

From the Independent Chronicle, of the 4th instant.

The following is the Substance of the Opinion given by one of the Council, on the question of granting a pardon to Jason Parmenter, when he is tried.

THAT this was a question of great importance, not only because the life of this individual citizen depended upon it, but because if a pardon was granted in this case, the reasons upon which it would be issued, might den and a similar decision in favour of three other persons, under sentence for the same crime, and whole cases had been moved at the board: That Parmenter was convicted of treason; his indictment was in the form commonly used in such offences; it had however been suggested abroad that he had also been guilty of murder; there was nothing in the record of the process which intimated this; every indictment found against persons for the late rebellion was in the same form with that against him; but he had, however, examined into the nature of the evidence against him, as far as he had been able, and believed that, if he had been tried for murder, without the idea of his having been engaged in the rebellion, the killing of Walker would have been but manslaughter at most, because there was a rencounter between the parties, began by Walker, who discharged his aim at the same instant, or rather before Parmenter discharged his: But if he has been guilty of murder, a pardon of the offence is in order, for it is no pardon of that crime.

He observed, that for all measures intended to make a deep impression on the public mind, there is a critical moment: It that is not improved, the effect wished for can never be produced at any subsequent period; and to support that his Excellency the late Governor, and the Honourable Gentlemen then of the board, postponed the execution of the sentences, that others might finish the work which they had begun; or that they did it to throw a disagreeable task upon their successors in office, which they wished to avoid themselves; or from an idea that an odium would rest upon the man, or men, who should complete by public executions, a system they had raised, but had not firmness to support, would be fixing a very disagreeable imputation on their characters; That it was done from a doubt of the legality of the trials, was not by them suggested: If they acted upon the last mentioned reason, it yet remains in force: To say that it was done "because reprisals had been usual," will by no means do; for this is the first conviction for high treason that has been committed in the country, and to obtain this, the Court was carried up in a difficult and inclement season for the avowed purpose of making immediate examples.

That the benefit of the act of indemnity extended to all except nine of the unfriended people concerned in the late rebellion. Amongst those indemnified, are many who have been more atrociously guilty, than those who are condemned; it is true that the latter have been apprehended and brought to trial, but this adds nothing to their guilt.

That it was true that a provision is made in the above mentioned act, that the indemnity shall not be construed to extend to persons convicted of crimes, and it is true that no act of that nature could be extended to them; the power of pardoning after conviction, being by the constitution, lodged with your Excellency and Honours.

Upon these measures having been adopt-

ed in the legislature, and it appearing to be the wish of so many thousands of the people to have the unhappy commotions settled without the loss of any more lives, the examples of the best governments were referred to; and it appeared that other states, and even Britain, whose sanguinary disposition daily gluts the grave with legal confinement, furnished examples of clemency in this case: That thereupon his Excellency, with advice of Council, respited the execution of the sentences to the twentieth instant.

That he did not mean to suggest that the Council were unanimous in this point. Some gentlemen who advised the late Governor to postpone the executions to the 25th of July, as he had been informed, had uniformly urged the present Governor against a pardon. That even this measure was adopted in a way which frequently tried the strength of government, for every preparation, in the county of Hampshire at least, was made for a serious execution; but this parade of death was so far from exciting opposition to legal authority that a gloomy silence and solemn awe, at the power of government, was universally exhibited.

That those who were then in favour of this measure, cannot but consider themselves as under the most solemn obligations now to grant a pardon; for he considered this as a sort of compact, if not on the part of government, at least binding on those Councillors who advised to the measure, that if it appeared by the subsequent conduct of the insurgents that peace and tranquility could be restored without public sanguinary examples, a pardon should be granted.

That the act of indemnity was limited to those alone who should take the oath of allegiance, upon, or before the 12th day of September 1787. We are well assured that all who were the objects of the act have complied with the requisition.

That the troops were disbanded, the ideas of paper money, and demolition of the Courts of justice are so far from being entertained by the people, that they are universally execrated.

That the late unhappy commotions did not fix the character of the people as ungovernable, they arose from an unfortunate concurrence of circumstances, with which all countries, in their turn, have been afflicted, but which, in a free government, have a more dangerous and disagreeable effect; we had but lately resisted a government long established over us.

That the taxes in preceding years, though not heavy when they were granted, upon the sudden exit of money became intolerable; whilst cash was plenty, the people were prodigal of credit, but when it became scarce, the property for which they were indebted would not pay one-half of the purchase money stipulated. Lawsuits were multiplied, and the legal bills of cost were so augmented by delays at the request of the debtors, that they became oppressive. Add to this, that there stands ready at such a crisis, a number of sharpers, who will improve the moment of keen distress, to extort from the wretched the small remains of property by excessive usury.

That a pile thus prepared was easily kindled into a flame by Gazette writers, who mistook those burdens which were the necessary price of our independence, and the security of our future freedom, for grievances which demanded redress.

And that it could not be wise and prudent, under our present prospects, and

our present situation, to recall to public view, the ideas of injury to private individuals, indignity to the government, and reproach to our country.

That he was not afraid of raising new commotions by a public execution of the sentences under consideration; the people might indeed murmur, upon an idea that the parade of death was necessary at so late an hour. But if he thought there would be any kind of opposition, he should be full for trying the experiment; but as he did not, and could see no necessity of, or public advantage from, the execution of these people, after all sufferings, and at a time when the State has sunk into the arms of peace and tranquility, he was clear in advising his Excellency to grant a full pardon to Jason Parmenter.

THE Collector of the Duties of Excise in the county of Hampshire, hereby gives notice, That he shall attend to settle accounts and to receive the said duties at the several times and places hereafter mentioned, viz. At Mr. Elisha White's in Hasfield, on Thursday the 4th day of November next, at 9 o'clock A. M.—at Mr. Joel Wair's in Whately the same day at 10 o'clock A. M.—and the same day at Mr. David Holt's in Ditchley at 4 o'clock P. M.—on Friday the 5th at Mr. Crisp's in Greenfield, at 8 o'clock A. M.—on Monday the 8th of the same month at Mr. Joshua Harvey's in Greenfield, at 8 o'clock A. M.—the same day at Mr. Ebenezer Parsons' in Goshen, at 11 o'clock A. M.—the same day at Mr. Storie's in Chertseyfield, at 1 o'clock P. M.—and the same day at Mr. Chapin's in Worthington, at 4 o'clock P. M.—on Tuesday the 6th at Mr. Jonathan Harwell's in Chertsey, at 1 o'clock P. M.—the same day at Mr. Donnell's in Norwich, at 11 o'clock A. M.—and the same day at Mr. Wright's in Westampton, at 3 o'clock P. M.—and on Wednesday the 7th at Mr. Clap's in Eastampton, at 5 o'clock A. M.—and at Mr. Perez Clap's in Southampton, at 11 o'clock A. M.—and on Thursday the 8th at Mr. Elisha Cote's in Hasley, at 9 o'clock A. M.—and at Mr. Alfred Pomeroy's in Northampton, at 1 o'clock P. M.—E. J. H. F. M. Collector of Excise & Impost for the County of Hampshire.

NOTICE is hereby given that there will be a public sale of all persons concerned, as by the late excise Act, "No person, innkeeper or retailer shall hereafter be licensed by any court, unless he produces in court a certificate or receipt from the collector or his deputy, that he has accounted and paid his excise on the 11th day of November and the 1st day of May, or within 30 days of each of those periods." Northampton, October 9, 1787.

STRAYED, or stolen from the subscriber, on last Saturday night, a spotted mare, eleven years old, about fourteen hands high, a grey spot near her left hip, a thick high neck, paces and trots, blind before. Whoever will take up said mare, and return her or send word to the subscriber, shall be handsomely rewarded by SETH LYMAN Northfield, Sept. 25th, 1787.

THE Hon. Judge of Probate for the county of Hampshire, having appointed the subscribers Commissioners to settle the claims of NATHANIEL WHITE, late of South-Hasley, deceased, who died intestate, and six months being allowed for that purpose; We hereby give notice, that we shall attend said debts, and dwelling house of said deceased, on the third Monday of November, January, and March next, from 10 o'clock P. M.—after which no account will be allowed. J. Fish White, David Actled, Gardner Pristler. South-Hasley, October 1, 1787.

NOTICE is hereby given to the following non-resident proprietors of land in the town of Northampton, in the County of Hampshire, that their lands are set out in the list of 1784, as follows.

Cash, Writing-Paper, &c. given for clean Linen and Cotton RAGS, at the Printing Office in Northampton.

# HAMPSHIRE GAZETTE.

WEDNESDAY, OCTOBER 24 1787.

NORTHAMPTON: PRINTED BY WILLIAM BUTLER, A FEW RODS EAST OF THE COURT-HOUSE.

For the HAMPSHIRE GAZETTE. POLITICAL and MORAL ENTERTAINMENT.

NUMBER XIII.

WAR is exposed to many evils, by its propensity to follow appearances, and to judge of things by remote and accidental circumstances, without examining their nature. A remote likeness often exists between things that are essentially different. There are many instances of war which are common to all in forms. A duel is fought with arms, as well as a battle between powerful and numerous armies. And an instruction, asking a private civil war, has several attendants, the being in the same manner as to a public war between two or more nations. In both, men put on weapons of death, are divided into officers and soldiers, exhibit martial parade, and make appeal to heaven to decide their cause. These are dazzling circumstances which are apt to make strong impressions on the minds of men; and many are so easily deluded as to think them the only needful and unalterable or credentials, of an army, as if they entitled persons to the same privileges in an insurrection against government, as belong to soldiers in a national war. But a small degree of care to obtain accurate ideas and to view things in their essential circumstances, might remove their error. The arrangement and parade of an army are exceedingly insignificant in the question, whether they shall be treated in the character of soldiers of an authorized army, or of a combination of mischievous peevish, accountable to government for their conduct. The exterior from which men act, nor the appearance they put on, entitles them to be treated in an official character. An armed ship, duly commissioned by a man of war, without a commission if it fights, appropriate and kill, it is a pirate. And a land army acting by authority, is entitled to the respect due to such a body, belonging to the power by which it is appointed; but acting without, and in opposition to legal authority, it can claim no regard, beside from the personal characters of the men that compose it, and the deservings of their former military order: which is of no avail to protect them from judicial trial, condemnation and punishment for any injuries they do the state, to which they owe allegiance.

able and just manner: that right and truth and not fraud and violence, may give law to society. And where government is established, competent to hear complaints, and just causes of controversy, for men successively to appeal in a decision by arms, is an audacious contempt of God's approved mode of ruling among mankind. And can those that are guilty of it, expect an interference of Providence to decide their cause, except to punish their unwarranted and daring appeal to heaven? All the foundation people have to expect a righteous illustration of war, is the Providence of God: who maintains a just dominion throughout the universe. But, it is trifling with his supremacy, to determine things by the lot of war, for which he has provided another mode of termination, by the appointment of civil government. And can it be expected that he will honour a cause, though it be in itself good, if he be brought to him by an appeal to Providence in contempt of his ordinance of civil government? The expense and hazard of war is too great to be needfully incurred: And men, violators of the harmony, designed to be preserved under the friendly auspice of Providence, when they levy war to determine a cause that might be regularly and with equity, decided by civil government, and the laws of the land: The issue of a war is of too high importance, to be put to hazard, when no justifiable occasion of sufficient moment exists to require it. And such an occasion, to expose it in levying a civil war, never does exist, unless government become so disordered, as essentially to deviate from, or exceed the sphere of its jurisdiction.

When any person breaks down the fences of his neighbour's field, to turn in his own cattle, and other herds follow them, and not only eat his grass, but force themselves into other inclosures, damage his corn and fruit, and in the rage of fighting, kill his cows or oxen: is not the man, that opened the fence, accountable for all the evils that follow it? Or if any number of persons unite in the same design, and level their neighbours' fence in different places, and stocks enter some at one breach and some at another, is not each and any one of these men answerable for the mischief of the whole? An insurrection against civil government throws down the fences of law, and opens the way to innumerable evils; all which are imputable to the cause of rebellion. And men that combine together in it, may be considered to say, There is no need of law, they will be answerable for the conduct of people without it. And what they say, whether in words or actions, it is reasonable and just that they be obliged to make good. Neither can any one of them plead, that he was not accessory to every evil action of the whole: since by joining in rebellion with the party, he has assisted to give them opportunity and audacity to perpetrate all their mischiefs. So that, if goods be stolen or men personally injured, redress may be justly demanded of any of the company, whose wicked banding together, occasioned the wrong. And if blood be shed, the guilt of it being imputable to the whole body and all the individuals of it, atonement may be made by the life of any person or persons of them, to a sufficient number; whose justice is able first to seize and bring to punishment. Should a number fall together into the power of government, or before justice has opportunity to act upon those first apprehended, discrimination may be made between them, either by lot, or by a sovereign act of authority; as David took seven men of the sons of Saul, to satisfy for the murders he had committed in the slaughter of the Gibeonites.

These limitations may be admitted, and it remains a true observation, that civil government is to be universally obeyed; and all its ordinances and laws, made by rulers acting in their proper sphere, to be received with honour. A periphery, to be received to such a government is civil war in opposition to such a government is forever unwarrantable, and unjust. And it can claim no privilege or protection for those that engage in it. Mankind under obligations of allegiance must be considered from them, before they can levy war against the state, & not incur the guilt of rebellion. The commission of crimes does not destroy their connection with society and government, so as to give them liberty to commence war in character of avowed enemies. Their bond of allegiance continues, and in like manner the laws to take cognizance of their conduct. A rebellion, which is a crime in itself of vast magnitude cannot justify other crimes that proceed from or attend it. Men that engage in it are still accountable for their actions, as much as if no civil discord existed.

It is not denied that there is a difference between men engaged in rebellion, as to the degree of their criminality. Some have greater abilities, and larger influence than others; & their actions are attended with proportionately greater importance. These will naturally stand foremost to receive the vengeance of their country, and the claims of individuals for personal wrongs. But if they step out of the way, or cannot be apprehended, any others that can be found, may be taken in their stead. And whoever escapes the evils he sees inflicted on others, for the crime in which they have been partners, should reflect on it, as a merciful dispensation to him, that he is not destined, as others are, to be an example of punishment.

And such a combination of men in a rebellion has no power to free each from their obligations to the state. Neither can they appoint leaders or officers, with any authority to command or justify things contrary to their rightful allegiance. Being bound to obey their lawful

And these consequences attending an insurrection against government, which show its wide difference from a national or public war, though several things belonging to them are common to both. And these consequences of levying civil war are unavoidable, unless removed by success in subverting government: For while government stands, rebellion against it must and will be condemned, by its laws, as the first of punishments.