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THE

PATRIOTICK PROCEEDINGS

OF THE

LEGISLATURE OF MASSACHUSETTS,

During their Session from Jan. 26, to March 4, 1809.

CONSISTING OF

The Lieutenant Governour's Speech,

Answer of both Houses,

Report of the Joint Committee on Petitions,

Gore's Report on Crowninshield's Resolutions,

Report on the Lieutenant Governour's Military Orders, with three Speeches,

Memorial to Congress,

Address to the People.

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PREFACE.

THE legislature of Massachusetts having closed its session, the true friends of our country must forever recollect its publick measures with equal pride and gratitude.

Before our last election, the fortunes of our country seemed desperate. The legislature had then sanctioned the destructive system of Mr. Jefferson, whose origin can be found but in treachery or folly, wrong feelings, or absurd theories, and whose result, if the experiment was fairly tried, would have been our ruin. The success of the federal ticket, in our counties and towns, gave new hopes to the patriots who had struggled so hard for it. Their hopes have been realized.

On the convention of the legislature in May, the first object of the federalists was the revival and restoration of the government to energy and confidence. In the appointment to offices, and in the removal of incumbents, the publick interest was studied and has been secured. Their political opponents must confess, that in the selection of candidates, there was no sacrifice of duty to their love of party or of partizans.

In their various answers to the communications of the executive, they have ever expressed just respect to the

chief magistrate of the state, as well as exacted due regard to the rights of the people. And if the alarming doctrines and arbitrary measures of the lieutenant governour, have exposed him to merited censure, its suppression would have been an abandonment of the constitution, of the liberty of the citizen and the sovereignty of the state.

The various reports and resolutions of the legislature on the system of policy adopted by Mr. Jefferson and Mr. Madison, towards France and England, were demanded by the ruinous experiments and delusive pretensions of our cabinet. The coolness, firmness, candour and dignity of these legislative declarations of our rights, discover great minds intent on great ends. In their memorial to Congress and address to the people, they exhibit none of that petty spirit of complaint, whose wrongs are satisfied by petulance and invective, but that sober sense of justice, which first measures its claims, and then insists on their unequivocal admission.

It will be readily perceived by all discerning men, that the counsels of our legislature have already checked the mad career of a cabinet, which had no guide but its fears and prejudices, and a second time roused our country to a resistance against oppression, which we trust in God will secure our liberty.

LIEUT. GOVERNOUR'S SPEECH.

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

THE peculiar circumstances under which we have assembled, call for a serious direction of our thoughts to that Being, in whose hands are the destinies of men and nations. The aspect of our publick affairs imposes on all the duty of patience and circumspection in their investigations and their actions. Our best exertions for the general welfare are now necessary. The known patriotism of the people of Massachusetts is a pledge for the display of these virtues on every publick emergency. How far existing or threatened evils may be provided against, or endangered rights be secured, by any agency constitutionally confided to their State Legislature, are, at the present moment, considerations of the most interesting nature.

That afflicting Providence, which has deprived you and your fellow citizens of the assistance and experience of him who was selected by their suffrages to discharge the important duties of Chief Magistrate, can be felt and lamented by none more sincerely than by myself. This event having constitutionally devolved on me these duties; as a substitution to his

talents and his experience, you may rest assured, for the residue of the year, of my solicitude, assiduity and best endeavours to promote what, from my own convictions, shall appear most conducive to the good of the whole. On this occasion, to repeat the prescribed oaths, which I have already taken, would be but the avowals of my political sentiments. The national and the state constitution contain them. The fair and obvious construction of these instruments, in the sense in which I shall be convinced they were intended to be understood, will furnish my rule of action, wherever they can apply. The outlines of our respective relations and duties are there to be found. My inexperience in legislative business will, I fear, be thought too often to call for your indulgence and candour. If, instructed by the constitution and the law, and sincerely aiming to adhere to their provisions, and to advance the general interest and harmony among the citizens, there should unhappily be a difference of opinion between the different departments of government, as to the means of their application, it can be no just cause of uneasiness or distrust among us.

The New England states have been represented, to their injury and to the injury of the United States, as distracted with divisions, prepared for opposition to the authority of the law, and ripening for a secession from the Union. Anxieties at suggestions or apprehensions of this kind have been expressed on the floor of Congress. Such suggestions we trust are unfounded. Our enemies alone could have made them. It is to be lamented that any colour has ever been furnished for such alarms. It cannot be concealed that in this state, existing difficulties, and the apparent indications of greater ones, have produced instances of excitement, violence and indiscretion, which form serious claims on our attention. Could legislators be agreed, all would be tranquillized from without. Would not such an achievement be worthy an united effort, and reward the labours of a

whole session? The times call for union, confidence and mutual forbearance and accommodation. Will not a recollection of some prominent principles and facts in our history, with a legislative example, have this tendency, among our citizens? May we not avail ourselves of this opportunity to review, in a summary manner, the situation in which we are placed, and the dangers to which we are exposed?

If ever a forgetfulness of past dissentions, and joint efforts for the common interest, were necessary, they are so at this moment. Will not each citizen determine for himself, that no personal gratification shall stand in the way of any arrangement, which will concentrate the general will, and direct its strength for our country's safety? For one I am prepared for this measure of accord and devotion to the exigency of the crisis, or my heart deceives me. Union is every thing; it is our strength, our numbers, our resources. If we must have conflicts, let them be with foreign enemies. If war, let it be by the whole people, as one man, in defence of their violated rights. Let not a particle of our means be wasted in party or individual contentions.

It cannot be necessary, nor would it be beneficial, to review in detail the continued aggravated injuries and insults which have been heaped upon us by the warring powers of Europe. The aggregate of our wrongs have been great indeed. The countervailing measures of our national government, produced by these aggressions, are generally known. The recent communications of publick documents, and the able and repeated disquisitions on these topicks, as published to the world, explain principles and facts beyond the utility of further elucidation.

Although our commercial intercourse and national defence is, from necessity and the soundest policy, confined to the United States, yet it is not unbecoming any member of the Union, to add its concurring energies to national measures, or, with fairness and moderation, to question their justness or policy, while

they are pending and ripening for adoption. But with governments as with individuals, there are stages when questions can no longer be usefully open to controversy and opposition ; stages when an end must be put to debate, and a decision thence resulting be respected by its prompt and faithful execution, or government loses its existence, and the people are ruined. Are we not in this stage of the great questions of foreign aggressions, embargo, non-intercourse, national defence, and other means of safety, deemed necessary by those intrusted with the final disposal of these objects ? A balanced government and its authorities, capable only of executing the deliberate volitions of a real majority of the citizens, constituted and directed by known and fixed principles, established by and proceeding from themselves, is so safe, so reasonable, and so beyond every thing else essential to their own liberty and happiness, that its hazard or interruption cannot be contemplated but with distress. To such a government, foreign nations, with the unprincipled and desperate, may be hostile ; but our virtuous citizens, sensible of its blessings, will yield to any sacrifice for its support. At no times has its administration, however wise and happy, been satisfactory to all our citizens. This was not to be expected. Its impartiality, justice, forbearance and pacifick policy have been no security against violence, injustice and depredation on our rights of person, property and sovereignty by the belligerents. Acts of insult, rapine and plunder have been multiplied upon us and pressed us to the very wall. Does further retreat and much further forbearance consist with the spirit and genius of Americans ? Yet we trust the continuance of peace, with its inestimable blessings, is not altogether hopeless. The aggressing nations may yet be made to listen to the dictates of their own interest, and spare us the dreaded calamities of war. If not, there is a point in national sensibility, as in the feelings of man, where patience and submission end. Beyond this is

degradation, destruction and death. This point is, when suffering forbearance involves a surrender of honour, property, and the power of self-government. How near we have approached to this period, or how fast we are approximating, is not for us to determine. Such considerations ought with confidence, as they may with safety, remain where the constitution has placed them. Congress, with an united people, may still avert the threatened evil. Pacifick wisdom may yet be better than weapons of war. And should it become necessary to cast the die, we may be assured our representatives, participating in all the trials, burthens and sufferings imposed on others, will not incautiously precipitate the throw.

Whence then the causes of jealousy, distrust, altercation and bitter aspersion of some of our citizens ? Whence then the ever to be regretted indiscretions, suddenness and individual rashness, that have denounced our national government and wounded our own ? Under a general pressure, however necessary, excitements are easily produced. The effects of national measures have fallen, and will fall more severely, on some descriptions of citizens and portions of the community than others. This is unavoidable. Ship owners and the New England states may have been the greatest sufferers. But a necessary inequality, in the effect of measures, furnishes no objection to their justice or their policy. All agree something was necessary to be done. Had other measures been adopted, they probably would but have produced another description of evils, not have diminished the aggregate. It was not to have been expected that the United States could be exempted from disasters, when causes were in operation, which have involved half the world in the greatest. We in some measure know the effects of past arrangements, but can never know what would have been the results of different ones. If our privations have preserved a portion of our property, our peace, and the opportunity of yet selecting between alliances, peace

and war, are we certain the price has been too great? It has been the unenviable and arduous task of our rulers to collect the diversified sentiments of their constituents, on facts, and to assimilate and concentrate them, as far as possible, to an according system, predicated on the prevailing opinion. By what other principle, by what better rule, can society act? If the degree, the kind and the time for action must wait for unanimity, our rights would never be defended and our country would be ruined. By the voice of the majority alone can society exist for a moment. To oppose it, is to oppose a vital movement of the body politick. To triumph over it, is to conquer ourselves and render us a prey to any and every invader. A government of the minority is a government of anarchy and confusion, a dissolution of all principle and of all authority. Who can contemplate such a state of things but with horrour? Who can lend it even his silent countenance? Are not liberty, safety and property, our dearest rights and dearest enjoyments, the creatures of law, upheld by its power and rendered sacred by its energies? If government languishes and fails, will not these blessings languish and perish also? Who does not know, in the range of excited passions, broken loose from legal restraints, property is often fatal to its owner, virtue to its possessor, and family blessings an invitation to the hand of the destroyer? When beholding in the mirrour of past times and distant ages the black and frightful atrocities of furious and ungoverned men, amidst the wrecks of civil establishments, will not thoughtfulness, in the language of our departed patriot, "*frown indignantly* upon the first dawning of every attempt to alienate one portion of our country from the rest, or to enfeeble the sacred ties which now link together its various parts?" Frown upon every suggestion of a non-execution of the law, resistance or abandonment of the Union? Such suggestions are not less a libel upon the morals and understanding of the great body of the New England

people, than on their patriotism. Their character is not marked with propensities to outrage, disorder and blood. Such a reproach must be repelled. Our citizens may differ on the necessity and wisdom of existing or projected measures; but for support of their government, their rights and their independence, the majority is immense.

Will not the advocates for town meetings, the authors of resolutions, be induced calmly to weigh the spirit and principles of their opposition, and to reflect further on the tendency of their measures? Are they prepared to pull down the splendid edifice erected by the wisdom and valour of their fathers, and to bury themselves under the ruins of liberty? Are not all their privations and sufferings notorious to their rulers, and from necessity yielded to, with parental sympathy and painful sensibility? While a large majority of the people of the Union, of their national representatives, of the state legislatures, of their towns and counties, seriously believe that the existing measures are essential to our safety and the best for the whole, can their opposers wish them to be abandoned, and a surrender of the government into their hands? And will they yield it, in turn, to other towns and sections of the country, that may make a similar claim? Would they wish in these perilous times to see our peace, liberty and social blessings at the feet of a party? Would they wish to break those ties which unite all to the common centre, a deposit for the publick opinion, publick confidence and publick power? Such a secession from the salutary conceptions of our constitutions and the fundamental principles of our government would be more to be deprecated and outweigh in mischief the most exaggerated evils of the embargo.

The cultivated reports that the administration and the southern people are hostile to commerce, and unfriendly to the eastern states, are calculated to produce uneasiness, jealousies and dissentions. The evidence of such facts I have never seen. My con-

victions, under some advantages for observation, have been otherwise. I question not the sincerity of the opinion of others. The principles and the publick conduct of our rulers are the fair objects of a manly and publick spirited scrutiny, for the purposes of merited censure or approbation, their continuance or removal from office in the prescribed forms. The proof of their talents, zeal and labours to serve and render their country great and happy, are before the publick. Their discussion with truth and fairness would be salutary and agreeable to the genius and spirit of our government. But misrepresentations, groundless suspicions, violent and indiscriminate abuse, unless checked, must end in opposition to the law, a contempt for its authority, and distracted breaches of the publick peace.

If legal animadversions on incendiary and libellous publications would be thought by some, dangerous to the liberty of speech and the press; a strong publick opinion, favourable to government, would be equally efficacious to its authority and to discountenance its opposers.—Shall such aid be withheld? Or must false views, misstatements and groundless alarms, indicative of extreme distrust and danger from the representatives of our own election, the government of our own choice, hurry virtuous and well meaning men into acts pregnant with awful consequences? It is said measures are unnecessary, unconstitutional, oppressive and tyrannical. Is it certain this is correct? Are citizens in the streets, in town meetings, in multitudinous assemblies, citizens pressed with deep personal interests and excited from erroneous conceptions, capable of deciding on great, complicated constitutional questions? Hence our peril. Hence distraction and confusion in society. Hence encouragement to the enemy. Are such citizens more worthy of confidence than their rulers? Are they better instructed, or do they possess higher means of information? Are our rulers blinded by their interests or impassioned by

their sufferings? They decide against their interests, and their sufferings are in common with their constituents.—Are they actuated by prejudice or stimulated by resentments? They have nothing personal. Their insults and injuries have been the insults and injuries of their country. What then is to be done? States, towns and individuals have their favourite projects. The Union have theirs. Thus jarring, are we, with augmented resentments, to rush together in ruinous collisions? Are we with mutual hatreds to rend asunder the bands which have united us? to throw from our vitals the shield which protects them?

A good government is Heaven's richest gift. Past events will shew the worth of ours. Calamities formed and introduced our federal constitution. Its adoption, the desired and long suspended hope of our citizens, was hailed, and truly hailed, as the salvation of our country. Experience has exalted its value, and disclosed more and more its practical excellencies. It is worthy the wisdom and labours of its authors, and merits every sacrifice for its preservation. Our history which preceded its adoption furnishes examples which are fraught with admonitions. Our government was humbled and inefficient. Our union a thread. Our commerce unregulated and unprotected. Our revenue nothing. Our faith perfidy. Our credit bankruptcy; and our privations the want of every thing. Individuals were embarrassed; grievances complained of; our rulers censured; town and county resolutions published; combinations formed; a non-compliance with the laws announced; government opposed; property sold for one third its value; tender laws made; the insolvent imprisoned, and our courts of justice stopped. But government must then be supported and its laws be respected. Troops were detached, armed men patroled our streets, and we saw them with a joy inspired by the idea of protection and security, from the execution of the law and the

energies of its officers. Is the preventative against all these and worse calamities now to be abandoned, and these and worse ones to be invoked to afflict us?

Should the northern, the middle or the southern states, should Virginia, or could Massachusetts, any of her towns or citizens, dictate measures to Congress, and by opposition or a convulsed state of things force their adoption: then, indeed, would one state have obtained a disastrous triumph over the United States! Then we should have conquered the Union, then should we have prostrated its government, and have trampled under our feet the last reserve of national power. Could the opposition prevail, a part coerce the whole, our rights and our strength would be scattered to the winds. As a nation we should perish, as freemen be lost. Our palladium, our ark, our national bulwarks, would be shattered and broken to atoms. Then might their fragments *float* by the *licenses* of our enemies. Then might we single handed meet the crisis, and buffeting the destruction threatened from the deep, conflict with the clouds above, which, in angry collision, are ready to break on our heads. But this can never be. Society is yet strong. Americans, virtuous and enlightened, Americans, steady and determined, will continue their confidence in their efforts. They will rally round the national constitution, cling to their government, and should it be driven to the edge of a precipice, keep their hold in the extremity of its exit, and sink with it into the awful abyss.

The importance and the interesting and perilous nature of the crisis, has compelled me, thus long, to dwell upon it, and to hope from the wisdom of our legislature, some reconciling expedient to quiet the agitated minds of our citizens.

Is it the idea that there are no dangers; that it can be said, Thus far shall the incitement come and no farther, and here shall its effects be stayed? Let us not be deceived. This is the prerogative of God

alone. Are we ripe, are we prepared to proclaim to a suffering and an enslaved world, that unhappy man has made his last disposing effort for the support of a free government—that the most promising experiment has so soon failed—that liberty, the legitimate offspring of law, the favourite child of government, has been expelled its hoped for resting place, driven from its last retreat, and banished the world? Can we not wait with magnanimous patience, and endure privations a few months longer, and give to government *one* fair, unimpeded experiment of their measures on foreign nations? Will not the evils and the objections from existing measures lie as strong against non-intercourse, war, or any other arrangement for national defence? Are we ready to surrender all, to export our government with our produce, and to import foreign despotism with foreign goods? The farmer's merchandize and his ships are in the country. Mine are there, and I should rather sink them than government should be sunk. Without government they are not mine; nor family nor personal protection, nor the opportunity of future acquisitions or future happiness.

At all times it is pleasing to contemplate the patriotism, order and discipline of our militia, to which the constitution looks with confidence for the defence of our country. The last autumnal reviews have been spoken of with pride by gentlemen of military skill. An establishment so safe, so economical, so preferable to a standing army, in time of peace, can never want the patronage of a provident legislature. So long as this system shall be deemed susceptible of improvement, it will be the favourite object for the labours of the representatives of a free people. I am not sufficiently conversant with the principles or details of military arrangements to decide on their defects or to point out their remedies. To legislators of military science and experience this subject peculiarly addresses itself. They will know whether there is the greatest aptitude and

efficiency in all its parts, and whether it is capable of moving and being moved, in harmony, without mortifying delays or dangerous collisions.

An evil of magnitude is spreading its calamitous effects over every portion of our Commonwealth. The accumulation of depreciated and counterfeited bank bills, with all their fraudulent and demoralizing action on society and the habits of individuals, are not, perhaps, less to be deprecated than a temporary suspension of a foreign market, for the produce of our farms. The impositions practised, the inability to lose what had been honestly taken, the temptation to pass, with the frequency of doing it, and the impunity with which it may be done, are fast breaking down the moral sense, and eradicating from the minds of citizens that sublime reverence for justice, those lively repulsive principles to fraud, which are the ends, the fruits and perfection of moral cultivation. The spurious and the genuine are indiscriminately passed, under the false apology that they were honestly received, and that the bad are not certainly known to be such. Indeed, a knowledge of the characteristicks of the various bills, of all the banks, in this and the neighbouring States, circulating among us, is a science too nice, extensive and complicated for the great body of our citizens to learn. Will it not be an object worthy the attention of the legislature, to protect their constituents against so serious a depredation on their property and morals? Would not the confining banks to a compliance with the express or implied principles of their respective institutions, and obliging them all to issue bills of the same figure and device, with the exclusion from circulation of all foreign bills, which should not be issued in conformity to such a system, cure very many of the evils? To the experience and providence of the legislature our citizens look for a remedy.

No crisis should arrest the progress of the arts and sciences, or stay the fostering hand of improvement.

Our most considerable societies, for these purposes, were, to the honour of their founders and our country, established during our struggles for national existence. Are not the meritorious examples of encouragement given to manufactures, in the other states, worthy the imitation of this, especially of an adjoining one, which, under the liberal auspices of a publick spirited citizen, is becoming famous for the manufacturing of woolen cloth, from a superiour and an improved breed of imported sheep? Would it not be useful to countenance mechanical improvements and fabrications, by exemptions from taxes and by extending the principles of our laws, respecting the overflowing of lands by grist and saw mills, to cotton factories and other labour saving machines, depending on water courses for their movements? Would not the proceeds of the sale of a few eastern townships, vested in a society, as a perpetual fund, for the promotion of manufactures, charged with the appropriation of its interest, in premiums and other encouragement to ingenious manufacturers, be seed sowed in good ground, which would produce, to the present and succeeding generations, an harvest of an hundred fold?

Facilities to husbandry, commerce and manufactures are good roads. Most of our great ones are now in such convenient and unalterable directions, as will probably command an increasing travel for centuries yet to come. Would not a law protecting and encouraging to individuals to border them with trees give ornament to the country, comfort and refreshment to the traveller, fuel to the planters, and gratification to all?

To cherish the interest of literature, the sciences and their seminaries, especially the University at Cambridge, publick schools, private societies and publick institutions, rewards and immunities for the promotion of agriculture, arts, sciences and manufactures, cannot be less a compliance with the inclinations of a Legislature of Massachusetts than with

that duty which is, at all periods, made binding on it by the constitution under which it acts.

The particular state of our militia, ordnance, military stores and supplies will appear from the detailed report and returns of the adjutant and quarter master generals, which shall be communicated by special message so soon as they shall be prepared.

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

For your patience and indulgence accept of my sincere acknowldgements ; and may that wisdom which is from above, which is profitable to direct, gentle and easy to be entreated, lead in our councils and govern our conduct through the session.

LEVI LINCOLN.

ANSWER OF THE SENATE.

May it please your Honour,

WHILE the Senate lament the solemn dispensation of Divine Providence which has deprived the commonwealth of its chief magistrate, they earnestly beseech the Father of Lights to endue you with wisdom to discern, and fidelity to pursue, the path of duty, in the discharge of the high and responsible trust, which in consequence of this event the constitution has devolved upon you. Assisted in council by men distinguished for their talents, experience and integrity, we trust, that while they will share with you the responsibility, their advice will have a proper influence in the direction of the measures of the executive department.

Deeply impressed by the perilous and distressing aspect of our publick affairs, we assure Your Honour of " our best exertions for the general welfare."

We are happy to accord with you " that our enemies alone could have represented the New England states as prepared for opposition to the authority of the law, and ripening for a secession from the Union." We believe with Your Honour, that " such suggestions" in regard to New-England " are unfounded." " It cannot" indeed " be concealed that in this state existing difficulties, and apparent indications of greater ones," have, as in a former memorable period of our history, roused the spirit of our citizens ; but we trust with Your Honour " that their character is not marked with propensities to outrage, disorder and blood." On the contrary, that as they correctly understand their duties, they will steadily and resolutely maintain their rights.

The people of New England perfectly understand the distinction between the constitution and the administration. They are as sincerely attached to the former as any section of the United States. They may be put under the ban of the empire, but they have no intention of abandoning the Union. And we have the pleasure explicitly to declare our full concurrence with Your Honour, " that such suggestions are not less a libel upon the great body of the New England people, than on their patriotism."

As the government of the Union is a confederation of equal and independent states with limited powers, we agree with Your Honour " that it is not unbecoming any member of the Union with firmness and moderation to question the justness or policy of measures while they are pending and ripening for adoption ;" and we learn with concern from Your Honour, " that there are stages when questions"—without even excepting questions involving unalienable rights—" can be no longer open to controversy and opposition "—" stages when an end must be put to debate, and a decision thence resulting be respect-

ed by its prompt and faithful execution, or government loses its existence, and the people are ruined."

Even if Your Honour's principle were correct, can it be imagined that "we are" (as Your Honour is pleased to intimate) "now in this stage, on the great questions of non-intercourse and national defence?" These measures are "still pending and ripening for adoption." Is it then "unbecoming" for this state to question their "justness or policy?"

But with great deference to Your Honour, we apprehend, that this principle, if carried into effect, would render our free government a despotism, and bring inevitable "ruin upon the people." If we apply it to one of the cases mentioned by Your Honour, the embargo, the principle will present itself in some of its deformity. It is well known that the act, imposing the embargo, passed the Senate of the United States in the space of a few hours, and passed all the forms of legislation in four days, after that measure was recommended by the President.

The people of this state, therefore, could not by any possibility have had an opportunity "to question its justness or policy," and even senators, in Congress, were not allowed the time they requested for that purpose.—And are the people of Massachusetts to understand, that "a decision" of this nature "must be respected by its prompt and faithful execution?" that it is too late for them to question its "justness or policy?" Are they to believe that the "stage" has passed, and that indeed nothing remains for them but quiet submission? We owe it to ourselves and to the people distinctly to deny this doctrine, at once novel and pernicious.

An administration may become corrupt, but the people will remain pure. We are therefore constrained with great respect to express our mingled regret and astonishment, that Your Honour should seem to doubt the capacity of the people to decide on questions involving their unalienable rights.—Your Honour is pleased to ask "it citizens in the streets—in town meetings, in multitudinous assemblies, pressed with deep personal interests, are capable of deciding on great, complicated and constitutional questions?" and to observe that from hence our peril.

May we be permitted to ask, who shall decide when the publick functionaries abuse their trust?—We need not inform Your Honour, that the meetings to which you allude, have been attended by men second to none in the United States for their legal and political knowledge—for their love of order—and for their patriotism: many of whom have grown grey in the publick service and confidence—many of them now holding high and important offices in the state; and that these meetings have been conducted with great order and decorum.

Can such assemblies of the citizens merit censure in a republican government? but you will please to permit us to remark, that your animadversion upon these meetings, appears the more extraordinary, because in another part of your communication, Your Honour is pleased to observe, "that it had been the arduous task of our rulers to collect the diversified sentiments of their constituents, and to assimilate and concentrate them as far as possible to an according system predicated on the prevailing opinion"—a measure indeed very proper, but which could only be effectual, by the free interchange of opinion, and those very meetings of the citizens from which Your Honour seems afterwards to apprehend so much danger. Your Honour may be assured that we "question not the sincerity of the opinion" which you have been pleased to intimate, of the incapacity of the people—But you will permit us to declare, that upon their knowledge of their rights and duties, and their firmness and perseverance in maintaining them, our hope is placed. They will ultimately form a just decision. Hence our ark—not "our peril."

We beg leave to observe, that those rights, which the people have not chosen to part with, should be

exercised by them with delicacy—only in times of great danger—not with "distraction and confusion"—not to oppose the laws, but to prevent acts being respected as laws, which are unwarranted by the commission given to their rulers. On such occasions, passive submission would on the part of the people, be a breach of their allegiance, and on our part treachery and perjury. For the people are bound by their allegiance, and we are additionally bound by our oaths to support the constitution of the state—and we are responsible to the people, and to our God, for the faithful execution of the trust.

But Your Honour is pleased to observe, that "the Union have their favourite projects—states, towns and individuals have theirs;" and to inquire whether, "thus jarring with augmented resentments, we are to rush together in ruinous collisions."

Can it be necessary to remind Your Honour that the aggressor is responsible for all the consequences, which you have been pleased so pathetically to describe?—that the people have not sent us here to surrender their rights, but to maintain and defend them?—and, that we have no authority to dispense with the duties thus solemnly imposed? Your Honour has described "the calamities which introduced our federal constitution," with great truth. "Our government was humbled and inefficient—our union a thread—our commerce unregulated and unprotected—our revenue nothing—our faith perfidy—our credit bankruptcy—our privations the want of every thing—individuals were embarrassed," &c. "and our courts of justice stopped, &c."

Can it be necessary to remind Your Honour, that the administration of Washington produced precisely the reverse of the picture which you have been pleased to draw so much to the life?

And will you permit us to ask in our turn, but in Your Honour's words, "Whence then the causes of jealousy, distrust, altercations and bitter aspersion" of that great and good man, and upon all who

were attached to his measures? "Whence the ever to be regretted indiscretions, suddenness and individual rashness which denounced" an administration, that safely guided the people to prosperity and glory, amidst great and impending dangers? Were these calumniators "more worthy of confidence," "better instructed," or did they "possess higher means of information"—were they less "blinded by their interest," less "actuated by prejudice, or stimulated by resentments," than the political saviour of his country and his compatriots? Whence then "the misrepresentations, groundless suspicions, violent and indiscriminate abuse," thrown upon men who had a right to call for "union" in support of their measures—upon men who had given to the publick "the proof of their talents, zeal and labours to serve and render their country great and happy?"

But the present administration, although aware of the "effects of past arrangements," had not the wisdom or magnanimity to adopt them. They have ventured upon new expedients—and are responsible to their country for the distressing "results."

Your Honour is pleased to inquire "if we could not wait with magnanimous patience, and endure privations a few months longer, and give to government one fair, unimpeded experiment, upon foreign nations."

The administration has indeed been "pressed to the very wall," and we know not how much "further" they would "retreat" if they could.

But, may it please Your Honour, we have seen as little of "spirit" as of policy in the embargo system. We know that the emperour approves, if he did not dictate, the measure. We know that Great Britain receives immense advantage from the surrender to her of the whole trade of the world; and we cannot imagine why the people should be called upon to "endure privations" any longer, unless the administration, having failed to operate on the fears or interests of the "warring powers," expect ere long to obtain some relief from their compassion.

We most heartily concur with Your Honour, "that there is a point in national sensibility, as in the feelings of men, where patience and submission end." And when that crisis shall arrive, Your Honour may rest assured that the people of New England "will (as you have been pleased to say) rally round the national constitution." But, sir, they will not "cling" to an administration which has brought them to the brink of destruction; they will not "keep their hold in the extremity of its exit," nor "sink with it into the frightful abyss." No, sir! the people of Massachusetts will not willingly become the victims of fruitless experiment.

We shall be ready at all times, with you, "to cherish the interests of literature, especially the University at Cambridge;" and the sentiments which Your Honour is pleased to advance, that "no crisis should arrest the progress of the arts and sciences," meets our concurrence.

We shall endeavour to find a remedy for the "accumulation of depreciated and counterfeit bank bills," to which Your Honour has been pleased to call our attention.

Touching the militia—we cannot conceal our regret that the administration of the general government has not discovered that dependence upon "an establishment," which Your Honour is pleased justly to observe is "so preferable to a standing army in time of peace," "and to which the constitution looks with confidence for the defence of our country." We regard that institution at once with pride and with confidence—and we agree with Your Honour that it "can never want the patronage of a provident legislature;" surely not in times of peril like these. Your Honour was pleased to anticipate a difference of opinion, but we beg you to "rest assured of our solicitude, assiduity and best endeavours to promote what from" our "own convictions shall appear most conducive to the good of the whole." And we join with Your Honour in the wish that the "wisdom which is from above, which is gentle and easy to be entreated," may "lead in our councils;" but we fervently pray moreover, that not only our conduct, but that of the general government, may be directed by that wisdom, which is also "pure—peaceable—full of good fruits—without partiality and without hypocrisy."

ANSWER OF THE HOUSE.

May it please Your Honour,

THE House of Representatives view with deep and serious regret the very peculiar circumstances under which they have assembled, and with fearful anxiety direct their thoughts to that Being, without whose aid the portentous aspect of our publick affairs cannot be changed. In a season of political calamity, when the hand of the general government presses with peculiar rigour upon the people of Massachusetts, the known patriotism of her sons becomes a sure pledge for the display of those virtues which the times require. At such a moment the House of Representatives will investigate with patience and circumspection the causes which have led to the existing and threatened evils, and will endeavour to apply such remedies as the powers confided to that branch of the state legislature will constitutionally warrant.

The afflicting dispensation of Divine Providence, which has deprived this Commonwealth of its late commander in chief, cannot be more sincerely deplored by Your Honour, than it is sensibly felt by the House of Representatives. Elevated to the chair of state, in opposition to the political sentiments of a

majority of the legislature, we are happy to declare, the late Governour Sullivan, in the discharge of his high and important trust, appeared rather desirous to be the governour of Massachusetts, than the leader of a party, or the vindictive champion of its cause.

We receive with respectful attention the assurance of Your Honour's "solicitude, assiduity and best endeavours to promote what shall appear most conducive to the good of the whole;" and pursuing the fair and obvious construction of the national and state constitutions as a rule of action, we apprehend that it is impossible Your Honour should furnish any occasion for the exertion of candour or indulgence on our part.

We are unwilling to believe that any division of sentiment can exist among the New England states or their inhabitants as to the obvious infringement of rights secured to them by the constitution of the United States; and still more so, that any men can be weak or wicked enough to construe a disposition to support that constitution, and preserve the Union by a temperate and firm opposition to acts which are repugnant to the first principles and purposes of both, into a wish to secede from the other states. If a secession has been conceived by the states or people referred to in Your Honour's communication, it is unknown to the House of Representatives, who absolutely disclaim any participation therein, or having afforded the least colour for such a charge. If ever such suspicions existed, they can have risen only in the minds of those who must be sensible that they had adopted, and were persisting in, measures which had driven the people to desperation, by infringing rights which the citizens of Massachusetts conceive to be unalienable, and which they fondly hoped had been inviolably secured to them by the federal compact.

The legislature and people of Massachusetts ever have been, and now are, firmly and sincerely attached to the union of the states, and there is no sacrifice

they have not been, and are not now, willing to submit to, in order to preserve the same, according to its original purpose. Of this truth Your Honour must be convinced. We do not appeal to the unvarying conduct of our citizens during the glorious administrations of Washington and Adams, when the patriotick endeavours of our statesmen, under the most perplexing embarrassments, pursued and secured the interests and honour of the nation;—but we can appeal to the patience with which our fellow citizens have borne the administration of those, whose boast it has been to proscribe all the measures of their predecessors, and most of the men whose talents and virtues had assisted in securing to the United States the blessings of a free government. The people in this section of the country had undoubtedly flattered themselves, that the liberal confidence which they had afforded to the professions of their rulers, would induce a regard to their interests; and when experience has shown the incompetency of their measures to the honour or safety of the country, they would have had the magnanimity to correct their errors. It ought not to be matter of surprise that men who, either on the floor of Congress or elsewhere, have adopted measures hostile to the Union, and subversive of its principles, should endeavour to brand with the calumny you mention the efforts of those who sincerely aim at preserving the constitution, by demonstrating the tendency of their acts, and who studiously exert themselves to prevent a dissolution of the federal compact, by stating the dangers of such an event: an event which this house cannot fail to deprecate as the greatest of evils, and to prevent which they will leave no constitutional means unessayed. But it would be greatly to be deplored, if any thing in Your Honour's address could be construed in to a sanction, by the chief magistrate of this commonwealth, of a charge so unfounded and a slander so unmerited.

It is with much pleasure the House of Representatives receive Your Honour's declaration, "that no personal gratification shall stand in the way of any arrangement, which shall concentrate the general will and direct its strength for our country's safety." In this declaration so honourable to yourself, sir, the House of Representatives most promptly and cordially concur, and so far as constitutionally they may, sacredly pledge themselves to Your Honour in defence of all those rights which have been violated abroad, or usurped at home.

The House of Representatives agree in sentiment with Your Honour, that "it cannot be necessary to review in detail the continued and aggravated insults and injuries which have been heaped upon us by the warring powers of Europe;" yet it may not be improper to remark, that when a government, in the first instance, from an overweening partiality to one power, an undue prejudice against another, or a timid and pusillanimous policy towards all nations, surrenders essential rights without a struggle, the nation over which it rules becomes the victim of aggression from without, and of imposition from within. The partial developement of publick documents is but too conclusive on this point.

That the regulation of our commercial intercourse and our national defence are most wisely confided to the general government, is a truth so plain and palpable, that we should hold it unnecessary to be repeated here, were it not for the purpose of concurring with Your Honour in the justice of the sentiment; but the liberty of discussing the measures of our general government, with freedom and firmness, though with fairness and moderation, is a right the House of Representatives never will relinquish.

We cannot agree with Your Honour, that in a free country there is any stage at which the *constitutionality* of an act may no longer be open to discussion and debate; at least it is only upon the high road to despotism that such stages can be found. At such

a point the government, undertaking to extend its powers beyond the limits of the constitution, degenerates into tyranny—The people, if temperate and firm, will, we confidently rely, eventually triumph over such usurpations. Were it true, that the measures of government once passed into an act, the constitutionality of that act is stamped with the seal of infallibility, and is no longer a subject for the deliberation or remonstrance of the citizen, to what monstrous lengths might not an arbitrary and tyrannical administration carry its power? It has only to pass through rapid readings and midnight sessions, without allowing time for reflection and debate, to the final enacting of a bill; and before the people are even informed of the intentions of their rulers, their chains are rivetted, and the right of complaint denied them. Were such a doctrine sound, what species of oppression might not be inflicted on the prostrate liberties of our country! If such a doctrine were true, our constitution would be nothing but a name —nay, worse, a fatal instrument to sanctify oppression, and legalize the tyranny which inflicts it.

Nothing but madness or imbecility could put at hazard the existence of a "balanced government, capable of operating and providing for the publick good," unless the administration of that government, by its arbitrary impositions, had endangered or destroyed the very objects for the protection of which it had been instituted. Should such a case ever occur, on the administration who should usurp powers and violate such sacred obligations, must rest the odium of having hazarded a government "so safe, so reasonable, and so beyond every thing else essential to the liberty and happiness of our fellow-citizens."

Although the history of the first twelve years of our federal government abundantly proves that no administration, however wise and happy, can be satisfactory to all our citizens, yet have the people, at all times, and under all administrations, an undoubted right to insist that neither the letter nor the spir-

it of the constitution shall be violated. And most certainly the policy and capacity of that administration may be questioned, which in a few years has reduced this great, active and enterprising nation from an unexampled height of commercial prosperity, to comparative poverty and idleness. Assuredly that administration, which meets aggression only with retirement and non-intercourse laws, never can acquire the confidence of a commercial people, and never will afford any security against violence, injustice and depredation. To the present administration is the country indebted for a system of measures as novel as it is imbecile, as weak against foreign nations as it is oppressive and ruinous to our own.

The House of Representatives certainly have no disposition to assume the direction of those affairs, the management of which has been so properly confided to the general government; yet upon this occasion it may not be deemed improper to observe, that, from the scanty information which has been suffered to escape, they cannot discern in the situation of our foreign relations, any difficulties or embarrassments which have not heretofore been successfully encountered by former administrations of our government. During the administration of Washington and Adams, circumstances of much greater political embarrassment were met with a steady eye, a firm and vigorous purpose. Negotiations with both the great contending powers of Europe were commenced, and by a close adherence to the just rights of our nation, with an active preparation to use force, when negotiation failed, the patriots of that day successfully repelled every unjust pretension, while they preserved the honour, as well as the resources and property, of their fellow citizens. The House of Representatives, therefore, cannot doubt that the same measures, resorted to with the same spirit and good faith, would effect now what they did then, the protection, instead of the annihilation, of our commerce—the preservation, instead of the abandonment, of the nation's honour.

It cannot be denied that jealousy and distrust have arisen among the people of Massachusetts, and much is it to be regretted that they have been so well founded. A system of policy ruinous to their interests, and uncongenial to their enterprising spirit—a system for which the administration has yet, in our opinion, assigned no adequate reason, has borne most heavily and unequally on the northern and commercial states. For relief from this oppression the people fondly looked to the meeting of Congress; but alas! how fatally have their hopes been blasted! Their humble prayers have been answered by an act so arbitrary and oppressive, that it violates the first principles of civil liberty, and the fundamental provisions of the constitution. At such a moment, and under such a pressure, when every thing which freemen hold dear is at stake, it cannot be expected, and it ought not to be wished, that they should suffer in silence. The House of Representatives cannot admit that laws which operate unequally are unavoidable—the government, in their opinion, has no right to sacrifice the interests of one section of the Union to the prejudices, partialities or convenience of another.

We perfectly agree with Your Honour in the general principle, that in a free government, the majority must determine and decide upon all existing or projected measures. But it will be recollected that the decision of that majority, to be binding, must be constitutional and just. Government is formed for the security of the citizen and the protection of his rights. Whether his liberty is infringed, his rights violated or unprotected, if not absolved from his allegiance, he may demand redress, and take all lawful measures to obtain it.

It is impossible for the House of Representatives to follow the very wide and extended range of political remark through which it has pleased Your Honour to expatiate. The limits which time and duty prescribe, necessarily confine our observations to a

few of the most prominent features of Your Honour's elaborate address.

Those individual indiscretions, and that rashness of sentiment and action, which have so justly incurred Your Honour's censure, as opposing a vital movement of the body politick, appear to indicate with precision, that period of our federal history, in which an insurrection, fomented by those who assumed to themselves exclusively the denomination of republicans, and aided by the machinations of French intrigue, had nearly prostrated the national government. Thanks to the friends of the constitution, with the beloved Washington at their head, they protected by their valour in the field, what their wisdom in the cabinet had created. We trust, sir, that there is now no danger of a repetition of those scenes of licentious riot and rebellion. We perfectly accord in sentiment with Your Honour, "that to suggest such things of New England is not less a libel on the morals and understanding of its inhabitants, than on their patriotism;" "their character is not marked with propensities to disorder, outrage and blood." If such characters exist any where in the United States, they are not to be found among the peaceable and industrious citizens of New England.

The early habits and constant practice of our fathers and ourselves have led us, on every great emergency, and on the pressure of political calamities, to resort to town meetings, wherein the general sense of the people might be collected. This practice, so wholesome and salutary, was one of the most influential means employed in bringing about that glorious revolution which established our independence. It was against these meetings, therefore, that the strong arm of royal power was elevated, in the year seventeen hundred and seventy four, and they were prohibited under severe penalties. Had the British ministry of that day attended to the voice of the people so expressed, they would have avoided the evils which they had afterwards so much reason to deplore. The expression of the publick sentiment has become necessary to counteract the errours and misrepresentations of those who have falsely inculcated upon the administration of the general government, a belief, that the measures they were pursuing were satisfactory to the people. From the suppression of these meetings would liberty have more to apprehend than from any other cause whatever. From such a cause should we most dread "the overturning the splendid edifice erected by the wisdom and valour of our fathers." A privilege so wisely secured by our constitution, we cannot hesitate to declare, the citizens of Massachusetts will never resign.

We are perfectly aware that "misrepresentations, groundless suspicions, violent and indiscriminate abuse," are the rank weeds of a free government and an unrestricted press. Perhaps no country has afforded more fatal examples of such misrepresentations, than our own. It is by the use of such means factious and designing men always rise to power. The instructive page of history is crowded with examples. In some countries we have seen political partizans clandestinely supporting these vehicles of slander and calumny; by their agency blackening the reputation of a meritorious and successful rival, for whom in the face of the world they professed the greatest personal consideration and respect. The object once gained, however, it has always been the practice of low ambition to disavow the means by which it mounted. In our country we congratulate Your Honour that every citizen has a temple of refuge in the laws. To these and an independent jury he may safely flee for protection from the poisonous breath of political slander and detraction.

In the description which Your Honour has drawn of the situation of our country previous to the adoption of the federal constitution, we cannot but observe the very strong resemblance which it bears to the picture of the present times. "Our government humbled and inefficient, our union a thread, our

commerce unprotected, our revenue nothing, individuals embarrassed, grievances complained of, our rulers censured, town and county resolutions published, combinations formed, non-compliance with the laws announced, property sold for one third its value, the insolvent imprisoned, and the courts of justice stopped;" that this description applies to the present state of parts, if not the whole, of our country, we believe will not be denied. Whence comes it, that from a state of the most flourishing prosperity, a few months should have produced a change so truly astonishing? It is not in the restless and unsteady habits of a people, till lately contented and happy, that we must look for the causes of these frightful calamities; it is in the pernicious and dreadful consequences of this shallow system of embargo and non-intercourse, that we shall find the fruitful source of our country's ruin.

We do most sincerely hope that neither Virginia nor any other state may ever succeed in "dictating measures to Congress, and by a convulsed state of things force their adoption." However such an usurpation might, from various causes, endure for a time, the returning good sense of the people would eventually restore the equilibrium, and effectually prevent those tempestuous scenes which Your Honour has so eloquently described. "The importance and the interesting and perilous nature of the crisis," have excited the most alarming reflections in our minds: and we doubt not that every member of the legislature will devote himself to the arduous, yet necessary duty of "devising some reconciling expedient to quiet the agitated minds of our citizens," and relieve them from the weight of these unconstitutional restrictions.

The House of Representatives derive peculiar satisfaction from contemplating the patriotism, order and discipline of our militia, and look with confidence to this establishment for a sure defence of their country and its rights. Such a bulwark will always

render "standing armies in time of peace" unnecessary for protection; and inadequate for usurpation or subjection at any time. So long as the militia system shall be deemed susceptible of improvement, so long will it be the favourite object of legislative aid, and shall meet the early and persevering attention of the House of Representatives. So far as it lies in our power we will take care that it shall be "capable of moving and being moved without mortifying delays and dangerous collisions." Nothing will more subserve this desirable end than the preservation of that discipline upon which depends the regularity and precision of all military movements. A vigilant regard also to those military judgments (upon which depend the pride and honour of a soldier) will tend greatly to inspire confidence in our officers, to procure obedience in their men, and restore to the system that harmony which constitutes its perfection.

The House of Representatives have remarked, with much anxiety, an evil of growing magnitude in the accumulation of depreciated and counterfeited bank bills; the alarming height to which this evil has arisen, loudly calls for some remedy; and although "the want of a foreign market for the produce of our farms," and the total suspension of our commerce, afford fewer opportunities for witnessing impositions, yet no doubt the number of persons who resort to dishonest practices, with our paper currency, is much increased by the peculiar situation of the country. That ingenuity which is driven from the pursuits of honest industry and labour, frequently seeks a refuge from poverty in the paths of vice.

It has always been the practice of the legislature of Massachusetts, to extend the fostering hand of encouragement to all manufactures undertaken within the commonwealth, with any prospect of success, or publick utility. The House of Representatives will be happy upon every fair occasion, to continue

this laudable custom, and will seize the earliest moment, which is free from other occupation, to deliberate upon this important subject, and to devise such plans as will best promote the object in view.

Good publick roads certainly afford very great facilities to husbandry, commerce and manufactures; and Massachusetts in this respect, is not behind any portion of the United States. It is matter of much satisfaction to the House of Representatives that these advantages have been obtained by the voluntary exertions and enterprise of our fellow citizens, without resorting to the general government for any aid from that superfluous wealth with which we are officially informed, the national treasury overflows. In a period of general prosperity, encouragement to the ornamental planting of our publick roads would certainly be entitled to some attention from the Legislature, but at this awful crisis, when our very existence as a nation is almost in question, it is respectfully submitted to Your Honour, whether the occupation of much time on this subject might not be considered by our constituents as trifling with the publick expectations.

To cherish the interests of literature, at all times, and under all circumstances, the House of Representatives will consider among the first and most pleasing of their duties. Upon this subject we shall always be ready most cheerfully to co-operate with Your Honour.

The House of Representatives accept with gratitude, and reciprocate with perfect sincerity, the wish which forms the conclusion of Your Honour's address, and prays Your Honour to be convinced that nothing, on their part, shall be wanting to bring the session to a termination consistent with the wish so devoutly expressed.

REPORT

OF THE JOINT COMMITTEE ON PETITIONS.

In SENATE, *Thursday, Feb.* 1.

THE committee to whom were referred the petitions of sundry towns in this commonwealth on the subject of the embargo, and other subjects connected therewith, have paid the earliest possible attention to the very important and interesting subjects therein mentioned. These numerous representations, made as if by one consent from different parts of the country, afford strong proof of the injustice and impolicy of the measures complained of, and exhibit a striking display of the disastrous consequences of those measures. The members of the legislature, having lately assembled from all quarters of the state, cannot require any new evidence of the grievances which are universally oppressing their fellow citizens. The committee, therefore, instead of dwelling on the picture of private distresses, or enumerating the disgusting catalogue of publick wrongs, displayed in these petitions, have proceeded to analyze the whole, to select the leading subjects of complaint, and to consider whether there be any remedy within the power of this present legislature.

The principal subjects of complaint in all these petitions may be comprised under these general heads.

First, The impolitick, unnecessary and unconstitutional interdiction of commerce, by the several acts of the Congress of the United States, falsely called embargo laws.