other valuable property; that these rioters (of whom a few were killed and many wounded) having made the Marshal, together with other Citizens, prisoners, released that officer in consideration of a promise, that he would not serve any more process on the Western side of the Allegheny mountain; that under a just apprehension of violence, General Nevil, before his house was destroyed, applied to two of the Judges of the county of Allegheny, for the protection of his property, but the Judges, on the 24th day of July, the day on which his house was destroyed, declared that they could not, in the present circumstances of the country, afford the protection, that was requested, though they offered to institute prosecutions against the offenders; and that General Nevil, and the Marshal, menaced with further outrage by the Rioters, had been under the necessity of repairing, by a circuitous route to Philadelphia. To this outline of the information, which was received immediately after the riots, the stoppage of the public mail, the expulsion of several friends to government from Pittsburgh, and the measures taken to establish a correspondence and concert among the rioters, must be regarded as circumstances of great aggravation and alarm.

As soon as the intelligence of these lawless proceedings had arrived, letters were addressed under my instructions to every Judge, Justice, Sheriff, Brigadier-Inspector, and in short, to every public officer, residing in the Western counties, expressing the regret and indignation, which the event had produced; and requiring an exertion of their influence and authority to suppress the tumults, and punish the offenders. The Attorney General of the State was, likewise, desired to investigate the circumstances of the riot, to ascertain the names of the rioters, and to institute the regular process of the law for bringing the leaders to justice. This Judiciary course of proceeding, the only one, which, at that period, appeared lawful to be pursued on my part, was recommended, likewise, by the success, that had attended it upon former occasions. Riots have heretofore been committed in opposition to the laws of Pennsylvania, but the rioters have been invariably punished by the Courts of Justice. In opposition to the laws of the United States, in opposition to the very laws now opposed, and in the very counties supposed to be combined in the present opposition, riots have, likewise, formerly occurred; but, in every instance supported by legal proof (and several such instances are specified in the documents that accompanied my address to the Legislature on the 7th of December, 1792) the offenders have been indicted, convicted, and punished by the Tribunals of the State. To support the authority of the Union, by an exertion of the authority of the State, has ever, indeed, constituted a favorite object of my official attention; and I shall always be persuaded, that if the purposes of justice can be attained, if obedience to the laws can be restored, and if the horrors of a civil war can be averted, by that auxiliary intervention, no idea of placing an individual State in too distinct, too important a point of view, or of interfering with the exercise of a concurrent Federal jurisdiction, can be sufficiently clear or cogent, to supersede such momentous considerations.

But it may be suggested, that the extent and violence of the late disturbances, required a more energetic course, and would have justified an immediate interposition of the militia. For my part, Gentlemen, I confess, that in manifesting a zealous disposition to secure obedience to the Constitutions and laws of our Country, I shall ever prefer the instruments of conciliation to those of coercion, and never, but in the last resort, countenance a dilution of Judiciary authority, for the exertion of military force. Before the President had determined to employ the militia on this occasion, the incompetency of the Judiciary Department of the Government of Pennsylvania, to vindicate the violated laws, had not been made sufficiently apparent. That the laws of the Union are the laws of the State, is a constitutional axiom that will never be controverted; but the mere circumstance, that the riots were committed in opposition to the laws of the Union, could neither enlarge nor alter, the powers of the State Government; for, in executing the laws, or maintaining the authority of the Union, the officers of Pennsylvania can only employ the same means, by which the more peculiarly municipal laws and authority of the State, are executed and maintained. Under a solemn conviction, then, that the military power of the Government ought not to be employed, until its Judiciary authority, after a fair experiment, has proved incompetent to enforce obedience, or to punish infractions of the law, I conceived that nothing more was due to good faith and justice, than an assurance that the measures which were taken, would have been precisely the same, had the riot been unconnected with the system of Federal policy. If the riot had been unconnected with the system of Federal policy, the vindication of our laws upon the arrival of the first intelligence, would have been left to the ordinary course of justice; and only in the last resort, at the requisition, and as an auxiliary of the civil authority, would the military force of the State be called forth.

For, it is of some importance, Gentlemen, to recollect that, at this time, no positive law of the State exists, by which the exigency that will justify an appeal from the political, to the physical, strength

of our country, is defined; or, by which the evidence, to prove the existence of that exigency, is regulated and prescribed. It is true, that, in seasons of tumult and insurrection, when the civil authority has declared itself incompetent to the discharge of its functions, a duty may be presumed to result from the nature and Constitution of the Executive office, to see the execution of the laws, by every other legitimate means. But in the performance of a discretionary trust, so charged with official responsibility, as it affects the magistracy, and so exposed to patriotic jealousy as it affects the Citizens, every construction on the circumstances that occur, should, in my judgment, be the effect of serious deliberation; and ever step that is taken, in a military course, should be directed and circumscribed by the necessity, which impels it. Besides, therefore, the recollection, that in similar extremities the Judiciary Department of our Government had maintained its authority, by punishing the violators of the public peace; and besides the defect, originally, of satisfactory proof to evince, that on this occasion, its authority had failed; there were considerations of policy, that added powerful influence to recommend the lenient course, which, as an Executive Magistrate, I had determined to pursue.

In a free country it must be expedient to convince the Citizens of the necessity, that shall at any time induce the government to employ the coercive authority, with which it is invested. To convince them that it is necessary to call forth the military power, for the purpose of executing the laws, it must be shown, that the judicial power has in vain attempted to punish those who violate them. The citizens of Pennsylvania (however a part of them may, for a while, be deluded) are the friends of law and order; but when the inhabitants of one district shall be required to take arms against the inhabitants of another, their general character did not authorize me to expect, a passive obedience to the mandates of Government. I believed, that as Freeman they would enquire into the cause and nature of the service proposed to them; and, I believed, their alacrity in performing, as well as in accepting it, would essentially depend on their opinion of its justice and necessity. Hence, therefore, my solicitude to ascertain, in the clearest manner, whether the Judiciary authority had been tried in vain: for under an assurance, that every other reasonable expedient had been previously resorted to, I was confident that the public opinion would sanction the most vigorous exertion of the whole force, which the constitution and laws of the State entrusted to me; and that every good citizen would willingly lend his aid, to strengthen and promote the measures, that were thus unavoidably employed, for restoring the authority of the laws.

Upon great political emergencies, the effect, likewise, of every measure, should be deliberately weighed. Anticipating the probable consequences of an awful appeal to arms, I could not avoid impressions, which are of a nature too painful, and too delicate, for public recapitulation; but which will readily occur to every reflecting mind.

From the situation that has been represented, I was relieved, however, Gentlemen, by the conduct which the Federal Government has determined to adopt upon the occasion; and by which, it is obvious, that my interference, in a separate and unconnected manner, to embody any part of the militia, would be rendered utterly expensive to the State, unnecessarily burthenome to the Citizens, and might be eventually introductory of embarrassment and confusion, instead of system and co-operation. The complicated nature of the outrages, which were committed upon the public peace, gave, indeed, a jurisdiction to both Governments; but in the Judiciary as well as in the Military Department, it would, perhaps, be expedient, that the subject should be left entirely to the management either of the State, or of the General Government: for, the very important difference, which is supposed to exist in the nature and consequences of the offences, when contemplated by the laws of the United States, and when contemplated by the laws of Pennsylvania, must otherwise, destroy that uniformity in the definition of crimes, and the apportionment of punishments, which has always been deemed essential to a due administration of justice.

You will perceive, gentlemen, from the documents which I have directed to be laid before you, that, treading in the regular path designated by an act of Congress, the President has received a notification from an Associate Judge, stating according to the Act, that in the Counties of Washington and Allegheny, in Pennsylvania, laws of the United States are opposed, and the execution thereof obstructed, by combinations too powerful to be suppressed, by the ordinary course of judicial proceedings, or by the powers vested in the Marshal of the District. The legal operation of this Certificate, having authorized the President to call forth the Militia of this, and of any other State, to suppress such combinations, and to cause the laws to be duly executed, a requisition for that purpose, has been accordingly issued, and copies of it will be communicated for your information. Leaving it, therefore, as I ought, implicitly to the judgment of the President, to chuse, on such evidence, as he approved, the measures for carrying the laws of the Union into effect; and feeling as I ought, the influence of my Federal obligations, I did not hesitate to give a full and unequivocal assent, that, whatever requisition he might make, whatever duty he might impose, in pursuance of his constitutional and legal powers, would, on my part, be promptly undertaken, and faithfully discharged. Actuated equally by the regard due to my immediate trust, and my desire to co-operate with the plans of the General Government, I have, likewise, published a Proclamation, declaring (as far as I can declare them) the sentiments of the Government; announcing a determination to punish the offenders; and exhorting the Citizens at large to pursue a peaceable and patriotic conduct. I have engaged two respectable Citizens to act as Commissioners, for addressing those who have embarked in the present combination, upon the lawless nature, and ruinous tendency of their proceeding; and for inculcating the necessity of an immediate return to the duty which they owe to their country: And I have convened the Legislature, in order that those defects in the existing laws of the State, which obstruct or retard the use of the proper instruments for maintaining the dignity of the Government, or for complying with the requisitions of the President, may be amended; and that the ultimate means of subduing the spirit of insurrection, and of restoring tranquility and order, may be prescribed (confining it with the jurisdiction of Pennsylvania) by your wisdom and authority.

Having thus, Gentlemen, laid before you the circumstances that have attended, the very serious event which has occasioned your present meeting, it cannot, I presume, be necessary to offer any further arguments, to engage you in the indispensable task of providing, with a prompt, firm, and patriotic policy for the maintenance of an issue, in which the laws and existence of our government are critically involved. You will perceive from the papers, which the Secretary is directed to deliver, that every conciliatory effort has been made, as well by the general government, as by the State, to convince the deluded insurgents of their error, to reconcile them to their duty, and to re-establish the violated authority of the laws: You will be satisfied from the present state of our information, that the Judiciary authority of the government is no longer compe-

tent to enforce obedience to the acts of Congress, or to punish the outrageous offences, which have been committed in the course of an opposition to them—and you will feel, under the most sacred obligations of duty, and the strongest incentives or interests, the force of the resulting alternative, which now presents to our choice a dereliction of our official trust, or the most vigorous exertion of our constitutional powers.

But not only as guardians of the public welfare, and of the equal rights of our constituents.—Let me likewise, call upon you gentlemen—let me solemnly call upon our fellow citizens of every description,—as individuals bearing testimony against a lawless proceeding, to exercise all the influence of reason and example, in counteracting the fatal effects of a spirit, so hostile to the public order of Society, and to the private happiness of man. There is no member of the community so elevated by opulence, or so depressed by poverty—so weak, or so feeble, in the condition of his mind or body,—but must feel his dependence upon the benignity of the laws: For a general submission to the law, is the certain, though the only medium (as I have already intimated) by which the public is enabled to extend security to property, and encouragement to industry; by which it arms the feeble against outrage, and shelters the unfortunate from want. To violate this palladium, upon any pretext, is to set an example for violating it upon every pretext; and to permit it, in the first instance, with impunity, is, in effect, to invigorate every subsequent attack. The duty of the government being thus intimately combined with the interests of the people, I anxiously hope, that the ready and effectual aid, which the public measures will receive, at this crisis, from the zeal and spirit of a militia, composed of enlightened and patriotic freemen, will leave the enemies of Liberty hereafter without a pretext, for asserting that a standing army is necessary to maintain the authority of the laws.

It is incumbent upon me, however, Gentlemen, to renew at this period, the representations, which I repeatedly made, during the last session, relative to the radical imperfections of the existing system, for organizing and regulating the militia of the State. Such embarrassments, indeed, daily occur, that the candor, which ought to prevail in my Legislative communications, and the attention that is due to my executive character, impel me to declare, that, without some essential alterations and amendments in the law, I cannot be responsible for a punctual compliance with the requisitions of the President, or a reasonable exertion of the military force, in aid of the civil authority. The insufficiency of the penalties to induce a performance of militia duties; the inadequate means for recovering those penalties; the want of a fund to defray contingent expenses; the inconsiderable compensation of some of the officers compared with their duties; the ineffectual regulations for compelling individuals to procure arms and equipments; and the want of a public arsenal, with a competent supply of arms and ammunition; are among the obvious defects, which claim immediate consideration. Some of the general arrangements, have, likewise, been found inconvenient in practice; and many parts of the law are so ambiguous, as to produce different constructions, in different counties of the State. Permit me, at the same time, to suggest, that general provisions ought to be made, for ascertaining the occasions on which the military, may be employed in support of the civil authority of the State; and for regulating, more efficiently than at present, the mode of complying with the requisitions of the President. The latter provision, indeed, deserves immediate attention; as a requisition has been made in a copy of which, and of the proceedings in relation to it, you will have an opportunity of perusing for a draft of 10,762 of the militia of this State, as our quota of the department of 80,000 men directed to be organized, and held in readiness to march at a moment's warning, in pursuance of a late act of Congress. Whatever may be the issue of the existing circumstances of our country, which furnish an immediate occasion for these military preparations, the endeavour to improve, and perfect our militia system, ought not to be relinquished or relaxed. The rapid augmentation of the population, opulence, and importance of the union, mult, in the usual course of ordinary events, expose us to those external dangers, and internal agitations, which are inseparable from the human character and condition. It becomes, therefore, our highest duty to be, at all times, prepared to repel hostilities against the nation, and to preserve subordination to the laws; and this can only be effected, with safety to our Freedom and Independence, by a well regulated militia, who shall add to a sense of their rights, a knowledge of the means to assert them.

Since the transactions to which your attention has hitherto been directed, have imposed the necessity of an immediate call of the Legislature, it is some consolation, Gentlemen, that I shall now enjoy the benefit of your advice and authority upon another subject, which has, likewise, been the source of some embarrassment. In compliance with directions of the several acts, relative to the establishment of a town at Prequille, I appointed Commissioners for making the surveys, & formed, upon the principles which the law prescribes, a detachment from the State troops, to protect those commissioners in the execution of their trust. When however, they had proceeded a considerable distance in their course to Prequille, accounts from a variety of quarters concurred in raising a serious apprehension, that the projected settlement would be hostily opposed by the Six Nations, & other ill disposed persons in the neighbourhood of our Northern Frontier. It became necessary, therefore, for the purpose of repelling the threatened invasion of our territory, as well as for preventing a disappointment of the Legislative intentions, to reinforce the detachment, which accompanied the Commissioners; and orders were accordingly issued to draft a thousand militia from the Western Brigades, for that particular service. But, when these orders were communicated to the President (the law, and every other step taken to execute it, having in like manner been previously communicated) he declared "an opinion, formed upon mature reflection that it was advisable to suspend for the present the establishment of Prequille." The reasons that have been mentioned as the ground of this opinion, appear in the correspondence, which will be laid before you; and you will here, likewise, perceive, that under the uniform influence of an official disposition to promote the views of the general Government, of an earnest desire to cultivate every possible means of peace, and of a personal confidence in the judgment and patriotism of the President, a prompt compliance, on my part, followed the communication of his opinion and request.

Aware, however, of the policy of the Prequille establishment, in adding strength to the means of protecting our distant frontier, & of its justice in maintaining the system for the settlement of public lands, by the sale of which a sufficient revenue had been produced to exonerate the State from the pressure of her debts, I received with peculiar satisfaction an assurance, that the obstacles to its accomplishment were of a temporary nature, and that no exertion would be omitted to remove them. On any other terms, indeed, my authority could not have extended to an acquiescence in the President's wishes; for, you will find it expressly stated in the opinion which the Attorney General gave upon the subject, that it could not justify an omission to conform to the di-