Otis' Letters

IN DEFENCE

OF

THE HARTFORD CONVENTION,

AND

THE PEOPLE

OF

MASSACHUSETTS.

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ADVERTISEMENT.

IN presenting to the public this collection of Mr. Otis' Letters upon the Hartford Convention, we do him no more than justice in declaring our conviction that he has amply redeemed his promises. He has demonstrated not merely the moral, but the physical impossibility of a secret combination, so often charged on that assembly; and though obliged to refer to facts and events which transpired during the war, he has forborne reviving topics of controversy, and has provided an armour for the defence of the honor of the State, which even his political opponents need not be backward to put on. Expectation too may be entertained that the brow beaten and calculating friends of the primitive plan of the Convention, (if any such there be) who have kept aloof and borne with exemplary fortitude censures inflicted on their agents, will no longer be ashamed or afraid to put in a word, though a commendable prudence may forbid their taking up a Cudgel in behalf of their old Forlorn Hope.

The censors of the Hartford Convention may be divided into three classes. First the "Enragées," or those who affect to be patriots "*par excellence.*" They are like all pretenders to excessive virtue in both sexes, much to be suspected—persons, to whom, as Lord Bacon says, "the mixture of a lie doth ever add pleasure;" and whose minds, "if there were

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"taken out, vain opinions, flattering hopes, false "valuations, *imaginations as one would*, and the "like, would be left poor, shrunken things." They love fiction, which his lordship calls "Vinum Dæmonum." In the brewing of this adulterated "Vinum," the Hartford plot is a principal ingredient, and as the DÆMOnes cannot live without it, we must let them *continue brewing*.

There is in the second place a much larger and more respectable description of prejudiced persons, whom the writer of the letters has apparently aimed to disabuse—men who think ill of the Convention, who are of fair minds and sound understandings, but whose pride of opinion will not yield without a struggle. Such persons are humbled in discovering themselves to have been dupes to a mere fiction—that what they have regarded as a "BLUE LIGHT" was a mere ignis fatuus, and that the Pandemonium of Hartford was harmless as a Quaker meeting. To these persons it may be a consolation to know that their case is not absolutely new; and though even with the aid of Matthew Carey's Vindiciæ, it is impossible to refer them to the story of any false plot, the belief in which, like that of the one in question, was current *upon no evidence whatever;* yet instances are not wanting to shew that the disease of the imagination is sometimes epidemical, and that good sense affords no protection against it, when the predisposition to it is strong. Of this the history of animal magnetism is a striking illustration. According to the discoverer of the system, there is "a fluid universally diffused and filling all space, being the medium of a reciprocal influence between the celestial bodies, the earth and living beings." One great conductor of this animal magnetism was SOUND. Vast numbers of persons surrounding an iron chest in circles, were magnetized by a tune upon a forte piano—by hearing each others' voices, touching each others' thumbs, holding the same string; and even in different apartments, without any contact whatsover. By this means they experienced various sorts of convulsions, were cured, or thought themselves so, of divers maladies, and were affected by almost every variety of agitation, and of the heats and colds, *which are common in popular assemblies and governments*, and are produced in the same way, by the magnetism of sympathy. This imposture was gravely upheld by ingenious and scientific writers, (superior, with respect be it spoken, to the Dæmones) and believed by thousands; and such was the general excitement even in Paris, that a commission was instituted, of which Doctor Franklin was one, which was occupied many days, and in regular sittings, in trying to detect and explode it. When, therefore, we find sensible persons believing in the diffusion of this animal magnetism, by the contact of thumbs, ropes, and wires, and the percussion of sound upon the atmosphere, it requires no great stretch of imagination beyond this, to conceive that the Legislatures of Massachusetts, Connecticut, and other States, might have been magnetized with a plot-making sympathy—and as the one was propagated by sound from room to room, why might not the other have found its way from State to State by the "still voice" of newspapers or other invisible mediums, among those who were *pulling the same string!*

It is fair to console this well disposed class, by reminding them of this and other instances, shewing that a proneness to credulity being often constitutional, is not always a reproach to the head, though a malignant perseverance in error, despite of evidence, is so to the heart. The great Johnson believed in apparitions. The miracles of Prince Hohenloe, attested "by grave and reverend signiors," divide with intrigues for the Presidency the public attention in the Metropolis of the Union. And it is quite possible there may be in Boston, disciples of GALL, who, if they had a chance of lecturing upon Mr. Otis' skull, would place their finger upon the plot-making region with the moralizing solemnity of the Grave Digger in Hamlet.

Apart from these classes—the violent and the credulous, are great numbers of persons who have thought unfavorably of the Convention from having heard only one side of the story, and to whom correct information will be acceptable. Included in these, is the class who in the course of ten years, have grown up from childhood and youth to manhood. Since the conclusion of the war, the Federalists have withdrawn to their farms and their merchandize, and have talked about "good feelings," and conducted themselves as if it did not require as many parties to lay aside a quarrel as it does to make one. Meanwhile the efforts to keep alive the excitement of the old controversy have been incessant on the part of the conductors of the democratic papers, and the Governor incites the children to dishonor their fathers for opinions which have long ceased to have any relation to the present state of

affairs. By this great mass of ingenuous young men it must be desirable to be furnished with the materials contained in and referred to by these Letters; and it is due to that interesting portion of the community to let them see that their Governor has no better right in reason than he has by the Constitution, to call upon them to blush for their country.

With respect to Mr. Otis himself—he has refrained from every thing like a personal vindication, and given his reasons for that forbearance. We shall not therefore connect with this pamphlet any such vindication, as it might be presumed to receive his assent, and have an air of evasion. It cannot be amiss however to say, that knowing perfectly well the part he acted during the war, and his affinity to the oldest whig and republican families in the country, it would be incomparably more easy for us to shew the injustice done him by imputing to him a disposition to violent or high-handed or disorganizing measures at any period, than to account for the peculiar and virulent persecution by which it has been attempted to father upon him, whatever measures by misrepresentation and the course of events are most liable to be regarded as at variance with the republican and federal principles of our Union.

OTIS' LETTERS.

LETTER I.

TO THE EDITOR OF THE CENTINEL.

Aliud est maledicere—aliud accusare—accusatio crimen desiderat reum ut definiat, hominem ut notet—argumento probet, teste confirmet. Maledictio antem nihil habet propositi præter contumeliam. *Cic: pro M Cælio.*

SIR,

Several months have elapsed since the speech of His Excellency the Governor was made to the Legislature upon his accession to the chair. In that speech, His Excellency appears in the novel character of public accuser of the State and people over which he is called to preside, and requites them for the honor of their suffrages by bearing record to the past infamy of their political character and conduct. He imputes to them perseverance in a course of odious and criminal violation of their federal obligations, and desertion of the common cause in a time of urgent peril, and charges them with advancing to the very brink of treason. This "unhallowed" series of enormities, he says, was consummated by an "authorized combination," (that is, as he intends, an *illegal* confederacy, authorized *by law*,) the mischievous consequences of which he describes in the language of one flushed, if not intoxicated with a new authority. This combination (whose alias dictus is the Hartford Convention) consisted of persons deputed by the Legislatures of several States, as Committees to meet together and consult upon a pressing emergency and to report their proceedings. Of this number, twelve only were appointed by Massachusetts; so that (their names being matter of public record) they may consider themselves *denounced* as individuals

before both branches of the Legislature, not less than if they had been described with the technicality of an indictment. In that assembly no voice was raised in their defence by their friends, who were the minority, and who thought, perhaps wisely, that silence was the most expressive reply, while the majority substantially echoed the music of the speech, and were soothed for the insult offered to the State by the flattering unction which His Excellency poured forth upon themselves. Thus the members of that Convention, for going upon a State-errand, undertaken with known reluctance, are accused by their Governor, and in fact *attainted* by an act of the General Court, of misdemeanors, which although they cannot by the Constitution, work forfeiture or corruption of blood, ought justly to be visited with forfeiture of character, and are by the public accuser and his court intended to produce that effect. In these circumstances—in a country whose Constitution prohibits the passing of bills of attainder, and secures to the humblest culprit the right of a hearing and defence and trial by his peers; it would not probably, be deemed in any view of equity, a departure from the respect due to the Chief Magistrate and his friends, for the parties thus criminated to appear before the public in vindication of their characters; though they would still be in the predicament of those unfortunates, who, under the very ancient "regime" of a country from which I trust His Excellency would not wish to take example, were *first* scourged, and then heard in their defence. Perhaps allowance would be made by the liberal (of which I hope there are many) among His Excellency's supporters, for a tone of indignation, in the aged patriots, statesmen, and warriors of the revolution, (who from different States were members of that Convention) in defending their civic and military wreaths from the indecorous grasp of a Chief Magistrate with whom they need not shrink to compare their claims in every department of merit and duty to their country. And even the humble individual who addresses you, after many years of service in public life, might be excused for protesting with some vehemence against the injustice of being sent to his account as a conspirator against the government of his country in consequence merely of having served upon a Committee of the Gen-

eral Court sitting in Hartford instead of Boston, and thus undertaking a mission forced upon him by three-fourths of the Legislature against his most earnest remonstrance, and to the great sacrifice of his convenience; *without any equivalent in diplomatic perquisites and outfits* by which the wreaths and laurels of His Excellency have been gilded. But whatever hope I might reasonably cherish of a fair indulgence from every friend of justice in repelling this official libel; yet if the solitary interest of my own good name were all that was endangered by it, I should suffer it to waste its venom "on the desert air," and leave to posterity to award the praise or censure that shall hereafter appear to be due to "combinations," authorized or unauthorized—civil or military; whether at Hartford, the supposed scene of my machinations, or at Newburgh, where history has laid a plot in which some of His Excellency's intimate friends were thought to be implicated. *(See Note A.)*

To this impartial tribunal I would refer my own cause rather than appear before the public in any communication which may wear the semblance of a labored vindication of my own political character. My disinclination to enter upon any such vindication has ever been invincible. In proof of its reality I can adduce the restraint which I have invariably imposed upon myself. In a long course of public vocations, (which I sincerely wish had been as beneficial to my country as they have been laborious and unproductive to me,) no personal justification has ever been attempted by me in any recollected instance against the pitiless censures and calumnies which have been showered upon me.* It has been my fashion of thinking, that if a man is sustained by public favor, he has no occasion to engage in the difficult task of speaking of himself. If on the contrary, the people have grown tired, or dissatisfied with his services, he becomes an object of pity if not of contempt, when (destitute of the resource which in a retreat from public station, ministers not only to consolation, but delight—a retrospection of the best motives, and of a constant communion of sentiment with wise and honorable men,) he whines over the

*I do not consider a letter once written to Gen. Heath, nor a series of numbers written by "One of the Convention," nor a late letter on the subject of the Massachusetts Claim, as forming exceptions to this remark.

variableness of the popular fancy, and by becoming his own trumpeter provokes the sneers of his enemies and loses the esteem of his friends. In all such instances, the attempt to write one's self into favor—to roll up hill a recoiling popularity, is like the labor of Sysiphus—torment without hope. To such torment I would not willingly be thought capable of the weakness and folly of dooming myself. Not that I ever held myself above explanation to *candid* inquiry from the humblest citizen of any party, or affected indifference to the popularity "which follows." But having never, when youthful ardor availed me, given chase to "that popularity which must be run after," I would not at this day, with an impaired alacrity, physical and moral, for all the pursuits of this world, expose myself to the ridicule of hobbling after the butterfly on my crutch, and throwing off my oldfashioned vesture in order to quicken my speed. This forbearance to engage in a wordy war on my own account, connected with the recollection that I am no longer the competitor of His Excellency, and that I consider my public "occupation gone," will, I hope obtain credit for my assurance that the remarks I propose to make upon a part of the speech, are prompted by a sense of duty to my native State, and by no view to any personal gratification or object.

The part to which I allude is the "authorized combination." This undignified fling was a poisoned shaft which could not harm the Convention—a dead enemy; but which adheres to the bosom of the Commonwealth. The very terms, though sufficiently inaccurate, establish this truth. A combination in the ill sense used by His Excellency, is *a league for a bad purpose*, in which those who authorize it *are principals*. Such a combination among *agents* in behalf of their *principals*, affecting the *former only* with guilt, and leaving the latter innocent, is a solecism and absurdity. It is then the good old State and people of Massachusetts—that people who appointed, approved, and cheered the Convention; whose honor is assailed by their Governor. The Convention itself is the stalking horse. The Commonwealth of 1823 is still the Commonwealth of 1814—"Shorn of its beams" it is true—mutilated by political surgeons and reduced to second rate dimensions by the intrigues of low ambition—doomed for a long time, perhaps forever, to

exhaust its political strength and influence in wranglings growing out of personal and contemptible antipathies and predilections. But nevertheless, the same sober, moral, firm, and patriotic community then and now. All this His Excellency seems not to comprehend. He begins with censure and ends with praise. The end of his Commonwealth, like Gonzalo's in the Tempest, forgets the beginning—And he is not aware that he dishonors the people who rocked the cradle of independence, by charging upon *them* a "combination" to consign it prematurely to a tomb. It thus (for reasons which shall be explained) becomes a claim of justice which the State has a right to prefer, that some member of that Convention, under the pledge of his own name and character, should take issue upon the guilt of the people of Massachusetts, in regard to that particular. To those who know the relation in which I have stood both to that Convention and to the Governor, no apology can be necessary for my taking up the gauntlet at this moment, nor for my omitting to do it till now. What I propose to offer will be merely in the nature of an historic memoir, presenting the transaction, not entirely in a new light, which is impossible; but in one, by which the friends to the honor of the State, of whatever party, should be glad to view it, and accompanied by such remarks only as are extorted by the speech. And while I disclaim the intention of giving just cause of offence to ingenuous and liberal men, of whatever political bias, I calculate upon having about my ears, an "irritable genus" of a different description, which I am neither ambitious to propitiate, nor fearful to offend.

H. G. OTIS.

LETTER II.

SIR,

In selecting from the catalogue of crimes for which His Excellency has arraigned his native State, the affair of the Hartford Convention for the subject of my remarks, I do not proceed merely under an impression that this is the most hein-

ous of the charges. Indeed to do justice to the whole speech would require a dispassionate retrospect of all the measures adopted by the State in the troublous times which succeeded Mr. Jefferson's accession to power. For His Excellency covers the whole ground of the "long-continued opposition," though not intending to include (I presume) his own opposition to Jay's treaty and to the measures and character of Washington, the object of his later admiration. He accuses the State as false and recreant to its federal obligations—as shrinking from the danger of battles which other States were obliged to fight in its defence, "paralyzing the means and agents" employed to shield it from the assaults of a common enemy, and sacrificing the "vital interests" of the country to an "unhallowed" spirit of party. In short, His Excellency by throwing into one dark group the deformities of the factious monster, has presented to the world the picture of a degenerate State, resembling the decayed and rotten republics of which we read, in the last periods of their decline. It is true, however, that with the pretensions of a skilful painter, he aims to relieve the *obscuro* by the *claro*, and exclaims (in substance) in a sort of gubernatorial ecstacy,

> "What though your crimes were many and were great,
> "What though they shook the basis of the State!"

Yet now you have made me Governor, your sins which were of scarlet, are made white as snow, and you are readmitted into the "American family." "*Jam nova progenies cœlo demittitur alto.*"

But it certainly is not my peculiar province, nor my intention to analyze this extraordinary specimen of an inauguration speech—neither am I influenced by a wish that it should do His Excellency political harm, nor a belief that it will have that effect. The zeal of those who delight in the aliment offered to their unextinguishable resentments, and of those whose hopes would be blasted by the return of a spirit of general concord, will always prevail over the passive disapprobation of persons of better feelings, who, though supporters of His Excellency, condemn his speech. It will therefore, probably add to the number of his voters. But in that part of the speech

which adverts to the Hartford Convention, my associates and myself are stigmatized by every designation short of the "appel nominal." Circumstanced as I was in respect to His Excellency, his hearers could not but look about them to see if I were present—to see him point his "slow" and "moving" finger at me from the top of the ladder to which he had ascended. I thus feel myself called upon to answer in behalf of my old constituents. My friends will lament on my account, what they will regard as a superfluous and thankless task. The subject they will be ready to say is already comprehended by all who have examined it with a wish for correct information—that the superficial will not examine, and that the perverse will never own their conviction. Above all that a subject now dry and obsolete will find no readers, while the time is pregnant with questions and events of more urgent and attractive interest. There is much of truth in these suggestions. The history of the Convention and of all the material facts connected with its institution and proceedings, have from the beginning been in possession of all who have seen fit to consult public documents. The story of a plot or secret combination, imputed to that body, is regarded as *impossible in the nature of things*, by those who reflect upon the publicity and nature of our modes of legislation. And the declaimers and essayists who use it as a *Phantasmagoria* on the approach of an election, cannot converse together upon the imposture, by themselves, without laughing in each other's faces.

But while all this is undeniable, it is not less certain that the history of human credulity affords no example of a more general illusion than yet prevails in relation to the origin and objects of that assembly. A deep rooted and undefinable prejudice is found among thousands whose distempered imaginations resist the prescriptions of truth and reason. They choose to believe that it was organized at first for some bad purpose, or that it spontaneously brooded over some atrocious conspiracy, heresy, or schism. Nothing it is admitted was done, nothing publicly suggested repugnant to the duty of good citizens. But this to these jealous persons only proves that the plot was stifled in embryo. Nobody, say they, can shew that the Convention *did not* intend to dissolve the Union or make a separate peace. It

is vain to reply that it was equally within their power to have turned the course of the Mississippi for the convenience of General Pakenham; and that the same demand for *negative proof*, would oblige them to stand mute to a charge of plotting to blow up Congress with gunpowder, or the President with an infernal machine. The "rising generation" it seems too, who can hardly be expected to delve into the dry details of legislative proceedings, must be taught to believe that the Convention was a cabal menacing the integrity of the Union and disgraceful to the State—its parent. Many honest and zealous individuals join in the outcry against this *legitimate child of the State*, as if its crimes could disgrace only half of the family, or as if their posterity could always carry abroad the parish registers in their pockets, and escape the dishonor of a traitorous pedigree by shewing that their fathers were not among the publicans and sinners.

While these idle misapprehensions could be ascribed only to the ordinary sources of fiction, to that portion of our editors, debaters, tub-orators, and attorneys without cases, who constitute the "cheap defence" of our nation, there was reason to hope that they would expire in time with the embers of those passions which gave rise to them; and like the mania of witchcraft, (which in its day was current, with much more plausible evidence,) serve merely to show that in a season of discontent, the propensity to believe in the marvellous bears an exact proportion to the incredibility of the tale. But a new aspect is now given to vulgar calumny by the Speech of a Governor. The discredit of the Hartford Convention is no longer derived from the flourishes of electioneering rhetoric or the "tales of my landlord." It rests upon what ought to be the best and most reluctant testimony—that of a Chief Magistrate bound by a sense of his own dignity, and the ties of natural attachment to construe in the most favorable sense the transactions of the people of his own State. This Governor feels himself compelled, to admit and proclaim that the "good name" of the State had incurred a "reproach" by a long continued course of disloyalty, by which it was regarded as excommunicate from the "American family." And this language he holds upon an occasion when grateful emotions naturally suggest that of panegyric, when immemorial usage demands that of civility; and when, if ever, the people have a right to expect that the man of their choice will cover with the mantle of office their political errors. All these enormities he thinks were aggravated by the Hartford Convention. Now, when these things, under these circumstances, are solemnly said by a Governor, I appeal to the candid of all parties, whether it can be proper to let them pass "as old wives tales?" How will this affair stand with posterity, and what must be the measure of humiliation and permanent loss of credit and influence of this State, if those members of that Convention who are upon the stage, acquiesce in this description of their own times and characters! We see how easily the history of events passing under our own eyes is distorted, and the difficulty of forming correct estimates of the characters and motives of men, and of the origin and object of measures, from what is written with professed impartiality.

Hereafter it will be too late to efface the blot made by His Excellency upon the historic page, by alleging that his speech was intended merely to chime with the *slang* of the day. It will be answered (plausibly though untruly) that the accused party in the Legislature quailed under the pungent rebuke from the chair, and that the members of the Convention continued to be dumb as sheep before their shearer. Will then future generations be consoled for the disgrace of the State, by the compliment paid to the "rising generation" for having disavowed the deeds of their *undutiful* fathers? Or will not the rising generations of this State burn with shame and indignation when it shall constantly be thrown in their teeth by the rising generations of other States, that their base blood has crept to them through ancestors who silently admitted themselves to be stigmatized as outlaws from the "American family!" What must be the feelings of the sons of Massachusetts when, on any public occasion requiring a statement of her claims, the boast of her former deeds shall be met with the reproach of her later recreancy? When the spirit which inspired the impulse and suggested the emblem of "join or die," shall be contrasted with the infatuation that would divide the States; and when the glory of that Provincial Congress which shone forth upon the

nativity of the Union, shall be regarded, on the confession of a Governor, as extinguished in the obscurity of an authorized conclave, whose dark designs, in a time of war, disheartened the friends of the country and encouraged its foes.

These anticipations open a field for observations pertinent to the subject that would fill a volume. They are suggested as my inducement and justification for appearing before the public, but will be pursued no further than to repel the charge and suggestions in that speech, and to shew that the character of the Hartford Convention, whether for good or evil, rests upon the broad shoulders of the community, and consequently that every friend to the honor of the State, of whatever party, has a deeper interest in rescuing both the State and Convention from the disparagement of "disloyal motives" (be his opinion of the expediency of past measures as it may) than he can have in the issue of any electioneering tournament, or the downfall of any political antagonist.

H. G. OTIS.

LETTER III.

SIR,

THE first position which I mean to establish is this: That the project of the Hartford Convention and its proceedings were more in conformity with the public sentiment of Massachusetts Proper, than any measure which had been adopted by that State, since the acceptance of the Federal Constitution. How stands the proof? In October, 1814, the Legislature convened in a special session, upon a call from the Governor, for the express purpose of concerting measures for the defence of the State from her own resources. The members apprized of the object, and bringing with them the recent feelings and sentiments of their constituents, raised a Committee of both Houses to report such measures as the exigency required. Among those was the resolution proposing a Convention. In favor of this, after the usual course of proceedings and debate, the vote in

the House stood—ayes 260, nays 90. In Senate, 22 to 12. The vote of the Representatives of Massachusetts *Proper* was 226 to 67. In the winter session of the same Legislature, three months after the last, (the members having had another opportunity of consulting their constituents) the proceedings of the Convention were reported, and referred to a Committee of both Houses. The report of this Committee is conceived in terms of the most cordial and unqualified approbation. The expediency of the call of the Convention is reiterated and justified. A sense of the "wisdom and ability with which they have discharged their arduous trust," is expressed. Resolutions "highly approving" their proceedings, and recommending provisions for giving them effect, were reported, and this most full and laudatory report was accepted in the same popular branch by a vote of the members of Massachusetts Proper, 159 to 48. In the interval between the adjournment of the autumnal and the commencement of the winter session, all the harsh and virulent invective which had been lavished upon the Convention by its leading opponents in the General Court, (and which indeed was the source of all the prejudice and misconception that have since prevailed) was circulated far and near. Nothing was omitted to inflame the resentment, awaken the jealousy, alarm the fears, and extend the sphere of an enraged opposition, and conjure up against the framers and members of the Convention, a blast of popular fury. But the people were firm, and the clamor was unheeded. This is not all. The delegates, who were the inhabitants of Massachusetts Proper, as well as the persons deputed to Washington with these proceedings, continued, from the epoch of the Convention to that of the last political year, to receive as ample testimonials of public confidence as were ever conferred upon the same number of persons in the same period. With the exception of two, (Mr. Cabot and Mr. Dane, who had long since retired from political employment, universally esteemed and honored,) they were constantly appointed or chosen to distinguished public stations in the Commonwealth, (those who have died, having been in office to the time of their death.) Throughout the entire period, there was no occurrence to justify the belief in any change of the popular sentiment in Massachusetts respecting that Conven-

tion, but on the contrary, every public indication of an adherence to the same opinions was manifested in the political complexion of the government, and in the whole progress of affairs.

From this compendious state of facts, which it would be easy to extend, the result is inevitable that the people, government, and Convention of Massachusetts *were identified*, in relation to that measure at the time of its adoption, and that as well after as before that period, there reigned among the majority of the people and their representatives, and the individuals who served in the Convention, a more perfect union of political sentiment, than is usually realized for such a length of time in popular governments, between the people and their public servants. To impute these measures to a faction, is to set truth and reason at defiance. The feelings which gave rise to them pervaded a majority of all classes in town and country, including a very ample portion of those most distinguished in every profession and calling, by virtue, talents, wealth, and all the qualities which merit and command influence among an intelligent people. This is not at all the history or character of faction. The powers of a republic may indeed be usurped by individuals, and the rights and the will of the people may become a prey to the tyranny of three, ten, thirty, or five hundred tyrants, without involving them in the culpability of misgovernment. An oligarchy, or if you please, a junto of ambitious and unprincipled men, may obtain a temporary ascendency in the most perfect Commonwealth, by the consent of the people; but unless they retain by force, what they have gained by deception or surprize, the people are in fault. But this is not a case of usurpation, or of short lived faction, nor of surprize or fraud. If the Convention was a measure of political profligacy, the people of Massachusetts are either an intelligent people and guilty with premeditation—or they are an ignorant people, and the dupes were hoodwinked and led by the knaves.

This latter hypothesis nobody will seriously maintain—Upon the former, (which is the hypothesis of the speech,) not only is the character of the State dishonored, but the confidence and hopes of the votaries of our Republican system are built upon the sand. The experiment of a Republican Government can

never be made with more advantage than it has been with the sons of the Pilgrims. They founded the "American family" upon a republican rock at Plymouth. They were republicans at heart before their emigration—the manners, habits, prejudices, and education of their descendants; their intelligence, state of property, and sense of interest, growing out of actual prosperity, all conspired to render the scene and the circumstances of the experiment eligible beyond any which mankind had witnessed. They had realized the mutual protection and advantages of *a Confederation*, forty years together, a century and a half ago. If then, the imputations of those who would hunt down the Hartford Convention are correct, there must be in republican government, among the most intelligent and virtuous people, and under the most favorable circumstances, an inherent and irreversible tendency to degenerate; against which, we in this western world, shall have in vain provided the checks and balances of paper Constitutions. If, for example, the majority of a great people of that description in one or more States, with ample means of information, and intimate acquaintance with public characters, instigated by an unhallowed spirit of party, could persevere through many consecutive years, in confiding the administration of affairs, to men who, belying characters free from former stain or reproach, had become so dead to shame, and gangrened at heart, by party-hate, as to "combine" to favor the views of a public enemy, by discouraging the defence of the country in a war to whose scourge they and their children and fortunes were indiscriminately exposed—If, I say, the citizens of well balanced republican governments, exercising the faculty of annual elections, knowing their men, and forewarned of their policy, continued to "heart on" and cheer with encouragement, those who (in the spirit of the tenants of a penitentiary) would delight in undermining the very foundations of the Constitution—well might the friends of monarchy exclaim, of what value is the parchment citadel! naturally might they consider the cause of republics desperate, and that such a state of affairs implied the want, and must be followed by the possession on somebody's head, of that "*thing which is hung up in the tower and shewn to strangers for sixpence*," to save the people from their own enemies—themselves.

It is no answer to these suggestions, that the body of the nation was sound and that the disease was local. It was in a vital part—it was in New England—a part not predisposed to such an infection. Besides, symptoms of at least equal malignity, with less of exciting cause, have been manifested in those regions of our body politic which, during the war, were regarded as the most healthful. When the measures of government or any of its departments bear hard upon the predilections of the States, *most eminently patriotic*, (if we take their word for it,) we hear a warmer tone of expostulation; and a louder note of preparation for resistance than was ever sounded by the Yankee bugle. A Missouri question—a contested claim of jurisdiction by the Supreme Court—the establishment of a bank, the sale of a lottery ticket, or a proposition to modify the tariff, produce speeches, resolutions, and remonstrances, in such "bold words," as shew a determined spirit of resistance, and would, if followed by "deeds as bold," soon break up the "family" establishment, and bring down the house itself upon our heads.

I put it then with confidence to those friends of Republican Government, who are not eaten up with prejudices—and to such of the "rising generation" as have no disposition to sully the grey hairs of their fathers, (in order to obtain an admission into the "American family" by His Excellency's back stairs,) whether it be not their duty, and ought not to be their pleasure to furnish themselves with the means of repelling a scandal which leads to these sinister conclusions. To examine impartially the history of the period reviewed in the speech—to judge from documents which cannot deceive, and from undeniable facts, whether there were not two sides to the great questions, and especially to that of the war; concerning which, honest minds might innocently differ—to determine in a spirit of candor, whether the then great federal party might not have sincerely felt similar apprehensions of danger to the liberties of Europe, and of America also, from the avowed principles and ambitious strides of the Emperor of France; to those which are now inspired by the demonstrations of the Holy Alliance. Whether that danger would be at this moment too remote and visionary to justify common precaution, if the despotism of Napoleon, by events (admitted in the speech of Mr. Madison to

have been out of ordinary calculation) had not been annihilated; and whether opposition to the war did not grow out of a sense of that danger; and anxiety for peace (after that had subsided) out of the fear of national bankruptcy (suspended by a hair) and of an exhausting conflict without indemnity or redress. Let such persons, now that jealousy and pride ought to be laid asleep, inquire whether, under this aspect, the opposition was not perfectly natural, and whether under the adverse events of a protracted war, (had it continued) it might not have appeared that more of reason was on its side. Let them also consider how far its objects have been obtained and the predictions of its opponents accomplished.

To those who are not afraid to commence and pursue such inquiries, with a view to truth alone, a momentous question is presented. On what ground do the interest and honor of the State (which by the supposition that the Republican party has the ascendency, is their interest and honor) require them to place the late opposition? must it be on that of "unhallowed" party feelings, on insensibility to the honor and danger of the country—on disaffection to the Union and traitorous combinations? or is it not sufficient for all the fair and honorable objects of party to arraign the wisdom, policy, and expediency of the system pursued by those who had influence with *the people* under former administrations, and *for those reasons only* to transfer, if they see fit, their confidence to those who with them were opposed to the old order of things. This may be done without discredit to a State, and no man is entitled to expostulate or complain. The people may change men whenever a revolution happens in public opinion respecting men or measures. Let the change happen, if you please, through a real persuasion of its fitness, through a fondness for rotation in office, through the charm of new talents or new faces, nay, even through caprice, or any of the causes which operate upon the man or the million. All this is unobjectionable, because it is in the natural course of things, but when it shall become the settled habit of our Governments for those who come into power by the suffrage of the people, to launch forth in revilings of those who go out, we shall exhibit a miserable spectacle of hostile factions, like those which brought the republics of ancient and modern times to ruin. Men of

principle and talent will not devote their lives to the study of the "Commonwealth's affairs," with a certain anticipation that upon every change of public opinion they are not only to lose place, (which they ought to expect and be reconciled to,) but character also. The powers of government will then fall successively into the hands of those who will deserve all the ill they can say of each other, and who will indemnify themselves for the loss of the little reputation they have at stake by turning through their sterile grounds, the streams which flow from the public treasury. Every man will have a price for himself and his relations—every place its perquisites, to the profits of which the prices in the statute book will afford no clue. While the high minded and disinterested will seek in disgust the shade of private life, and leave the republic to its fate.

H. G. OTIS.

LETTER IV.

SIR,

In this "era of good feelings," the propensity *to forget* being entirely on one side, it may be necessary to refresh the memory of the once "disloyal," but now penitent majority of Massachusetts, by quoting the specimen of the sublime and virulent, wherewith it has pleased His Excellency to chastise them for their former offences. These are his words:

"The long continued opposition to the federal government, but more especially the measures pursued in this State during the eventful and critical period of the late war—the withholding from the general government the constitutional means of defence—the paralyzing influence exercised over the means and agents of that government, which occasioned double sacrifices of life and treasure; while the citizens of other States were exerting their utmost energies against a common enemy; when a gallant army and navy were covering themselves with glory, and retrieving and establishing, on an imperishable basis, the national character, on the ocean and on the land; at this portentous crisis, when our liberties and independence were at hazard, an unhallowed spirit of party was permitted to prevail over the vital interests of the country—an authorized combination was formed, and meetings held in a neighboring State, which, whatever may have been its professed object,

had the certain effect of encouraging the enemy, of discouraging and impairing the means and resources of the country, and of alienating the minds of the citizens from that "unity of government," which, in the emphatic language of Washington, "constitutes us one people,—is the main pillar in the edifice of our real independence, the support of our tranquillity at home, our peace abroad, of our safety, of our prosperity, of that very liberty which we so highly prize." These measures and this course had cast a reproach on the good name of the State, which is now disavowed and removed. Massachusetts is at length restored to the American family. Her character is redeemed in the estimation of the patriots of our own country and of every statesman in Europe. The rising generation, who could have had no agency in this disloyal course, appear to have taken an honorable and an earnest interest in its disavowal."

The cruelty of this bitter invective is aggravated by those characteristics which distinguish calumny from legal accusation. By an absence of all specification of time, place, and circumstance, and by the indiscriminate phraseology of the public tribunal, which condemned to the guillotine "those suspected of being suspicious."

It is an advantage enjoyed in the military and naval service, that those who are charged by the voice even of rumor, with deviation from duty, can cause to be instituted such inquiry into their conduct as will compel their accusers to specify or to abandon their charges. But for those who serve the State in the civil department, no such recourse is provided. They are at the mercy of every popinjay who can throw a squib or discharge an air gun from a garret window—of editors who pander for the bad passions of party—and for rivals who humble themselves to imitate the starlings and "halloo Mortimer," instead of giving an elevated tone to the public sentiment, in which all men of high minds, even of their own party, would be glad to harmonize.

Although in the foregoing quotation, the Governor has embodied the substance of all the insinuations of hostility to the Government, on the part of Massachusetts and the Convention, which have been wire-drawn through endless speeches, essays, and volumes, he has not alleged a single fact susceptible of a direct issue. His nearest approach to precision is in the imputation of *certain effects* which *he avers* to have been the result of the Convention. These effects are:—*First*, encouragement to the enemy. *Second*, discouragement of the country, and im-

pairing its means and resources. *Third*, alienating the minds of the citizens from the unity of government, &c. Now admit, for a moment, (what shall be disproved) that these "effects" had followed the institution or the proceedings of the Hartford Convention, they would not, *unless in connexion with its avowed intentions and actual misdeeds*, furnish any just ground for questioning its patriotism and integrity. On the contrary, its pretensions to these attributes are demonstrable beyond all possible doubt, by those rules of evidence which are founded in the principles of eternal justice, and by which alone we can fairly estimate the motives of men and the objects of associations. Nobody will deny that *consequences* often enable us to form a judgment of intellectual endowments, of the wisdom of schemes, and of the sagacity and foresight of their projectors. *But the only standard of intentions is words and actions taken together.*

It would be then, a simple and conclusive answer to every calumnious aspersion of the Convention, that it was, correctly speaking, a *war measure*, rather than a peace measure—It was one of a series of propositions *for raising men and money for public defence.* And if its proceedings were confirmatory of that profession, it is not responsible with its character, for any sinister consequences which incidentally followed.

Apart from this doctrine, neither individuals, or societies, or governments can find protection from calumniators in and out of office. He who makes a profession of religion, and whose whole life is devoted to the observance of its ordinances and the practice of its duties, may be branded as a hypocrite. He whose example is a mirror of all the moral virtues before men, may be charged with retiring from their busy haunts with a purpose of solitary intemperance. Societies for propagating the Gospel, may be charged with the *secret design* of disseminating the Age of Reason. Bible societies may be accused of an intent to bring the Scriptures into disrepute—and the society for Foreign Missions, of aiming to establish the influence and empire of this world, like their predecessors, the Jesuits. Just as the early Christians were actually denounced by the Governor of Bythinia, (whose politeness, if he had held his office from their choice, would probably have spared them the outrage,) for holding Conventions of the most dangerous tendency, though the only professions made by them, were of the sublimest morality to which their lives were conformable, and their only overt acts of treason consisted in singing hymns and doing homage to the Saviour.

It seems strange that a fundamental rule, by which our conduct in all the ordinary transactions of life is governed, should require illustration; that in the affair of the Convention, their own words *and acts*, which are the only test of character, should be disregarded, and that they should be charged with promoting tendencies to disunion which it was their avowed intention to counteract, and against which, their proceedings are a formal protest.

As a disregard of this plain rule is the cause of all the misapprehension; let us try it by another case. It was predicted of Mr. Jefferson's administration, and conscientiously believed, that it would prove fatal to the funding system, and detrimental to our religious institutions; that it would endanger the Constitution and sacrifice the public peace to foreign partialities. But upon his accession to power he promulgated principles favorable to the support of public credit and of the Constitution, and avowed the strongest attachment to a system of neutrality. The measures of his administration were ostensibly adapted, and by him and his friends avowed to be intended to conform to this exposition of his creed. His opponents however thought, and probably still think, that the tendency of his system was to an opposite end. Public credit was however cherished—no direct violation of the Constitution (the repeal of the Judiciary act, concerning which, there are two opinions, excepted,) was encouraged, and the peace of the country, though often endangered, was preserved during his time. Is it not then regarded by the friends of that administration as flagrant injustice, as well as indecency, to return to the old charge? to insist that what *he said and did* while he was at the helm, shall be accounted for nothing? that he nevertheless harbored a secret unfriendliness to the Constitution, and panted for a British war? And in affirmance of these allegations to adduce the incautious speeches, and intemperate essays, of anonymous writers of his party, and the violent, indecorous, and extravagant language of the public newspapers that were enlisted in his support, and the

editors of which were said to be under his special patronage? This is a course pursued by no fair adversary at this day. A conviction of the *impolicy* of that administration is still deeply rooted in the minds of many, but *base* and *unconstitutional views* are imputed to it by none. It stands upon the foundation of its own history. Not so the *Hartford Convention*. In their case the appeal is made in vain to profession and practice, to witnesses and records of their own transactions. The feast which malignity and credulity are invited to make at their expense is composed of scraps from newspapers, and Olive Branches, and stump orations—a gallimaufrey, which, after feeding multitudes, is simmered down by His Excellency into a portable *sauce piquante*, for the Senators and Representatives to take home to their "American family" dinners. Proceeding still on the supposition (for the sake of argument) that these "effects" on the friends and foes of the country were realized; it follows conclusively, that *if nothing to authorize them* was countenanced by the Convention, they must have been the fruit of impressions made by *misrepresentation*. It is then, an abomination in the Directors of the Party Mint, to stamp the name of the Convention upon their base coin, instead of their own image and superscription.

Beside these considerations, it would be quite pertinent to insist, that in a time of war, those who are dissatisfied with a continuance of hostilities, and who desire a return to a pacific policy, are not to be gagged, lest the disclosure of their sentiments should encourage the enemy. At least, this was the creed of Chatham, when he thanked "God that America had resisted." Of this persuasion was the republican party, during our short war with France. Of the Whigs in England, before the peace of *Ryswic*, and of the Tories, when they compelled the peace of Utrecht. There is, first or last, a peace party in all free governments, and they will speak fearlessly. This party was formidable, and respectable and audible from the beginning of the war between England and France until the peace of Amiens, in the British Parliment. It was a Peace Party whose opposition to the invasion of Spain, found favor in this country, and the late Mr. Dexter, eloquently observed, that the friends of peace have sometimes no alternative but to speak loud, at the risk of being overheard by the enemy. It is inevitable in all wars that an enemy should place some hope in the known disposition of the party desirous of peace. But it has little or no effect upon his plans of operation; and if through a reluctance to encourage this hope, all should forbear to recommend a pacific policy, wars would be eternal, as was the case in the Grecian Republics, where exile or death frequently awaited those who dared to oppose their predominant frenzy for the tented field.

These remarks would be strictly in point, if in consequence of the Hartford Convention, *(though a war measure in itself)* being a measure of the Peace Party, the result had been, through a misapprehension of its views, to encourage the enemy and discourage the friend. But it so happens, that they are not all essential to the vindication of the Convention, from a responsibleness for the "certain effect," by His Excellency, referred to that source. Because His Excellency is mistaken, and no such certain effect ever took place.

H. G. OTIS.

LETTER V.

SIR,

THE Hartford Convention, though irreconcilably opposed to the origin and conduct of the war, and most anxious for peace, was nevertheless, as I have asserted, professedly and truly a *Council of War;* created to make a more effectual provision for the public defence. It is inconceivable by what force of imagination it could have been, in any possible event, said to produce the "*certain effect*" of discouraging friends, or encouraging the enemy. Still, had it been true in fact, that these effects had been produced by *any cause* whatever, there would have been the same difficulty in disproving His Excellency's assertion, which is always incident to what is termed in logic, proving a negative. We must have rested on the natural incredibility of the fact—on the impossibility of any connexion between *such a cause* and *such an effect*—on the tendency of the

cause to produce an *opposite* effect, and in a word, upon the total destitution of proof on his part. But the true and conclusive reply to this direct assertion of the speech (already given) is, that between the time of *the institution of the Hartford Convention and the end of the war*, no such "certain effects" as are mentioned, took place. No such events happened—no instance can be adduced demonstrative of increased confidence in the enemy, or of depression in the defenders of the country. The very reverse of all this may be established by the history of that period. The appalling occurrences of the war, all happened *prior* to the era of the Convention. Before that time the enemy had hovered over and threatened the coast from Maine to Georgia. They had made descents in many places, ravaging them with fire and sword. They had marched almost without molestation to the metropolis of the Union, and destroyed with Vandal hands the public buildings. Never was the aspect of our affairs more perilous, the attitude of the enemy so menacing, his pretensions so lofty, and the discontent with the measures of government so feverish among the people of Massachusetts, (though always loyal and alert for measures of defence,) as in the season immediately preceding the organization of the Convention. It was this posture of affairs which induced the Executive of Massachusetts to convene the Legislature, and which suggested to that body, the expediency of a Convention, among other resolutions providing defensive measures. The Legislature was summoned in September, 1814. The act instituting the Convention, passed in October following. The Convention was in session from the 15th of December in that year, to the 5th day of the next January. *Throughout this entire period, and thenceforward to the termination of the war*, not a new project was formed, nor enterprize *commenced*, nor new pretension advanced, nor advantage of any moment gained by the enemy. On the other hand, to this same period, (dating from the act establishing the Convention) may be referred, a more united disposition in the people to prepare the means of protracted resistance, not indeed from acquiescence in the hostile policy which occasioned the war, but from a persuasion of its being the only mean of safety. And it may be truly affirmed that no period of the war was distinguished by so much of military vigor and brilliant success,

and so much of unity in the national feeling on the part of this people; and so palpable a lowering of tone on that of the enemy, as that immediately following the sittings of the Convention. The President of the United States at this time, appears to have entertained no apprehensions from the disaffection of Massachusetts, or of New England. In the same month of September, in his Message, he expatiates upon the undaunted spirit which pervaded *the nation*, upon the heroic and enlightened patriotism of their constituents, and upon the promptness and alacrity *"every where"* displayed in sustaining the public burdens. The expedition against New Orleans (as was justly apprehended by our Commissioners at Ghent, and foreseen by our Government) was doubtless planned in the British Cabinet at the commencement of the campaign, and perhaps could not have been abandoned by the commanding general. Yet if the tendency of the Hartford Combination had been to encourage the enemy, one would expect to see this "effect" realized in those States or their neighborhood, which were the seat of disaffection. The enemy were certainly bound to be in readiness to make some demonstrations, in the way of co-operation with their Hartford auxiliaries. But this *encouraged* enemy, though apprized by public documents of the project of the Convention, transferred altogether the prosecution of hostilities to the extreme South, while our *discouraged* brethren in that quarter, with the same information, continued to prepare with vigor for the defence of New Orleans; and Jackson obtained his splendid victory on the day when he had every reason to conclude that the Convention was in session. From the address of that general to his victorious troops, recurring to the whole series of military operations, from *September to January*, it is apparent that the "zeal and alacrity" of the people and of the military of all that region could not be surpassed. And his congratulations and encomiums upon the spirit and unanimity in which every symptom of disaffection had been merged, were expressed in the most glowing and unqualified terms. In a word, all the operations of the war, from the time of the first public mention of a Convention to the termination of hostilities, were carried on in the South. They were likewise of a most *encouraging* complexion.

To what other region shall we look, for the "certain effects,"

attributed to the combination? Let us for a moment, take a peep into the British Cabinet and observe there the effects upon its policy. If we find that administration, instead of presuming upon hopes inspired by the known existence of the Hartford Convention, and rising in their terms of peace, in anticipation of its depressing influence upon this country; actually descending from their high ground, and conceding in negotiation, points of which they had formerly been tenacious, the inference is irresistible that the "effects" of that formidable association, were not such as to elate the hopes of the British ministry. This then seems to have been the actual course of events. The correspondence of our ministers at Ghent discloses the fact, *that in the same month of October*, (when the project of the Convention then recently convened and agitated *could not* have been known in Europe,) the tone of the British negotiators was such as forbade the hope of terminating their discussions by an amicable treaty. Their demands bore the stamp of a most presumptuous confidence. While they required stipulations for dismantling the forts on our frontier and discontinuing our naval armament on the lakes without any corresponding concessions on their part, they also insisted (as a sine qua non,) upon the actual dismemberment of our territory, by a renunciation of jurisdiction over an immense region in favor of their Indian friends, and upon an admission of the latter as parties in adjusting the terms of peace. Such was the forbidding aspect of the negotiation, and the arrogance of the British pretensions, *at a time when they could by no possibility have heard* of any such measure as the project of the Hartford Convention. But *in December* they must have been well informed of the fact, that such a Convention would be held; of the time of its intended meeting, and of the views ascribed to it by its opponents;—yet far from presuming upon, and waiting only a few days for an issue favorable to their wishes—for the work of disunion to be consummated—they at that moment actually abandon their high and inadmissible pretensions, recede from the sine qua non, and (although they undoubtedly calculated that New Orleans had fallen) they concluded a treaty of peace conformable to the instructions of our government. This fact alone is conclusive in disaffirmance of the consequences imputed to the Convention by His Excellency—but independently of all these remarks, it is sufficient that any just and candid person by reverting to general considerations must perceive and admit that no blame in this particular could attach to the Convention. The only incentives to an enemy, that could have grown out of the Hartford Convention must be found either in its avowed objects, its actual proceedings, or *in the suggestions of the fears, jealousies, or malice of its opponents.* But its avowed object, *as described in the act of its* creation, was "to unite in the most vigorous measures for defending the State and expelling the invader," "laying aside all party feelings and political dissentions." Its proceedings speak for themselves the language of patriotism and union, and contain the distinct project of a vigorous system for defence, and for the effect of timidity, jealousy, or malignity, they could not be responsible. Had the Legislature called upon His Excellency for documents to justify and support his allegations of "certain effects," he must have found himself embarrassed under a total destitution of that evidence, which alone, a Chief Magistrate, consulting what is due to his own dignity, should make the basis of his communications. If, indeed, the invasion of this State and of Connecticut—the assaults upon Eastport and Castine, Belfast, Scituate, Wareham, in the former, and Petipauge and Stonington in the latter, had been cotemporaneous with, or immediately followed the project of the Convention, there might have been some *faint* color, for the presumption that the enemy were encouraged to make these onsets in the belief that the measure was indicative of a spirit of disaffection of which advantage might be taken. But even then, the fault would have been in the painters and not in the model. But these hostile incursions *preceded* the Convention. They were of a nature to excite alarm, to produce detestation and resistance; to allay the flame of party, to awaken a sense of common danger and a concert of common counsels among States bordering on each other and exposed to similar hostile visitations. They had that "effect" and none other. It is impossible that an enemy could have calculated upon any other, and it will be with posterity, only an additional instance of the blindness and uncharitableness of party feeling, that the reverse

of this effect should have been ascribed to that association. Those of the rising generation, whose curiosity prompts them to investigate the causes which damped the ardour of their countrymen, and stimulated the enterprize of the enemy, must look far behind the Hartford Convention. They must raise the veil which those who rejoiced in the salvation of their country, by a period put to the war, have been willing, its promoters should drop over the egregious errors which marked its commencement. Many of these causes may then be discerned in the declaration of war itself by one half of the country, in the total improvidence of means and preparation for such an event, and the absence of the commanding talents in the War Department which could in any measure, by the creation of resources, counterbalance the evils of this precipitancy—in contriving so to manage matters, as to enable the enemy on the frontier to get the first intelligence of the war and capture an important post before its defenders were apprized of the event—in a plan of operations, which is the standing jest and wonder of all military men, adopted under His Excellency's auspices, by which Canada was assailed in the point to which those entrusted with its defence, whether French or English, had always endeavored to transfer the seat of war—in marching our forces to the interminable wilderness to breathe a vein in the little finger of the enemy instead of pushing directly for his heart. Thus exposing whole armies to be captured and scalped in this *Ultima Thule* of the civilized creation, where success would have been of little avail. In the deplorable waste of the "materiel" of war and subsistence and its transportation, through places, over which the "foul fiend" had been the only pioneer, at an expense exceeding the intrinsic value of the lading. These and the disasters of the two first campaigns, together with a strong impression of the hopelessness of the contest, had doubtless the "certain effect" of depressing the spirit of the country. But even these dangers were considered insignificant in comparison with another. The despotism of Napoleon at the commencement of our war overshadowed Europe. And it was the sober and deliberate persuasion of many of the firmest and wisest patriots, in every part of New-England, that the extension of its baleful influence to our country would be promoted, by a

war with his enemy, leading to an alliance (at least de facto) with the tyrant himself.

These considerations doubtless produced a deep sensation, and strong desire in this people to abide by the armistice made between Generals Dearborn and Provost soon after the commencement of hostilities, and afterwards to embrace the terms of peace offered through Admiral Warren. When these terms (which, as was anticipated, and as the event has proved, were as favorable as there was a prospect of ever obtaining) were rejected; no doubt a bitter feeling of regret and resentment electrised the people of Massachusetts, who had just taken the government from the hands of the war party. They posted in all directions to meetings of their primary assemblies, and the voice of opposition to the policy of the war, like peals of incessant thunder, echoed from every point of the compass. It was instinct, and not influence which produced the universal desire to compel the administration to reconsider and accept at that period, those terms which after two years and a half of hard fighting, they boast as a merit of having obtained.

This hope however, was exceedingly enfeebled by subsequent events. Although the gratifying sense of security to the liberties of the country, in the downfall of Bonaparte, outweighed the dread of danger from the continuance of the war, yet it could not be disguised that this danger had become more serious, from circumstances which increased the confidence of the enemy; and that, probably, the administration had suffered to escape the favorable time for negotiating peace. It became then, the duty of the people to prepare to meet a foe whose means of annoyance were augmented on their own coasts, and at their own home. On none but God and herself could New England rely for succour—yet her principal States, simply *for entertaining a constitutional doubt, (in a new case) authorized by the Judges of her highest tribunal,* (whose ermine was as spotless as their talents were great) were considered as outcasts from the "American family;" and for concerting the means of *defending themselves* from the catastrophies of Havre de Grace, Alexandria, and Washington, by an array of their own sons, they are charged with authorizing "combinations;" and the

portraits of Strong and Cabot, and Treadwell and Goodrich, and West, are placed in his Excellency's collection, by the sides of those of Cataline and Cethegus.

H. G. OTIS.

LETTER VI.

"I do not know the method of drawing up an indictment against a whole people. I am not ripe to pass sentence on the gravest public bodies, entrusted with magistracies of great authority and dignity, and charged with the safety of their fellow citizens upon the very same title that I am. I really think that for wise men, this is not judicious: for sober men, not decent: for minds tinctured with humanity, not mild or merciful."

Burke's Speech on Conciliation with America.

SIR,

It has, I trust, been successfully demonstrated that the institution and proceedings of the Hartford Convention, whatever were its objects, were attended with no detriment to the nation. Certainly none for which the State or Convention are responsible. I will, in the course of this letter, attempt to arrange the multitudinous charges included in the speech, under such general heads, as may enable me to refute them without a particularity of detail, that would forbid the expectation of engaging the attention to a subject, upon which more are ready to decide than are patient to examine.

To those, however, who wish for a short answer, and to all who are the professed advocates of State Rights, the suggestion ought to be conclusive—that the charge of a "combination" as preferred against a Free and Independent State, or its constitutional Government, or (which is the same thing) its approved Agents, is in itself preposterous and not *predicable* of such a State.

There can be no limitation, but its own discretion, to the right of each of these United States, *to consult* with any other

State, upon subjects of joint interest, and upon the nature and extent and the mode of performing its duties to the Union, as also upon the means of causing those due to itself to be respected. It may be very inexpedient to exercise this right upon light occasions—but of this the State must of necessity be exclusively the judge; and neither can it nor its agents be justly chargeable with any species of offence for holding such consultation, the power to do it having never been relinquished, and consequently being reserved to the State.

If Mr. Burke had lived in these times, he would have been relieved from the difficulty which he found in drawing up an indictment against a whole people by the precedent now afforded. He would have also learnt, that a whole people, (not merely subjects of a colony, but constituting an *Independent State*) might be guilty of a "combination"—and what must have appeared to that great man, a more extraordinary novelty, would have been the discovery that the passing of an act by a Legislative Body with open doors, the appointing of a Committee for a constitutional inquiry into the state of public grievances, and the sitting of such Committee with closed doors, were *ipso facto*, without any overt act or proof of evil intention, evidence of such combination; notwithstanding the result of such private deliberation, should, when published to the world, be free from all color of criminality. It is not believed that Mr. Burke, from the exhaustless storehouse of his memory and with his unwearied patience of research, could have produced a narrative of any plot or combination, real or fabricated, which had excited a public sensation and obtained credit, (and there is no history of a war, foreign or domestic, without one) that was not countenanced by evidence true or false of *some fact*, proving either *intention* or *overt act*. In those periods of English history when the scaffold has been drenched with blood shed in punishment of *constructive* treasons, the imputed crime was always fixed by evidence of some *act* deemed criminal in law, upon the accused party. At one period, *writing* was considered as an overt act—*(scribere est agere:)* but even then, the public accuser was held to prove that the criminal matter was in the *hand writing of the culprit*. Until this point was established, Sydney could not be sacrificed upon account of writings

found in his closet. The Popish Plot, the standing reproach of the credulity and bigotry of a great nation in an enlightened age, was attempted to be substantiated by perjured witnesses, testifying to falsehoods in the form of facts. Had there been no allegation of facts whatever, nothing but a mere outcry of plot, popery, combination, without a pretext of fact to uphold it, that imposture would not probably have run like wildfire over England.

In the days of witchcraft and demonology, the victims to the prevailing delusion were not hanged, without a charge of some magical or infernal *act* done by them, and proved by at least, one witness—somebody was pinched or tormented—the color faded—the flesh rotted—the speech failed, or the senses were benumbed. The weird sisters or brothers were always proved to the satisfaction of the jury, to have occasioned a "toil and trouble" in some mode or other. It was not essential to have a very clear conception of their *metempsychosis*, or mode of travelling through the air, or process of incantation—but still there was a formal accusation of witchcraft, and witnesses to prove it.

The Hartford case out-herods all these. The accusers are agreed, neither in regard to the offenders, nor the crimes. His Excellency includes in his indictment, first "the State"—next, the Legislature who authorized the "combination," and of course the combination itself. Others (writers from whom His Excellency catches his enthusiasm) affect to discriminate between the whole body of Federalists in the Legislature, and the few who were supposed to draw the "Leviathan with a hook." Some regarded all the members of the Convention as in "*pari delicto.*" Others pick out the speckled birds by their own sagacity. One essayist of distinguished prolixity, who is thought by his partizans to have exhausted the subject, acquits the members from *Connecticut*, (as I am credibly *informed*, having never read his numbers) because they were restrained by their instructions from disloyal enterprizes against the Union;—but condemns those of *Massachusetts*, whose instructions (doubtless not then read by him) *were of the same tenor.*

In Essex, the established character of Mr. Dane for moderation and probity being in their way, the *Salem* papers excepted him

from the general charge, and admit that he consented to serve in the Convention, merely to control the evil propensities of others.

This attempt in Essex, to make converts of the "rising generation" by excepting Mr. Dane from the conspirators, reminds me of an anecdote in the memoirs of Madam de Maintenon (I think) which I quote from memory. A young lady of the Huguenot pursuasion, was compelled to become a Catholic, and it was required of her, to admit by subscribing the accustomed formalities, that the Protestants were all doomed to eternal perdition—as this included most of her friends, she resisted, but finally agreed to give over all but an excellent aunt to whom she was devoted—and the Confessors were obliged to let her give in her adhesion to the Romish Church, with an express reservation that her aunt was not to be included among the castaways.

There is as little of consistency in the offences imputed, as of agreement respecting the culprits. The sticklers for the *freedom of the press* and the opposers of *sedition acts* go far beyond the maxims of law, which our English ancestors in the days of the third Edward found intolerable. They strain points, which were not thought tenable by the legal assassins of Algernon Sydney. They will have it, not only that *speaking* and *writing* against the war-measures of an administration are misdemeanors and acts of *moral treason*, but that one man's writing and speaking is evidence of treason *in others who are of his political party.* They hold the Legislature and Convention responsible not for what appears in their own records, but for all the ebullitions of zeal and resentment which burst forth from all quarters of the State and of New England against the war—for the noise and threatenings of the "drums ecclesiastic;" for the animated remonstrances of the county and town meetings, expressive of the regret and indignation of an astounded people;—for the impassioned and frequently inconsiderate essays in the public papers, in which individuals of all classes proclaimed their fears of the "variety of wo," which impended over the country. All these symptoms of discontent, in a natural course of events agitating a people bitterly averse to the war policy, and finding vent through the usual and safest ave-

nues of public opinion, have been laid to the charge of the Convention *by whose instrumentality, they were in truth not encouraged but attempered.* The opposition to these war measures though confined to words is viewed as equivalent to *overt acts* of aid to the public enemy; and the fashion has been that *whencesoever they proceeded,* the Convention from whom they *did not proceed,* must sustain the odium attached to them. Thus while, agreeably to the fundamentals of our Constitution, no man can be held to answer for even a petty larceny, till the same be formally described; the best citizens may be held up to the execration of their country and the world upon the rambling suggestions of a Chief Magistrate and the echo of his friends.

It is this chaos of accusation which those who would reply to it must reduce and mould into some manageable shape. Although I know nothing of the calumnious writings against the Convention which have appeared the last year, except from the occasional remarks in answer to them which have chanced to fall in my way; I am satisfied that the authors though equal in the qualifications of malignity and arrogance to their predecessors, are entirely deficient in pretensions to their talents for fabrication and sophistry. Nor can they have added any new matter to the idle and oft repeated medley of discordant slanders—or done more than bedizen, the stories of other times, with the trumpery of their own bad taste. I therefore proceed on the presumption, that whatever has or can be urged against the Hartford Convention, or its creators, must be included in some one or more of the following propositions:

First. That the resolve of the Legislature instituting the Convention, was upon the face of it, unconstitutional.

Second. That if not unconstitutional in terms, its makers intended under cover of it, to attempt some object adverse to the Constitution or laws of the Union.

Third. That admitting the Legislature to be innocent in act and intention, the Convention were nevertheless guilty in one or the other of these respects.

Fourth. That the whole procedure was in any event inexpedient.

To those who feel a sufficient interest in the subject to pursue the inquiry, I trust the following suggestions will appear reasonable:

1st. That every reader desirous of correct information is bound either to peruse the legislative proceedings which originated and followed the Convention, as well as the report of the Convention itself, or take upon credit the substantial accuracy of the brief quotations and statements that shall be made of their contents.

2d. That every reader will in like manner, either acquaint himself with the contents of the Private Journal of the Convention, of which, the original is in the office of the Secretary of State of Massachusetts, and copies of which, were published last Spring in the Boston newspapers, by reading the same, or give credit to the assertion, that it contains *nothing repugnant to the public report.*

I also advance the following distinct facts as incontrovertible:

That the Legislature of Massachusetts, during the war, passed no act or resolve whatsoever, authorizing obstruction to the due execution of the laws of the United States.

That the language of opposition and disapprobation of the national policy expressed by that Legislature in those proceedings which are regarded by their opponents as most objectionable, is coupled with strong and uniform assurances of attachment to the Federal Union.

That the Executive Government of the State is equally unobnoxious to the charge of any *act* of opposition to the National Government.

That the *omission* on the part of that Executive Government to comply with the requisition of the President of the United States, was confined to *one particular.* It was a refusal to place the militia at the control of a Prefect sent without an accompanying force to take command from the hands of the Governor. It was given upon the faith of the opinion of the Judges of the Supreme Court, his sworn advisers, upon a constitutional question. The incompliance extended only to *the form* and not to *the substance* of the requisition. The duty required was performed, fully and faithfully.

I submit also, the following opinions as deducible from ac-

knowledged principles and facts which command the assent of impartial judgment:

That the Legislative and Executive Branches of the State Government, and the Hartford Convention, are amenable *for their own acts alone*—and not for sentiments expressed by others, under any circumstances whatsoever, whether from the pulpit or the press, whether in writing or speaking.

That the property, real and personal, of the advocates and supporters of the measures of those States which patronized the Convention, was held by them in a proportion, at least commensurate with their numerical majorities: That their interests in the public funds, and the immense capital of banks and other institutions connected with them, probably much exceeded that proportion: That their character as men, and citizens, and friends to the Federal Union, from the beginning would fairly compare with those of their opponents.

That a secession from the Union, would have been attended probably with a civil war, certainly with a prostration of public credit, with deplorable depreciation, if not annihilation of property in the funds, with fearful changes and insecurity to property of all other description, and an aggravation of every public calamity, which the most "fearful looking for" of judgments could hardly exaggerate.

It is by no means essential, that all these facts and opinions be established, in order to exculpate the Hartford Convention. Yet the admission of their truth (and I perceive not that any of them can be questioned,) must leave its merit or demerit, to rest upon the footing of its reported and published transactions, and be found irreconcilable with every imputation of illegal combinations and disloyal designs.

H. G. OTIS.

LETTER VII.

SIR,

It has never, I believe, been seriously insisted that the resolve of the Legislature of Massachusetts appointing the Hartford Convention is *upon its face* repugnant to the Constitution of the United States. It was in these words:

"*Resolved*, That twelve persons be appointed as Delegates from this Commonwealth to meet and confer with Delegates from the other New England States or any other, upon the subject of their *public grievances and concerns*, and upon the best means of preserving our resources, and of defence against the enemy, and to devise and suggest for adoption by those respective States such measures as they may deem expedient; and also to take measures, if they shall think it proper, for procuring a Convention of Delegates from all the United States, in order to revise the Constitution thereof, and more effectually to secure the support and attachment of all the people by placing all upon the basis of fair representation."

Coupled with this resolution it is also proper, though not essential to the inquiry, to take into view the circular letter written under an order of the General Court by the President of the Senate, and Speaker of the House, to the Executives of other States, from which is made the following extract:

"The general objects of the proposed Conference are, first, to deliberate upon the dangers to which the eastern section of the Union is exposed by the course of the war, and which there is too much reason to believe will thicken round them in its progress, and to devise, *if practicable*, means of security and defence which may be consistent with the preservation of their resources from total ruin and adapted to their *local situation*, mutual relations and habits, and NOT REPUGNANT TO THEIR OBLIGATIONS AS MEMBERS OF THE UNION."

The constitutionality of the foregoing resolve must be determined by a comparison of its tenor with the provisions of the Constitution itself. It is presumed that the only clauses in that instrument bearing on this point, are in the 10th section of the first article. "No State shall enter into any treaty, alliance, confederation," &c. This is peremptory and unqualified. Again, "No States shall, *without the consent of Congress*, enter into any compact or agreement with another State," &c. It is then beyond dispute that States *with the consent of Congress*, may enter with each other into compacts or agreements, not being treaties, alliances, or confederations. They must then have a right to *meet and confer together* previously to the consent of Congress, so as to be able to discuss and adjust the terms of a compact or agreement, to be submitted to Congress for its subsequent consent. Otherwise in many cases the power to make such compacts with the consent of Congress would

be nugatory—for such consent could not always be expected, until the agreement on which it was to operate, should be digested into such form as would enable Congress to act with a full understanding of its true character. The consent of Congress is then not requisite *as preliminary* to meeting and conference. If an agreement be made to which the sanction of Congress is refused, it becomes void *ab initio*, and this is an all-sufficing security. The practice of all the States having questions of interest or controversies with each other is in unison with this theory. Massachusetts and Maine have had repeated *Conventions*, on the subject of their lands and other property. That is to say, their respective Commissioners have met and conferred with each other. And it would seem to be a rigid construction of the Constitution which has never entered any brain, that two States could not determine a question of boundary, or of a common road, or river navigation, or confer upon the project of a canal through their respective territories, *in the first instance*. A different usage has prevailed, it is believed, universally. A deputation from the Legislature of *Kentucky* was lately sent to that of *Virginia*—afterwards another was sent from Virginia to Kentucky. If the respective Commissioners *had met each other*, instead of meeting the several Legislatures, this would have been a Convention; or if they had any way settled the matter in controversy between them, they would have made an *inchoate* compact. Still more lately a Convention from several States has been held at *Washington*, for the purpose of making a canal, and it is expected that the Legislatures of these States will *first* concur in the project, and then apply to Congress for aid and consent. And it is presumable, if the Legislatures of three or four States favorable to the views of administration, had appointed Commissioners to meet at *Richmond* or *Norfolk* during the war, to concert measures for aiding the National Government in fortifying or defending the Chesapeake, that, far from affixing to such meeting the stigma of being unconstitutional, thousands of pens would have "leaped" from their inkstands to vindicate the patriotic procedure.

In the case in question, it will be remembered, that the authority of the members of the Hartford Convention was *merely*

"to meet and confer"—to "devise and suggest for adoption by the States," measures, &c. This was the pith of their commission. They could make no compact or agreement. They could merely *recommend* "means of security and defence *not repugnant to their obligations as members of the Union*." Thus it seems to be a self evident proposition, that in this nation, (where the right of the people by themselves or their delegates peaceably to assemble at their own will and pleasure is universally recognised) an authority given by one body of men to another, to meet and confer and suggest measures *not repugnant to a constitution*, must be a constitutional authority, whoever may be the constituents, and whoever the delegates.

As then the institution of the Convention was consonant to the *letter* of the Constitution, it was equally so with its spirit. To disprove this position it is not sufficient to shew that the object of it was to effect a lawful end by a mode *different* from that expressly provided by the Constitution; but it must also be made to appear that the proposed means were not only different, but *at variance* with the Constitution.

If the States of Pennsylvania and Delaware, or New York and New Jersey in time of war should, by Commissioners meeting for the purpose, devise a plan for impeding the passage of a fleet up the Delaware or Hudson, by booms, and chains, and hulks, (admitting it to be practicable,) and should offer Congress, to place and maintain the same, upon stipulated conditions, it is not perceived wherein this procedure would militate with the spirit of the Constitution. This was the utmost extent of the principle involved in the Massachusetts resolve. Its aim was to devise means of *"security and defence"* adapted to their "local situation," &c. The report pursued the instructions. It suggested a plan and recommended an application to Congress for its sanction. And the most important consideration of all is, that *this sanction was given by Congress*.

After the adjournment of the Convention, an act passed and is now found in the statute book, permitting the States individually to do that, which it was the principal object of the States represented in the Convention to obtain permission to do. To receive into the pay and service of the United States,

"troops raised, organized and officered under the authority of any of the States." It was approved by the President, *on the very day* of the passing of the resolve in Massachusetts requiring the Governor to appoint Commissioners to proceed to Washington. Had this act been promulgated and its provisions understood in Massachusetts *at that time*, it would have superseded the necessity of the application to the National Government. And had it been in existence *prior* to the institution of the Convention, it would in all probability have foreclosed that project. *Thus the reasonableness, and constitutionality of the main object of the Hartford Convention are in fact ratified by a solemn act of the United States.* The title of this act is, "*an act to authorize the President of the United States to accept the services of State troops and volunteers.*" Add in imagination, the words "*and to ratify the proposal of the Hartford Convention,*" and thereupon read the act and compare it with the report of the Convention, and you will find nothing incongruous in the amended title. Compare also the instructions to the Commissioners, with the phraseology of the act. By the former, they are instructed,

"To make earnest and respectful application to the Government of the United States, requesting their consent to some arrangement whereby the State of Massachusetts *separately or in concert with the neighboring States*, may be enabled to assume the defence of their territories against the enemy, and that to this end a reasonable portion of the taxes collected within said States, may be paid into the respective treasuries thereof, and appropriated to the payment of the balance due to the said States and to the future defence of the same."

Now what says the act? That the President of the United States be

"Authorized and required to receive into the service of the United States any corps of troops which may have been, or may be *raised, organized, and officered* under the authority of any of the States, whose term of service shall not be less than twelve months, which corps when received into the service of the United States, shall be subject to the rules and articles of war, *and employed in the State raising the same or in an adjoining State*, and not elsewhere, except with the consent of the Executive of the State raising the same."

Here then, (with the exception of the reimbursement of the debt already accrued and the mode proposed for defraying

future expense,) *was a full and ample concession of all that Massachusetts had asked from the beginning.* Here was an end put to the whole subject of controversy between the President and the State Governors, and an anticipation of the object of the Commissioners which would have left them nothing to do even if peace had not been announced immediately after their arrival at Washington. For with regard to the fund for the payment of the State troops proposed by the instructions to be paid into the State treasuries; it was a consideration altogether secondary—a mere suggestion of a convenient mode of making the provision. The State could not be otherwise than indifferent as to the choice of the channel through which the money should be applied to the object—And as to the balance then due, (that which constitutes the Massachusetts claim,) a bill had *passed* the Senate and lay on the table of the House for the adjustment of this and similar claims, when tidings of the treaty were received. Had the war continued, you can judge with what consistency Government could, (or indeed can now) reject the claim, after having virtually ratified, as already suggested, the principle on which it was founded. Apart therefore, from the proposal of amendments to the Constitution of the United States, found in the report of the Convention, (which at worst were harmless or inexpedient; though originating in, and designed to obviate the same unequal operation of the existing system, which was felt by all the opponents of the Missouri question,) it may be truly affirmed that Government had become proselytes to the belief that reliance for the most efficient defence, in the event of protracted hostilities, must be placed on State troops, under their own officers. And it is true without rhetorical exaggeration—notwithstanding the prejudices of the credulous, the pride of the opinionative, and the fury of the violent—though language has been moulded into every shape of obloquy and ribaldry by citizens of *Massachusetts* to bring shame upon the Convention. It is yet true, that the very system recommended by that Convention, BECAME BY ACT OF CONGRESS THE LAW OF THE LAND. So far then as the proceedings of that assembly, involved measures to which the consent of Congress is necessary, to give them a constitutional stamp;

they had that consent. Forthwith upon the adjournment of the Convention without day their report was published. In nineteen days after that adjournment the act of Congress in question was passed. The report and the views of the Convention were accordingly before those who made the act. What influence resulted from it is unknown. It is enough to know that the justness of those views is virtually admitted—CONGRESS AND THE CONVENTION WERE AGREED IN OPINION, RESPECTING THE MOST EXPEDIENT SYSTEM OF DEFENCE FOR THE FUTURE. By this *consent* expressed in the act, the error of the Hartford procedure (if error there was) became ratified, and the impress of the highest national authority was stamped upon its innocence and constitutionality, and upon the expediency of its policy. The power of holding the State troops requisite for defence, in the hands of their own officers was confirmed. The claim of the State "for the past," was recognized by the Senate, and security "for the future" would have resulted from the act both of Senate and House, had peace been delayed. But from this judgment *in their own favor*, the persecutors of the Convention appeal to the chancery of public opinion, and urge their suit on those occasions when it comes to the turn of passion to preside. The decree, if they prevail, will be in His Excellency's words, that "measures had cast a reproach on the good name of the State," and that she is dishonored—and the costs of suit, besides disgrace, will be the amount of the Massachusetts claim, which it seems is no longer sought as the reward of services but of REPENTANCE.

H. G. OTIS.

LETTER VIII.

SIR,

THE proposition now to be considered is this: *That admitting the Resolve instituting the Convention to be constitutional* IN TERMS, *it was the intention of its framers under cover (or pretext) of it, to attempt* SOME OBJECT *adverse to the Constitution or laws of the Union.*

From a charge entirely gratuitous and so broad as to defy mensuration by any scale or compass of methodical argument, it is plain that there is no appeal but to common sense and experience on the internal evidence of its folly and falsehood. This evidence in the present instance resulting from indisputable facts, and from the organization and modes of procedure of the legislative assemblies in the United States, must appear not only satisfactory, but overwhelming. It is implied in the words of the proposition, and is universally agreed, that the plan of opposition, whatever were its outlines, was to receive its form and pressure in the Convention. The combination which originated the authority was the Legislature; but the "authorized combination" was the assembly at Hartford. Neither one nor the other was possessed of the means of *doing* any thing—of any physical force applicable to purposes of opposition to Government. Every act of the Legislature *for that end* would have exposed its abettors to the penalties of *treason*. And the Convention had not only no power to command even the services of a constable, but were indebted to the courtesy of *Connecticut*, for house room, fire, and candles. Whether the plot therefore is supposed to have been invented in the Legislature of Massachusetts for the sanction of the Convention, or in the Convention for ratification by the States, it is clear that nothing more could be expected, than a *recommendation* of measures by the Convention, which being adopted by the Legislatures, should by them have been *recommended* to the people. I pause not to consider whether the charge of "combination" in an odious sense, as applied to any project which must be *submitted to the people*, (in whom reside the right to change their government) be not destructive of itself; because I wish never to anticipate in imagination circumstances that would justify men of principle in counselling their fellow citizens to shake off or even weaken the bonds of our Union, and because further, I would disdain to take shelter in the dark mazes of that theory. On the contrary, I admit that if the framers of the Convention or its members, permitted themselves in the hour of their country's extreme peril, even to brood over schemes of disunion, whether to be executed by

themselves or others, their impotency of means would furnish no palliation for the political depravity of their hearts.

Still it is material, in forming our estimate of clandestine intentions, to bear in mind, that all which the Legislatures and Convention together could do, must have terminated in *recommendations* and *reports*:—For in judging of a man's disposition to commit a crime, which he had the power to do, but from which he may have been deterred by circumstances, it is often sufficient to be acquainted with his character. But in forming an opinion of the likelihood of his intentions to give bad and desperate councils to others, we look not merely to his character, but to that of the party for whom the advice is supposed to have been intended. No sower will be presumed to destine his seed for a soil in which he knows it cannot vegetate—and the waste of bad advice is for that reason probably less than that of good. When, therefore, the federal members of the Legislature of Massachusetts, or such of them as were behind the curtain, intended in the first instance to convey (by no matter what occult act) to the Convention (a case almost too absurd to be stated as a possibility) their project of disorganization, what was the chance of a favorable hearing? When the members of the Convention or any of them in their turn entertained the design of recommending "treasons, stratagems, or plots" for adoption by the several Legislatures, *and finally by the people*, what was their prospect of success? These questions must have occurred, and were not very difficult to be resolved. The people had spoken loudly, and their Representatives were perfectly appriz-ed, how far they would go in opposition. They were either ripe for proceeding to extremes, or they were not. If they were not thus ready, their Representatives knew it; and unless qualified for the Insane Hospital, they could never intend, under cover of any authority, to propose measures which must ultimately come before the people, and which being rejected, would redound to the confusion and disgrace of their authors. If on the other hand, the people were thus prepared—the Convention, who instead of taking advantage of the excitement, aimed by their report to soothe their irritation and stimulate their patriotism; to reconcile them to a more enduring patience, and cheer them with a more enlivening hope; as also the Legislatures of the different

States who accepted that report—*deserved well, not ill, of their country*.

But to proceed to facts. The number of federalists (or of persons composing the majority, for there were among them a few of the "*flying squad*,") in both Houses, in the session of 1814, when the Convention was formed, may be taken at an average of three hundred—varying but not materially from time to time. The members of the Convention were elected from the people at large from the different sections of the country in Massachusetts and Maine, two only being Members of the Legislature.

At the time of passing the resolve and appointing the members of the Convention, it was uncertain and impossible to be known whether any other State would concur in the measure. Application was publicly made to each of the New England States, after the passing of the resolve, and not before, through the same organ—its Executive. Those of New Hampshire and Vermont did not convene their respective Legislatures in season to come into the plan of a Convention. Now the readiest mode of ascertaining whether it was practicable for the majority of a legislative body, (organized and doing business with open doors, according to the forms of our State Constitution) to *enact a combination*, of the kind, and for the purposes imagined, and under the circumstances just hinted, will be for any person acquainted with legislative proceedings, to bring his own mind to a clear and satisfactory conception of any mode of effecting it. It must I think baffle the attempt of the most vigorous fancy however versed in the beau ideal of plot making. He will first determine whether the entire majority shall be presumed privy to the project, or only the few leading and knowing ones. To begin with the first. A secret, (for secrecy is implied in the proposition, and was indispensable) must have been imparted to three hundred persons, "more or less," *and by the by must have been kept by them to this hour*. And what was the nature of the secret? Why, only that this confidential party should by a solemn act, confer an authority upon certain agents *in express words:* with a *secret* understanding that the authority should be violated, and that their commission should be executed in a manner *diametrically opposite* to the terms of the pre-

scribed power. These legislators must have understood and intended that instructions to devise means for the *defence* of the country should be perverted to inventions for *betraying* it;—that instead of taking counsel together for the *preservation* of the Union according to the letter of the resolve, they should convene with a latent purpose of laboring for its *dissolution*. Thus their Commissioners appointed for the ostensible object of united defence, would become Commissioners of a separate peace "in disguise,"—and their faithfulness to their employers would be manifested only by their perfidy to their country. It would seem to require a drill, of unprecedented industry and severity to bring this "host" under the discipline of a corps of *Illuminati*, in the very few days which elapsed between the beginning of the session and the day on which the Convention project was adopted. To reconcile this body of substantial Christian Yeomanry to hold their oaths of office in contempt:—To habituate them all to keep their tongues as with a bridle, except only when they spoke to deny the truth and to repel suspicion;—To listen without horror to the unblushing denials, and to witness the *affected* vehemence and indignation of others in spurning the imputations of their opponents;—Much address would also be requisite to initiate the new comers from the country, and to prevent those who had leave of absence from telling tales. And there would seem to be need not only of address but of necromancy, to be sure that the choice of agents by ballot from all quarters, would fall upon persons who should be prepared to disobey their instructions and to execute the unknown and incommunicable intention of their employers.

All these difficulties would be multiplied and reiterated in the legislative bodies of such other States as should agree to send deputies to the Convention. The Governors of those States could not collect from the circular letter of our Governor, the real intent of the Convention. Is it then credible that Governor Strong would have ventured to hold with the other Governors, one language *"official, and another confidential," by letter*, without knowing his men. Or, are they also to be considered as conspirators, *ab initio?* If yea, when, where, and by what means was the understanding among them originated. If nay, how were they qualified to give to their several Legislatures, the proper impulses? Recollect that to make sure work, all these preliminaries must have been adjusted within a *very few days;* all before the appointment of the delegates from Massachusetts and Maine. The electors in the Legislature of Massachusetts must also have either known their men, or have been willing to commit themselves and their machinations to the discretion of strangers. There must have been an intelligence between them, otherwise the delegates could not discern by the resolve or their credentials, what was expected of them. And this mysterious intelligence between the electors and the elected—between the different Governors—between those Governors and their Legislatures—and between those Legislatures severally and their delegates; must (for any thing that has hitherto appeared, or which can be conceived possible;) have been carried on by the "Prince of the power of the Air," and he must have made good speed with his despatches.

But these are not the only obstacles which must have existed in the way of "the combination." The legislative faction unless besotted would look to *the issue*. Whatever it was intended the Convention should do, could have been only *recommendatory*, and in the form of a report. Suppose matters brought to this point; the Convention agreed; and all the glowing ingredients of faction thrown into that caldron, to be melted and cast into a brazen image of sedition, and brought home and placed before our General Court. In what mode was it to be disposed of? How were they to set about the work of a disruption of the States, or a separate peace, or a Northern Confederacy?—The report would be made to the whole Legislature, foes as well as friends. Now then, if not before, the plot must be discovered, previous to consummation and nothing gained by concealment *thus far*. The Legislature would be near the ordinary termination of its Winter session, and not far from the end of its political existence. To adjust any proposed substitute for the National Government would require some little time even for the wisest statesman. The Union could not be dissolved by "Presto begone!" nor a northern constellation created by "let there be light." It would have been madness indeed to scuttle the ship and quit the wreck, without getting ready a boat or a raft.

After a report of the Convention in favor of a revolution, the opposition could not advance an inch, without Legislative aid—and every act of legislation in furtherance of it would be a public act of usurpation. It is therefore inevitable that the makers of the Convention—the sober, solid, cautious, and unaspiring yeomanry of Massachusetts must have prepared to convert themselves into a "Rump Parliament," and to arrange a new order of things without any constitutional power, after the plan of disunion should be promulgated, upon the faith that the Legislatures of other States, not then in session, or the people of those States, would uphold their project. Otherwise they must have gone home to their constituents, leaving behind the abortion and taking with them the disgrace.

To those gross outrages upon probability and reason inseparable from the affirmative of the proposition at the head of this letter, I add another. Every plan of opposition to the Constitution or laws must have consisted of *many particulars*. It was to embrace States, and to expose persons. That the plan *with its necessary details and ramifications* was digested by the Legislature into form, to be presented to the Convention, is a notion too extravagant to have been yet hinted by the most prejudiced enthusiast. It was then to be fashioned in the Convention. A case is thus presented of intelligent men giving authority to others, to make a plot *in their behalf*. A plot perhaps pregnant with tremendous consequences to their country and themselves. Nor was it possible to ascertain beforehand to whom this trust of confidence, of fortune, life and character was to be confided. The Conventiclers were to be elected by ballot—some from other States. And in the election *of these last* Massachusetts could have no agency. In reference therefore to Massachusetts, the plot was to be made not even by immediate proxy—but by agents, strangers themselves and chosen by persons also strangers. Be it then agreed, that great and wise, and even good men, have sometimes conspired to effect revolutions. They nevertheless manufacture their own plots, or know their accomplices and what is intended to be done. They do not put out treason and conspiracy to be made for them by the job. But such was the predisposition of a majority of both branches of our Legislature to *sedition*, that they

must have been reckless of what form it might assume, or of the hands that were to mould it. The power of ratification was indeed reserved to the *Legislature;* but *individuals*, after giving the power, must have incurred the risk of such ratification in spite of their own opposition—"*ce n'est que le premier pas qui coute.*" I ask with confidence if the history of man can produce a parallelism to such a case? Did ever a set of men give a "*carte blanche*" to involve themselves in the entanglement of the pains and penalties, and casualties of a criminal conspiracy, without knowing to whom such authority would be filled out and executed!!!

There is indeed something so unnatural and revolting to common sense, antecedently to all reasoning upon the subject, in the idea of comprehending the majority of the Legislature in any secret conspiracy, that the most prejudiced persons pressed by these suggestions are compelled to abandon it, and fasten the imputation upon the "*knowing ones*," "*the leaders*," the "*Boston stamp*," &c. But this will rather aggravate than lighten the mass of the objections. For although it would be easier *in* the first instance for a few to agree upon a scheme, and to keep their own counsels, than for many—yet the objection arising from the danger of discovery applies *in a great degree* to every supposable number of confederates in a plan of this nature; and *all the other objections apply in the same degree to the supposition now assumed*, with the addition of one that would seem to be insuperable. This cabal of leading men must have taken upon themselves not only to deceive their antagonists in the Legislature, *but the bulk of their own party*. They could have calculated upon no certain support even from friends after the mask should be lifted, but must have incurred the hazard that when the report of the Convention should be made, and their party thus, for *the first time*, apprized of their treasonable intrigue, (besides encountering all the other impediments) they would be disavowed and deserted, and left in "a hole by themselves."

But there is no end to the tissue of idle conjectures which can be woven by ardent imaginations. And yet one sentence should suffice to dissipate them all—*No act of disunion is feasible by a State Legislature without a previous authorization*

by the people. Suppose, (though the extravagance of the very hypothesis is nauseating) that the Legislature of one or more States had passed such acts—they would have been merely void. The next Legislatures, unless the State Constitutions were also annihilated, might have repealed them. Who would have dared to execute such acts? Whence could have been procured the men and money indispensable for this new attitude? What provision could be made for the public debt principally held by the agitators or their friends; and by what means could a separate peace be effected? Yet for all these contingencies the "combination" must have been prepared—as if the fabric of the National Constitution could be dissolved and replaced by another, with more ease than "Hamilton's bawn could be turned into a barrack or a malt house." In a word, the history of the Convention is "a plain unvarnished tale," similar to that of other associations created by law. *For its objects you must look to its charter—for its proceedings, to its private books.* When these stand fair you have all the evidence required in cases affecting incorporated societies, to defend their rights. And while that is unimpeached, there is the same unreasonableness and injustice in presuming that it was instituted for an object foreign to its commission, as for imagining that the State Bank was intended to be organized for the *purposes* of counterfeiting and forgery.

H. G. OTIS.

LETTER IX.

SIR,

I PASS now to the inquiry, whether admitting the Legislature of Massachusetts, (and of course the Legislatures of the other States) to be innocent of every purpose of opposition to the Constitution and laws, the Convention were guilty either *in fact* or *intention* of any such design.

This proposition is founded upon the supposal that the Convention either actually violated, or was disposed to violate the

authority and instructions of its constituents, and will be examined on the presumption that the legality *of these* is fairly established. If downright and incontestible facts had not rendered the course of the Convention as plain as the path of the sun, it might be worth while to expatiate upon some general principles and analogies connected with the subject, on which a few words only shall be said. In judging of the probability of enterprizes which it may have entered into the views of the Convention either to suggest or even to intend; the extent of its means for the accomplishment of its ends, whether physical or moral or both, is material to be considered. The efforts of men, as hinted in a former letter, are generally limited by the consciousness of their *potentiality.* No man attempts to break a massive chain by mere manual strength—or swim over an ocean. The Convention could not, by any act of theirs, separate the Union, nor see their way to dry land beyond the *red* sea. They had not the power of the thirty tyrants, nor of the forty thieves, nor any other power of execution. They could at most *recommend* measures, to be by others recommended to the people, and they would hardly counsel what they knew must be rejected. Suppose, however, (for the indulgence of imagination) that the disunion of the States had been a topic of discussion (no matter how ushered in) before the Convention. If the people were ready to receive, but the Convention not willing to give counsel to that end—so much more for the honor of the latter. If the people were not ready, but the Convention were so—will men calling themselves republicans invade the recesses of private judgment and suspend us in perpetual effigy, because we prudently sacrificed our genuine sentiments to public opinion—to their opinion! Will they overwhelm us with obloquy for concealing or renouncing those errors which they held in abhorrence themselves, and for making a report, which if they are correct in their bad opinion of our dispositions, is an abjuration of our doctrines, and in degree at least a proof of proselytism to theirs?

Yet this is the measure meted to the Conventionists by the friends of liberal opinions—by the advocates of the unlimited right of the people to change and modify government at pleasure. We were traitors say they for entertaining certain opin-

ions, and cowards for not expressing and acting up to them. We are, as they will have it, responsible for all the abominable heresies inculcating opposition and disunion that were afloat previous to the Convention—and for collecting, combating, and exploding them in that assembly, and replacing them by a digest of sound, constitutional, federal doctrine, we are not only responsible but despicable. So goes the world.

But a truce with suppositions. The fact is, *the people of New England never wavered for a moment in their fidelity to the Union.* In no official document or state paper of any of its constituted authorities that has met my eye, was the separation of the States alluded to but as a visitation to be deprecated. A warning voice was sometimes heard from these authorities announcing fears that a prostrate commerce, a needless war, and entangling alliances might put the Union in jeopardy. It was a voice often expressive of deep emotion, sometimes of anger, frequently of amazement, never of despair, in which, however, the yearning of fraternal hearts, and the predominating attachment to the Union were always discernible. It spoke the language which Franklin held to Burke, at the time to which the latter refers when he avers his conviction of the sincere desire cherished by the former for the reconciliation of America with the parent country;—a language of expostulation and regret, but to the full as kind, as tender, and affectionate as that which proceeded from other warning and threatening voices, in all the States south of Delaware pending the Missouri question. Common it has certainly been—much too common *in all quarters of our nation,* in different periods of excitement, *to hint* at "*shuffling off*" the "*coil*" of the Union. But this is the language of the passions. "*Vox et præterea nihil.*" All allusions to it should be dropped on all sides by common consent, as serving only to perpetuate the recollections of family broils, in which all have something to answer for.

Such being the state of the public mind in New England, it must have been known to the Convention. Their advice, therefore, to dissolve the Union, would have been a torch applied to a mountain of ice, the flame of which would have been driven back upon their own faces. The Convention needed no supernatural information to be aware of this. How monstrous then

the idea that the members of that body or any of them, could harbor a thought, not only without authorization, but in the very teeth of their principals, the Legislatures, to recommend measures conflicting with the National Government, and to encounter the surprize, disgust, resistance, and odium which could not fail to be consequent upon the broaching of so unprecedented an infringement of duty and outrage on decorum! It implies that the Convention was made up of fools or maniacs. Let any man figure to his mind, the scene to be anticipated in the Legislatures of the different States on the presentation of a report recommending a temporary or perpetual suspension of our relation to the Union, (and an authorized opposition to constitutional laws under any imaginable form would have been equivalent to this) by a committee distinctly inhibited from *treading* on that sacred and dangerous ground. And let him, if he can, settle down in the belief that any person of sound and sober intellect would have felt any conceivable inducement to provoke, and meet the consequences of such an insult. Where then can the incurably jealous look for evidence of the imputed machinations of the Convention, which could never have been encouraged by a prospect of success? All they are known *to have done* wears a very different complexion. In their published report is embodied the result of all their proceedings. *Their private journal (since published also) is a faithful diary of all that was moved in that assembly. The fact has been so certified by the lamented President. What more can be offered, or is ever required, than the natural, intrinsic, irrefragable evidence arising from the original, genuine records and papers of

*More than four years ago, an eminent Judge of the Supreme Court, from a Southern State, in a conversation at which several of his brethren and other distinguished persons were present—inquired of me why the Convention did not publish their private journal? Adding his opinion, that if that were done, and it appeared free from anti-federal proceedings, all reasons for jealousy would be removed. This gentleman had been always of the republican party and a censor of the Convention. It was in consequence of this hint, that the journal was published. That it produced a most entire conviction in the minds of many high-minded individuals of the republican party, in the South, with whom I have been in habits of intimacy, I have the happiness to *know*. That it had that effect generally, I have reason to believe.

an organized assembly? What evidence can be so conclusive unless it be supposed that these men, with GEORGE CABOT at their head, agreed *to drop a plot and hide their shame by forgery?*

In vain will the keenest adversary of the Convention sift these documents in search of expressions implying a feeling of hostility to the Union, or urging to active animosity against the Government. The reverse of this is eminently true. The report breathes in every page a spirit of attachment to the Union, and admits that "No parallel can be found in history of a transition so rapid as that of the United States from the condition of weak and disjointed Republics to that of a great and prosperous nation." While it complains in a strain of severe animadversion of the "prevalence of a weak and profligate policy," and enumerates evils and grievances inflicted by a maladministration of affairs, it expressly reprobates "the attempt upon every abuse of power to change the constitution," which it says "would but perpetuate the evils of revolution." This is followed by a train of reasoning, dissuasive of all measures calculated to *disunite* the States, appealing to the good sense, experience, and mutual interests of those States, whose policy was most objectionable, and stating circumstances encouraging the firmest confidence that time, patience, and events would effect every desirable reform. Not a variation from this patriotic, federal, and consoling tone can be detected throughout the report. It is a manual of elementary principles;—a commentary on WASHINGTON'S *Farewell Address*—by which, (whatever may be its defects in other respects,) the most zealous friend to the Union may be content to live or die.

So much for the theory of the report.

The measures it recommended were in substance but two:—

First—An application to Congress for their consent to an arrangement whereby the States, parties to the Convention, "may separately, or in concert, assume the defence of their territory at the national expense."

Second—Certain amendments to the Constitution.

The utility of these amendments is a fair subject for an honest difference of opinion. If the proposed mode of bringing them before the States for adoption may be regarded *as inexpedient*, I care not (now) to contend that point. The

object of these amendments, however, was to diminish, what the decision of the Missouri question is calculated to increase—*the representation of Slaves*. But this proposal may be laid aside in this investigation. It has no bearing upon the charge of *disorganizing intentions*, and has not to my knowledge, been a cause of serious complaint, except by those who think it a needless departure from the mode of amending the Constitution provided in the instrument. *As to the other great and principal object*—The faculty of defending the States by their own militia and at the expense of the United States, what more need be added, than *a repetition of the fact* THAT CONGRESS HAS SINCE GIVEN AN EXPRESS SANCTION TO THE PRINCIPLE. Had this been done at an early period of the war, the main root of the bitterness that afterwards grew up would have perished in the ground. Had it not been done at length, and had the war continued, I am free to declare that I see no mode in which the Eastern States could have been defended. It was done however, but not in season for the Legislatures of those States to take cognizance of it.

Here then I repeat is a subject of curious speculation for posterity.

The principal measure of an assembly intended (as is said) to concentrate all the force of opposition to the constituted authorities of the nation; was by the deliberate act of those authorities virtually adopted, and the egg that was laid in the darkness of the *Hartford Conclave*, was hatched by daylight under the wing and incubation of the National Eagle.

But independently of what the Convention is known *to have done*, if all the proceedings of the prison house had remained secret, the character of the men who composed it, afforded an ample guarantee of the purity of their motives and conduct. Take them for all in all, they were persons of exemplary moderation, and eminent, for wisdom, prudence, experience, love of country, and all the virtues of the man and the citizen. Among them were some, since gone from us with "all their country's honors blest," who preserved through life the station of "little lower than the angels," as nearly as it is given to the best men to maintain it in this state of imperfection. In the number were individuals who had been long, and often, and al-

most constantly employed in high offices, Legislative, Executive, Judicial, and Military—in State and Nation. One at least of the elder generation who had been honored with the confidence and friendship of WASHINGTON:—Others who had been his companions in arms:—And among the younger generation were the sons of those who had fought the earliest battles for their country's freedom—of the heroes of Bunker Hill and Lexington, who had made good their claim to hereditary patriotism by their own public services.

Some of these worthy persons had long since withdrawn from the bustle and turmoil of the political arena, and become passive though anxious spectators of the signs of the times. They had now been brought together from distant locations, without means or opportunity of previous intercommunication, and in the greater number of instances without the slightest personal acquaintance, and of course without any common sympathy but what arose from a reciprocal persuasion that each was influenced by the same love of country and the same honorable views. Of this merit I pretend not to claim any share. I am sensible that among such men I was not "meet to be called an Apostle"—But having nothing to retract, no favors to ask, no propitiatory incense to offer upon new altars, I hope there will be seen neither vanity nor condescension, in my declaring that I am unconscious of any conduct that would justify the singling me out as a political desperado who offered to the Convention projects by which they were revolted. I challenge the production or quotation of any speech or writing for which I am accountable, without *garbling or interpolation*, conspicuous for unseemly violence, intolerance, or even disrespect for my political adversaries; much less pointing to a disunion of the States, which I should dread as a national and perpetual earthquake. In the ardor of debate I have repelled personalities by giving "measure for measure:"—But if I am inimical to republican principles and equal rights, I must have basely degenerated from my parent stock—And though I claim no merit from "*genus et proavos;*" yet that I should go into the Convention to instigate others to pull down that "Temple," which for at least "forty and six" years my ancestors with their countrymen had been engaged in building from the first trench and corner stone, and

in which I had always professed to worship, would seem to be an unnatural act at least, of which all just men will one day require better proof than has been or can be furnished by the unjust. To return however to my colleagues. I may add with truth that they were persons in circumstances of ease—Some of them in affluence—And all surrounded by those endearing domestic relations in hazarding whose security even the bold become cowards and the rash discreet. Who then ever heard of a conspiracy made of such materials? What could incline such men to organize an active opposition to their government? To amass fuel for a fiery furnace through which they must pass—To destroy the work of their own hands. To put in jeopardy comfort, safety, property, wife, child, and brother. To vary the dangers of foreign hostility by provoking the horrors of a civil war, and to fly to anarchy for refuge from the remediable evils of a bad policy! It would be difficult to conceive which of the malignant or restless demons, that influence human destiny, could preside over such councils. Whether "Ate hot from Hell" or simply the spirit of infuriate ambition. Ambition for what! For a place to sit and mourn over the ruins of our country! And was there not in those days, a "*balm in Gilead*" for disappointed ambition, to be found by turning from the old road and taking the turnpike? Besides what becomes of the ambition of men, whose choice was seclusion—whose eyes were then full fixed on Heaven. Did the tumult of ambition swell the veins of such men as Cabot, Treadwell, West, and others? Will *Brutus* say they were ambitious!

For the rest—The principal evidence of the miracles wrought by the founder of our holy religion rests upon "the labors, dangers, and sufferings voluntarily undergone" by the witnesses to the accounts of them. And so far as the comparison can be made with due reverence, it may be safely contended that the same principles of human nature forbid the belief, that the members of the *Hartford Convention* would have voluntarily exposed themselves and their families and friends, in opposition to government, to perils like those of martyrs—So that the presumption in favor of the innocence of the Convention (keeping always in view the disparities of importance in the subjects) is analagous to that which forms the basis of the christian religion.

H. G. OTIS.

LETTER X.

SIR,

My last proposed point of inquiry is, *whether the appointment and procedure of the Hartford Convention, allowing its innocence, were in all events* INEXPEDIENT? Here indeed is a question very different from those hitherto considered; a question fairly open to controversy, and respecting which alone, ingenuous and *well informed* persons at this day can entertain serious doubts. The proceeding propositions depend on facts and inductions, many of which are self-evident, and all of which, in connexion, amount to the fulness of demonstration. But it is not pretended, that this inquiry is susceptible of the same unequivocal and satisfactory illucidation. Political expediency is not like patriotism and the cardinal virtues, "steadfast and unmoveable," admitting of neither shade or variation—But it is an accommodating quality, which though honorably engaged in the service of patriotism, depends on the calculation of chances and events, acts often in the dark or by a doubtful light, and must be governed by time and circumstances. There is but one genuine love of country. Though, as has been said of other love, there are a thousand different copies of it. It is seated in the *heart:*—But the domicil of expediency is the *head*. Patriotism is a matronly virtue which never changes the simplicity of her dress:—But expediency may, and indeed must, conform to the fashion, and though she ought never to wear a mask, she may occasionally, when she appears in a public assembly, "give her cheek a little red," without losing either innocence or reputation. When patriotism is questioned for her conduct, she calls upon truth and principles and honor for her sponsors—But the vouchers of expediency are wisdom and time. We may say of patriotism what it is very desirable to affirm of the law of the land, "*non erit lex alia Romæ alia Athenis, &c.*" It is always the same. But the rule of expediency at Athens may not only be differently graduated from that of Rome, but in each of those places it may, like the climate, depend on the state of the atmosphere, on the tempests and calms which, though they "balk not Heaven's design," baffle the prognosticks of the most careful observers.

Hence it is apparent that expediency and inexpediency are not mere abstract generalities, but relative terms. And when one says that the Convention or any other measure was inexpedient, it may import either that it was impolitic or superfluous—or not adapted to the proposed end—or unreasonable, liable to misapprehension and unpopularity—or so injudiciously concerted as to defeat its object. The inexpediency of a measure may thus be exceedingly gross and palpable, betraying an absence of political wisdom, forecast or experience, and justifying a perpetual forfeiture of public confidence in skill and talents. Or it may be extenuated by circumstances, and amount only to such excusable error of judgment as sometimes befalls the most wise and experienced. And though a correct estimate of a political movement can seldom be formed until after the event—Yet is not the event always the standard by which it should be tried.

Within the boundaries of this immense region of expediency, one would imagine that citizens of the same country could find space enough for tilt yards and race grounds without converting the whole into a Bear Garden. That they might fairly contend for the prize of ambition and the rewards of wisdom, and be satisfied that those who are distanced should quit the field and pocket their loss, without being hooted and insulted by bullies and bravos, and stoned and pelted with rotten eggs. I can discern no reason why one assemblage for political purposes rather than another; whether Convention or Caucus; whether members of a State or National Legislature; however *inexpedient* may be their plans or proceedings; availing themselves only of the liberty of opinion and speech, should be dealt with as a den of bandits. It savors indeed of impartiality that a portion of the chief censors of the Convention, assail their old colleagues and friends of the *Caucus*, with quite as much of virulence and reproach as have been showered on their ancient adversaries. But it savors more of the fierce intolerance which bears with no difference of sentiment in respect to measures or to men—which imputes as crime to others what it has done itself, and what it stands ready to repeat under any allurement of interest or change of times. Which, doing whatever seemeth expedient in its own eyes, and reversing the operation of that

laudable self-love that serves "the virtuous mind to wake," contracts the circle that ought to embrace all the good and great of the country, by excluding first adversaries, then friends, till it is confined to a little clan of which each member intends that self shall be the centre. To the fair and ingenuous persons to whom I have just alluded, I submit the intimation, that in judging of the expediency of the Hartford Convention, they should look to the state of things *in the time of it*. It may be admitted that similar associations for political purposes would *hereafter* be inexpedient, unwise, and impolitic; without surrendering the point that the Hartford Convention should be thus characterized. Public opinion has *now* become consolidated in disapprobation of such Conventions for political objects. It is of no consequence *in this view*, by what means—*Future* Conventions must be accompanied by a general sensation of jealousy and aversion, which would divest them of the faculty of doing good. This is an all important consideration. It is the duty of every independent citizen employed in the public councils, first, to attempt fearlessly by his talents and influence to guide public opinion; and next, to conform to that public opinion, which he fails to lead. No terrors of unpopularity should deter him in the first case, and no pride of opinion make him inflexible in the last. It is the part of a time-pleaser to hesitate in great emergencies until he knows the people are with him; and of a headstrong bigot to persevere, when he finds they are fixed against him. To decide, therefore, upon this question of expediency, or indeed to form a judgment in what degree, if any, the measure was inexpedient, and of consequence how far its promoters are culpable for deficiency of political wisdom and foresight, it becomes indispensable to take a rapid view of the posture of affairs, *at the time* when the measure was proposed.

It would only obscure this view, to connect with it any examination *of the merits of the policy* by which affairs were brought to their actual condition. Whether that was a pernicious and erroneous course or otherwise is an inquiry foreign to *this subject*. One which in its proper place I am willing to meet. But the present question is whether *a crisis had arrived in the affairs of the State demanding recourse to be had to extraordinary means for its salvation, and whether it was expedient to*

look for such means to a Convention—whether the ship was running on to the breakers, and proper means were taken to keep her away, not whether there had been a deviation, or bad reckoning kept in any former stage of the voyage. With respect to the existence of such a crisis there can be but one opinion. Our prospects were shrouded in clouds and darkness. We were exposed to the calamities which threaten a people vulnerable by foreign hostility, unprotected by their Government, fettered by constitutional restraints from using their own resources to protect themselves, and embittered against each other by feelings of party rancor. The storm of war was gathering on the sea coast and frontier of the State. The territory had been invaded, and part of it remained in the occupation of the enemy;—A hostile fleet hovered near our harbors, menacing descent, and proclaiming the intention to pursue a system of conflagration and plunder. The treasury had been declared bankrupt "*de facto*;"—Stocks were at a discount of 20 per cent.;—No means were possessed by the National Government (if inclination were not wanting,) of fortifying posts and harbors, or of furnishing troops for their defence. To crown these misfortunes, a misunderstanding had prevailed between the President of the United States and the Governor of Massachusetts respecting the concurrent authorities of the National and State Governments over the militia. And although the Governor in a spirit of accommodation had actually receded from his objections so far as to place a detachment at the disposal of the Presidential Prefect, yet such were the inconveniencies, jealousies, and heart-burnings *among the officers and men themselves*, without regard to party distinction, from this arrangement, and so invincible their apprehension of being marched off to Canada, leaving defenceless their own homes, that the Governor *was compelled* to revert to the original plan of retaining them under the command of their own officers. Thus arose a distressing dilemma. To surmount the repugnance of the militia to be turned over to the Prefect was impossible;—Unless this could be done, the National Executive refused to assume the payment of the troops;—A million had already been disbursed from the State Treasury in military expenditures;—All the sources of revenue were occupied by the General Government—

and the requisitions for another campaign must have drained the State Treasury of its last cent. No augury favorable to peace appeared in any quarter, and no expectation was cherished but of a protracted and arduous contest. Constitutional difficulties and embarrassments from the same causes, in a greater or less degree, were felt in all the New England States. Without the aid of their own militia, they had nothing to save their towns and villages (near the coast especially) from promiscuous ruin;—And without revenue they could not command their services. Never was a more perilous emergency. The Governor impressed with its importance convened the Legislature, and communicated to them his sense of the wants and dangers of the State.

The proceedings of that body and the origin of the Convention shall be reserved for another letter. I shall therein attempt to shew that this State was under an absolute necessity of applying to Congress for its consent to some special arrangement for its defence;—That the other New England States were some of them in fact, and others likely, to be subject to the same necessity;—Hence it will follow that the expediency of the Convention depends on the consideration of how far it was proper for these States to unite in attempting to obtain for the accommodation *of all*;—what each would have been obliged (in the progress of the war) to ask for *itself*.

H. G. OTIS.

LETTER XI.

SIR,

Among the causes which have contributed to diffuse an impression to the disadvantage of the *Hartford Convention*, none has had a greater effect, than a confused notion, generally prevalent, of its being in itself *an independent or isolated plan*, intended for the principal and original basis of some new scheme of policy—"A castle in the air," from whose invisible towers and parapets destruction was to be poured forth upon the Federal Union. But this is a great mistake—*It was not a scheme of any sort*—but simply one of a chain of measures emanating from one source, and at one time. The end and aim of the Legislature which appointed it was the *defence of the country*. The scheme was to organize a force and to provide a fund for supporting it. The Convention was a measure *subsidiary* to this scheme. It is in connexion *with this* only that it can be fairly examined. It was designed as an instrument to effect ends, to which it was from the beginning declared to be adapted. But its enemies will have it that it was secretly destined for other ends, which we have seen it was not calculated to promote. They refuse to the inventor the benefit of his specification. They deny the utility of the wheel and pully, not because they were ill adapted to produce an effect intended, but for the reason that they might be misapplied so as to cause some other effect. This is not fair, in ordinary cases. Means intrinsically bad, can never justify ends—But in judging of *the expediency of* means, not liable to this reproach, what have we to rest on without keeping sight of the end?

Every member who came to the autumnal session of the Legislature of 1814, knew that he was summoned to aid in devising means of defending the country. The Governor's Message was confirmation enough of the fact, that the militia or State troops was the only force to be relied on; that the expense attending levies of these was not to be expected from the National Treasury; that the resources of the State were inadequate to defray it, and consequently that without *some arrangement with the General Government*, the horrors of unresisted warfare, or unconditional submission, presented the only and deplorable alternative. This communication of the Governor was referred to a large Committee of both Houses—And their report, of which it is necessary to give an epitome, comprehended a scheme of defensive measures, already alluded to, and to which the Convention, as it will appear, was contemplated as being merely instrumental. The first resolution reported, was in these words:

Resolved, That the calamities of war being now brought home to the territories of this Commonwealth—a portion of it being in the occupation of the enemy—our sea coast and rivers being invaded in several places and in all exposed to immediate danger—the people of Massachusetts are impelled

by the duty of self-defence, and by all the feelings which bind good citizens to their country, to unite in the most vigorous measures for defending the State and expelling the invader, *and no party feelings or political dissensions can ever interfere with the discharge of this exalted duty.*"

This resolution, which one would think pledged *all* its supporters to some effective measures, passed *unanimously*.

Another resolution was that providing for the appointment of the Convention, recited in a former letter.

Another, recommended provision to be made for raising a corps of State troops, not exceeding ten thousand rank and file, to be organized by the Governor, for the defence of the State.

Another, for accepting and organizing volunteers as a part of that force, who should hold themselves in readiness to march at a moment's warning, to any part of the Commonwealth, to be entitled to full pay when in service, and to a compensation short of full pay for the term of their enlistment.

Another, for authorizing a loan not exceeding a million of dollars, pledging to provide funds, &c.

It cannot be too often repeated, that these resolutions apart from that relative to the Convention, embraced a *system of State defence*, the adoption of which was rendered imperative by circumstances. But to secure to it a permanent efficiency, *the consent of Congress* must be had to some mode of providing or reimbursing the expense, the Executive Government having declined defraying it. Without calling a Convention, the State might have requested *that consent on its own account*. No objection could be made to its doing so. To its petitioning CONGRESS for what the State is now endeavoring to obtain—payment of its troops. Here then this question of expediency is straitened down to a single point—WAS IT FIT AND PROPER TO REQUEST THE CO-OPERATION OF OTHER STATES IN APPLICATION TO CONGRESS FOR A CONCESSION, WHICH IT WAS FIT AND PROPER FOR MASSACHUSETTS TO REQUEST FOR HERSELF; AND IN THE OBTAINING WHICH, THOSE STATES, BEING IN SIMILAR CIRCUMSTANCES, HAD A SIMILAR INTEREST? If this be considered doubtful, or decided in the negative, another arises; was it *manifestly and flagrantly* unfit and improper—so much so, that for attempting to unite more States than one in a request

which each one might very reasonably have preferred by itself, those who favored such joinder in petition, should be regarded as destitute of justification or apology for their indiscretion?

To assist the judgment in forming a satisfactory conclusion upon either or both these questions, certain facts which have been but little noticed, become extremely material. Before Massachusetts made any overture to her sister States, and indeed a fortnight prior to the sitting of the Legislature, the State of Rhode Island made THE FIRST ADVANCE to the States of Massachusetts and Connecticut. Governor Jones by letter of 21st September, informs Governor Strong, that by an act of the Legislature of Rhode Island, he is authorized and requested in case of invasion, to march to the assistance of any neighboring State, and accordingly offers his aid, and requests the co-operation of Massachusetts upon a like emergency. Governor Strong in reply, engages to lay his communication before the Legislature when it should assemble; and promises in the mean time to use all the constitutional means at his disposal, to aid Rhode Island in case of need. In Connecticut the same misunderstanding between the General and State Governments, concerning the authority over the militia, had arisen, and in consequence, the former withdrew its assistance and supplies to the troops called out to protect New London (actually blockaded) and other places. In Vermont, some time before this period, the Governor had actually *ordered back* the militia which had been marched out of the State, conceiving his own State to be in danger:—And in New Hampshire, where Gov. Plumer had conformed to the requisition of the President, he *the next year lost his election*. To this state of things, so much alike, in all parts of New England—*and to the communication first made from Rhode Island*, may be traced so far as I am acquainted with the subject, the first *germ* of the Convention. In favor of the expediency of the measure, it will be obvious, that a joint application from several States would promise a more favorable result than a solitary one. The New England States were notoriously under the influence of similar opinions, and the embarrassment of the same collisions with the National Executive respecting the militia as I have just hinted. Their contiguous situation, military system, general habits, exposure to the same dangers, facilities

for reciprocal aid, and experience in past times, furnished all the inducements and promised all the advantages of the most natural alliance.

Nothing even at this day justifies a doubt that the New England States would have defended themselves *with more vigor and economy*, and of consequence, with more advantage to the Union in the proposed mode. Congress, I say again, acquiesced in that idea.

Was there then any thing unnatural or extravagant in the conception that these States might by their delegates strike out a plan for their mutual defence, by State troops under the authority of their own officers; which would obviate all difficulties and secure the assent of Congress? Can it now be contended to have been thus monstrous and inadmissible, inasmuch as it has in fact the authority of Congress in its favor? And having determined to meet in Convention for *that purpose*, was it outrageously amiss to embody, with one accord and in one instrument, the grievances which they felt and the remedies they desired, by amendments to the Constitution divested of every intimation of aiming at redress, through any but the most peaceable and legitimate medium?

Protesting against conclusions drawn from the subsequent unpopularity of the measure, I ask who could have foreseen this, in its full extent? What reason should have led men conscious of honor and integrity, to presume that their opponents would fasten upon this measure rather than any other as the spell by which their motives were to be branded as suspicious and odious. The minority in this State for many years, had done what seemed to be their utmost, to impress the world with a belief that the Federal Party was disaffected to the Union. But it was thought the only converts to their idle stories were Sir James Craig, and John Henry. The cry of Union in danger, had been raised for years against its old friends by its new ones, upon occasions of every shew of discontent with the ever varying and always hideous features of the restrictive system. That it would now become a general *yell*, and rend the welkin, it was not possible to foresee. It is true that an opposition of unparalleled virulence and effrontery was made to the acceptance of the report of the Committee in both Houses. But to have yielded to

such a torrent would have seemed to justify the opening of the flood gates, through which it issued. There seemed then to be no good reason for desisting from a measure, felt by its advocates to be innocent and useful, especially as it would open a natural avenue for a disavowal in behalf of the Eastern States of the unworthy aspersions cast upon their character and motives, and for conveying to the whole people, the sentiments of persons thought worthy of their confidence, upon the obligations imposed and the sacrifices required by the trying emergency; which while it should avoid revolting their feelings, by denying their justness, might calm the irritation that tended *in time*, to run into extremes. But further, the violence of the opposition was directed against *all* the resolutions, except the first. Never was there a display of more egregious inconsistency. They agreed that the country was in danger, and that party discord should cease, so that a cordial and vigorous union might be had for its defence—But they voted against the resolution *for raising men and money* as well as against that for the Convention. They outraged decorum and lost sight of self-respect in suggestions, that the proposed force was to be organized as *a corps of observation* on the National Government, and not for co-operation with it in defending the country. No substitute was offered, but that of placing the militia at the disposal of *The Prefect*. An effort to effect this would have been the signal for general insubordination. The abhorrence of the measure, coupled with the apprehension of being converted into regulars, and marched to Canada, while their homes were exposed to the incursions of the enemy was insurmountable. Thus the majority were left to act by the light of their own discretion in circumstances altogether new, and painfully urgent, and were naturally inspired with a disposition to fortify their own measures by a consultation with those who were placed by the course of events in like circumstances with themselves. As it was thus evidently the design of the opposition to brand with the stigma of disaffection to the Union, whatever was proposed by the advocates for the resolutions; the latter could not hope to avoid the effect of the clamor by discarding *the resolution for the Convention rather than the others*. Much less could they anticipate that any such impression of the character of that measure, could prevail in

an enlightened community, convinced as they were that delirious party rage and malice were the sole motives of those who wished to create it.

There was then nothing to forbid the call of a Convention on the score of expediency, but *the objection of an abstract principle*. It may be said, that all meetings of delegates from State Legislatures, to consult upon the great political subjects which are confided to the province of the National Government, *must be in their nature inexpedient*. I am not inclined to break a lance with the supporters of this principle, but rather to admit its justice—But the situation of the Eastern States was conceived to afford *an exception* to the principle. A question of *constitutional law* had arisen between the General and State Governments, respecting their several obligations and authorities—It was a question of *that nature* and nothing more. In no other light should it ever have been viewed. It was one of the many questions which naturally arise in all confederated governments—A "*casus fœderis*"—Of the same description with questions that were frequent before the Amphyctionic Councils in ancient times, and the Aulic Councils in modern times—analagous to controversies which have arisen in Germany, Holland and Switzerland—And not different in reality from the dispute on the Missouri question, and twenty other questions concerning the conflict of jurisdictions which have been raised under our government, and one of which (the steam boat question) has been lately adjudicated by the Supreme Court. This controversy ought to have been conducted and discussed with the same temper. Instead of which, such pains had been taken to chafe the public mind, and indeed so unfavorable were the times to temperate investigation, that the majority in Massachusetts could do nothing but endeavor to defend the State by the best practicable means. There could be no Umpire between the General Government and the State Government. The latter therefore deviated from its regular sphere, under the impulse *of a necessity which is above the law* —At least such necessity was conceived to exist, and the departure was not intended to be drawn into precedent. A line of sea coast extending continuously around four of those States, through a range of six or seven hundred miles, indented by bays

and inlets, and communicating with the interior by navigable rivers, for the most part unfortified, and altogether unprotected by the National arm, was threatened by hostile fleets and armies with all the horrors of fire and sword. What could be more natural than for the Governments of the States thus circumstanced, to obey the dictates of the law of nature, and endeavor to consult and stand together in their own defence! Such is the fair view of the subject, so far as expediency is involved in the inquiry. The Convention was not the plan or contrivance of one man, or of a junto or cabal, but a simultaneous and instinctive conception of many—prompted by the nature, and the imagined necessity of the case. If indeed the utility of this measure were to be judged of by the effect produced by the report in allaying the irritation of the public mind, it would be every where crowned with encomium. It operated like a charm—like oil poured upon the billows:—And had the war continued, (Government having assumed the payment of the State troops,) a train of desirable consequences would have followed this report. But if the war had continued *without* such provision, and an attempt had been made to enforce the impending conscription, a case would have arisen pregnant with trouble, and calling for measures not contemplated in the Constitution. What would have been their character, God only knows. The powers of the Convention, had ceased. If new Conventions had been called, they would have proceeded directly *from the people*. They alone, (and in extreme cases only—cases not to be anticipated,) have a right to decide when they are absolved from their Federal obligations. Whenever such a case occurs, the PEOPLE AND NOT THEIR LEGISLATORS WILL CUT THE GORDIAN KNOT. May no prophetic eye see far enough to discern when that will happen! May the evil hour be postponed until all the governments of this world, and the world itself, shall be dissolved and "leave not a wreck behind!"

H. G. OTIS.

LETTER XII.

SIR,

Your readers may probably be glad to hear that I have finished the examination I proposed to make of that part of the Governor's Speech which alluded to the *Hartford Convention*. I will not increase the risk of being insupportably tedious by a recapitulation of the points which I have aimed to establish. Some general considerations, however, are connected with it which seem to require, at least, a *bird's-eye view*, but to which justice could not be done, in less than the compass of a respectable volume.

It seems to be generally admitted, that the influence of the Eastern States in the councils of the Union, has been long in the wane, and that the importance of Massachusetts has dwindled into absolute insignificance. Natural causes accounting for a considerable diminution of her weight may be found, in the varying ratio of her population, in the amputation that she submitted to in the hope of saving her constitution and her life in the multiplication of new States, and the growing disproportion between that interest which in one part of the Union is homogeneous, and those various interests in another, among which there is no bond of sympathy. In these and some others we must acquiesce, for they are inevitable and included in the price we pay for our Union. But these causes are light and slow of operation in forcing us into the back ground, in comparison with the disparagement which too many among us have for years been eager to bring upon their native State. One sickens with chagrin in realizing what a gulf stream of calumny has set in the same direction from Massachusetts towards the South for years together, bearing on its dark and troubled billows the shipwrecked characters of most of those who were once dear, and loved, and honored among this people, and of the people themselves. It is humiliating indeed, while one sees the representatives of the South and West, always prompt to catch and to resent a murmur uttered against the character and pretensions of his State—Proud of the virtues and talents of the good and great among his political opponents;—blazoning on all fit occasions the claims, services, sacrifices, and qualities of his constituents—The Virginian especially, eulogizing his own State as the "*hominum sator atque divorum*"—It is, I say, humiliating to see this, and at the same time to feel that if a member from *Massachusetts*, though he were an "angel trumpet tongued," should take up the same strain in favor of his own State, or of her claims of whatever description; though decorum might dissemble the sneer and prevent the smart or severe reply, it would be in the power of an unkind adversary to bring up the Governor's "old song" and the recitative of the Legislature, and to say—out of the mouth of *thine own* Governor, "will I condemn thee, thou wicked servant"—I will prove by transcripts of your recorded infamy, under your great seal, that for many long years there was no public virtue extant among you—That your great men were in the interest of the enemy; and that your bands of patriots were nests of vipers.

In all this there is nothing of exaggeration. From the era of the first embargo to the present hour, individuals have succeeded each other in laboring not merely to counteract the policy, but to *disgrace* the character of this State especially, and of the other Eastern States in general, whenever their own party was not in power. I truly thought that every gentleman who had been in Congress of late years, without distinction of party, and notwithstanding the personal civility and respect he may have experienced, had been sensible of the shyness with which any measure is regarded, that comes from *Massachusetts*. There is much of urbanity, of respect to private feelings, of attention to expressed opinions, but nothing of weight or influence. Civilities are exchanged, and kindness and friendships between individuals formed and cultivated—But every *Yankee*, as I have had reason to imagine, feels that he is not at home—acts under restraint, expects no success in measures he originates, and at most, faint praise in those he supports. It is not because the former political dissentions, as between individuals, are kept in *vivid remembrance*—Nor because one is now for Paul, and another for Apollos. No doubt, these considerations have some effect. But while the old party tracks are becoming gradually effaced and confounded, by time and the

course of events, the monumental stones and finger posts which indicate the by-road supposed to be taken by this State, are preserved and pointed out perpetually by our own citizens. The good sense and true interests of the republican party are surrendered to the mercy and disposal of editorial popinjays and other "ultras," who, in contempt of the example of the wise and liberal of their own party, in other places, and of the most respectable portion of it here, indulge an unnatural mania for running down the character of poor Massachusetts. These disinterested persons (apostates and others,) have become so outrageously *federal*, that they affect to think the disgrace of the State promotes the glory of the nation. By heightening the aspect of the general depravity, they would make more conspicuous the righteousness of the few, for whose sake the city shall be saved. It seems to be with them an aphorism, that he who humbleth his State shall be exalted. They are unnatural children who reverse the story of Saturn, and devour their own mother. What weakness!—Not to perceive that the character of a State is a common franchise, which like its atmosphere, is incapable of division, and that whoever goes from a district reputed to be infected, will be received with shyness if he is not shunned, though he carries with him the *Doctor's certificate of his personal health!* By reason of this infatuation, which too nearly resembles that which kept the petty States of Greece forever divided and dependent on Athens or Sparta; it has happened that the good people of this State are in a fair way to part with their self-respect. As with men, so with communities, when the consciousness of dignity of character is no more, the merited loss of character itself soon follows. Already it has come to pass that Massachusetts no longer in deed the tall "anchoring bark" which bore the Admiral's flag, but shamefully "razeed," yet still a sound and well manned vessel, appears from the Capitol Hill diminished to "her buoy, almost too small for sight." It is so universally taken for granted, that during the war we not only "left undone what we ought to have done," but committed the correlative sin,—that in our opposition to the war, there was something of malignity or treachery of a peculiar and distinctive character, not

belonging to opposition elsewhere—that it is now almost too late to deny it, without appearing to incline to the affectation of supporting paradoxes.

Nevertheless for one, at this or any other hazard, I pronounce the charge as it respects the Eastern States generally, or Massachusetts alone, *entirely destitute of foundation.* But my remarks will be principally confined to the latter—and they must of necessity be of a general character.

In order to fix upon those States or either of them, a charge of disaffection more virulent in its nature or dangerous in its object than was common to the opposition to administration *elsewhere*—it ought to appear either that the manifestation of it was accompanied by a preparation to resist the laws, or by resistance in fact; or else that the opposition in this quarter was grounded on alleged pretences of discontent, in which the opposition in other States did not participate. If neither of these assertions can be maintained;—if no show of actual opposition was made;—nor no pretence of grievance agitated among us, but such as was regarded in the same light in other places, there is manifest injustice in the condemnation of one and the acquittal of another, upon evidence equally applicable to all. How then stands the evidence? None has ever been suggested of any actual opposition prepared or offered to the laws. None of Massachusetts having *done* (I speak of deeds not words) "what she ought not to have done." What omission of positive duty can then be laid to her charge? In her *political capacity as a member of the Union* she had no duty to perform but that of furnishing troops in obedience to requisitions? And can it be pretended that she did not furnish them? Her militia was held in constant readiness from the beginning to the end of the war. They were always on the alert; detachments were made to the full number at any time required;—detachments *of soldiers*, not mere human *bipeds*, as destitute of equipments as of "feathers;" but of horse, foot, dragoons, and artillery, ready to be embattled. Nothing comparable to this state of preparation could be found *out* of New England. It was so perfect at "the head quarters" of the "Boston Stamp," as to extort the approbation of the National Executive Govern-

ment. The preparatives differed only in two particulars from those of the South. First, in their completeness, and next in their being furnished *at our own expense*—Money was supplied as well as men. The taxes in all their odious and oppressive variety were paid with exemplary promptness. It is certain that the militia was not in most instances surrendered to the National *Prefect*, and thereby hangs a constitutional question. The merits of which I pause not now to examine. But is it strange that it should be a question?

When in a time of no peculiar excitement we see the Legislature of *Virginia* employing counsel to contest the right of selling a paltry ticket in the ancient dominion, and that of Kentucky convulsed, by the assumption of jurisdiction by the Supreme Court in cases involving the validity of a municipal law, and her Governor speaking the language of *absolute defiance*. When we attend to the flame kindled in Ohio, in South Carolina, and ready to burst forth in every State, South and West, upon any construction of the Constitution which encounters local convenience or habitual prejudice, can it be matter of wonder or of censure, that in a case of incomparably greater concernment, such a question should have arisen? If the President has the right, not only of deciding upon the presence of the constitutional contingency which justifies his calling out the militia, but also of appointing his Prefects to command them, he possesses the power, at any moment, of converting the whole militia of the nation into *Pretorian Cohorts*. I repeat that I stop not to discuss this question. I only say it is a tremendous power and an awfully pregnant question. A question compared with which, the controversies about sedition acts and alien acts, and national banks, and Cumberland roads, and lottery tickets, and occupying claimants, and "*id genus omne*," are paltry squabbles. It is a question about the power of the sword, which settles all other questions. If you say *it is* clear the President has it—be it so. But let me ask again;—*Was it then* so clear that doubtfulness must not be presumed? So clear that hesitation became crime? Was the retention of the command by the State Executive, under the circumstances of that day, equivalent to an obstruction of the laws—a "paralyzing of the means and agents of the Government?" It cannot be pretended. The

orders of the Government were carried into effect, though not by the appointed organ.

Exclusive of this controversy, not an instance can be adduced of a topic of complaint or remonstrance from the earliest hour of the new order of things under Mr. Jefferson, to the close of the war, in which either New England or Massachusetts *stood alone*. None in which they were not countenanced and supported by the opposition in Congress from every State in the Union;—By the majorities of the Legislatures in other States, when occasionally federal;—By the minority, when otherwise;—By meetings in cities, towns, counties, court-houses, and squares, in all the States on this side of the Potomac—sometimes beyond it;—And by the invariable tenor of the federal newspapers in every State of the Union.

These are broad assertions, which it is in any one's power to establish or refute, who will consult the newspapers, records and documentary evidence of those times. To confirm them by adducing the *plenary* proof of which they are susceptible, would require compilations and references much too copious for the limits prescribed to these letters. But enough may be comprehended in a glance, to satisfy most readers, or to put them in a train to satisfy themselves.

To commence with the opposition antecedent to the war. The object of it is comprized in two words—The restrictive system. In all its moods and tenses—through all its labyrinths of embargo, nonimportation, and nonintercourse, with its acts supplemental and explanatory, and all its reduplications of pains and penalties, on land and water. It was to this system and to this alone, to which any idea of serious discontent or disaffection could be attached. This alone had a bearing upon our foreign relations, and the peace of the country. In proof of this it need only be mentioned that, upon the intelligence of Mr. Erskine's arrangement, with our Government, which it was supposed had put an end to the "Terrapin" system, the most unqualified commendation was bestowed on Mr. Madison by his former opponents, and according to a writer devoted to his interest, *"he was claimed as a federalist and Washingtonian" —and "the democrats began to grow jealous." Decisive testi-

* "Olive Branch, by M. Carey."

monials of gratification in the arrangement were indubitably manifested by the federalists.

The repugnance felt for these measures every where partook of the same character, and grew out of similar views of their impolicy. After pronouncing the system to be impolitic, oppressive and unconstitutional, originating in fear or partiality to France, leading to an alliance with her, destructive of commerce, which it was a main purpose of the Union to protect; censure would seem to be exhausted. Those who held this language could carry opposition by word no further. It expressed the all comprehensive articles of the opposition creed. Those who agreed in them were of one faith. No reason for attempting to divide them into various sects arises from the consideration that one repeated the creed oftener, with greater zeal, or in a more varied phraseology than another. Whatever of hostility to the Union, was the import of this faith in one part of the country, just so much and no more was implied in any other. This was undoubtedly the faith of Massachusetts, of her Legislature, and of her people. For this she is responsible, judging her always by *the record*, not by fugitive or anonymous essays, or philippics of any sort. This is the extent of her transgression *before the war*. Was then this the faith, and this the language of other States—of respectable popular meetings in other places; of the opposition wheresoever existing? Was it held by any *one* assembly or by any *one* respectable person, in whom it cannot be presumed to have shewn a spirit of antipathy to the Union? If so, neither can such inference be admissible against Massachusetts. I affirm then, as matter of notoriety, that these opinions were held *in extenso*, and sounded by the trump of opposition through all its regions and departments. For vouchers I appeal to the public documents as before—And in a particular manner to the resolutions of the Philadelphia meeting, Com. Truxton, Chairman; which as the writer above quoted admits, "embraced the essence of all the objections raised against it throughout the Union." I refer also to the resolutions at Staunton in Virginia;—To the debates in Congress, in which the "hand of Napoleon" was declared to be visible in the whole system—to the celebrated argument of Samuel Dexter, who contended against the constitutionality of the act, and did more to fix that

impression in the minds of the people than any other man, and finally again to Matthew Carey, (his work being the text book of the revilers of this State) who admits that "no act of the Federal Government since its first organization excited so much outcry and clamour," and "incessant abuse in all the federal papers from New Hampshire to Georgia, and from Mississippi to the Atlantic." The same writer also truly states that the *nonintercourse* acts were condemned by *both* parties. With this evidence, which might be heaped like "*Pelion upon Ossa*," I inquire why is Massachusetts doomed by the Inquisition to the *Auto da fe?* Is it because she was more sensitive under the previous torture? because her agony was more exquisite? her groans louder and oftener repeated? If the measure of her aberration is the same—if she said and wrote nothing more *in substance* against the Pope and the Cardinals than her heretical accomplices, why was she alone of the "American family" excluded from the pale of the Church? Let her citizen calumniators answer that question.

By principles analagous to those just considered, and by evidence of the same kind, it may be demonstrated that the opposition of the Eastern States, including Massachusetts, SUBSEQUENT to the war, was nowise distinguished by any peculiarity or hideousness of feature. But even the very *general* observations which I intend to make on that subject, must, contrary to my first intention, be reserved for another communication.

H. G. OTIS.

LETTER XIII.

SIR,

IN discussing the last question with which I propose to trouble the public—the comparative demerit of the opposition subsequent to the war, in Massachusetts and other places—I regard an inquiry into the policy of the war itself as foreign to my purpose. With the multitude in all countries, success is

the test of wisdom. And in this country our escape from the impending calamities of protracted war, is considered by the war-makers, as equivalent to success, though peace could not be made until our Ministers were expressly instructed to abandon the great object of contention—impressment; and though we were left with an hundred millions of additional debt, to say nothing of loss from other sources.

But conceding for the sake of argument, (what is a very ample concession,) that success is merit—that "*finis coronat opus*," and as the war was wise, the opposition was of consequence impolitic and unjustifiable; I come to the comparison between the conduct of opposition in Massachusetts and in other places, meaning to maintain, that *the character or moral quality* of this opposition is not distinguishable from that which prevailed elsewhere, and was supported by those, the purity of whose motives and love of country is not questioned by their political adversaries. This, however, seems to be entering upon an immense field, and were it necessary to survey it in its full extent, I should desist from the undertaking. To execute it would be to write a history of the war—But I persuade myself, that a few plain and undeniable postulates, and as many examples, will enable me satisfactorily to establish the position, or at least to put those who wish to go farther, in a way to satisfy themselves.

It must be allowed me then, that the character of an opposition to an administration, consists in the moral quality of the principles on which it is founded.

When such opposition is confined *to words*, the language of opposition, and *that only*, affords evidence of its principles.

When the principles of such an opposition, situated in different parts of a country, are expressed in language which imports similar ideas, the character of that opposition in all those places, must be considered as *the same*. The proclaiming of these principles, more or less frequently—with more or less of zeal or indignation—by greater or smaller numbers, and with various phraseology, *so long as the ideas expressed are alike*, does not vary the character of the opposition, wheresoever situated.

It is moreover material to determine clearly, for what species of opposition a State or people is fairly responsible. A Legislature certainly is not accountable for the doctrines of the pulpit or the press, farther than they are adopted by itself. The people of a State are not so, farther than approbation of them expressed in popular meetings, or in their elections, amounts to an indication of their *general sense*. Persons entirely destitute of the confidence of their party, may push sound principles to an indefensible extreme—Persons possessing that confidence in full measure, frequently write or speak under impulses by which they would not permit themselves to be governed, when called to act. Neither State or people are to be tried and convicted upon the impassioned apostrophizing of occasional sermons, essays, or speeches. Let those, who, dissenting from this position, insist upon these things as good evidence, tell us in what balance we shall weigh off against them, I will not say merely the abominations and scurrilities against Washington and Adams, but the inflammatory resolutions and denunciations of the constituted authorities and their measures, for the first twelve years after the adoption of the Constitution. Let them shew us by what process, we may work equations between given quantities of opposition language found in the grave dogmas of Virginia and Kentucky, in Pennsylvania resolutions, and Ohio resolutions, and Governor Adair's speech; and that which abounded in the proceedings of Massachusetts and the Eastern States, and the speeches of Governor Strong; so as to find out how much the former were *minus*, and the latter *plus*, the constitutional standard which is exactly one degree short of moral treason. If this operation could be performed, and all the menacing, disorganizing, anti-federal tenets pervading the columns of the opposition papers of those days, could be contrasted with those of later times, though it would be an odious occupation to go through with it, this people need not fear the result. Rejecting then all ebullitions of passion, and all expressions by individuals of disloyalty to the Union, as inconclusive and of no account, except with the limitation just now mentioned; I affirm with confidence that the doctrines maintained by the Legislature of Massachusetts, and by all such popular meetings, as by their numbers or any other circumstances, can be justly supposed to express a *general* sentiment; may be demonstrated upon the principles above assumed, to be

the same in substance with such as were avowed in other States, without subjecting them to any particular reproach.

The great objections to the war were, that it was unnecessary—declared improvidently—partial as it respected the selection of an enemy—influenced by a fear of France—leading to an alliance with her—involving the destruction of commerce—threatening national bankruptcy—tending to the disunion of the States—without any prospect of attaining its professed ends.

All these objections most certainly were urged at various times against the war, in the public proceedings of Massachusetts. They probably comprehend all the principal objections that could be made to it. If *the same objections* were adopted by other States, or popular meetings, or branches of opposition, or individuals acting in public and official capacities, upon whose views and motives no aspersions derogatory to their integrity and patriotism have been cast, the comparison is justified and the case proved. The first example in point might be cited from the debates of the Congress which made the war, and those of their successors until the close of it. Not a censure upon the war is included in the enumeration just made, which will not be found reiterated in every form of words, by members in opposition from different States, South of New England. In the month of August following the declaration of war, a meeting of citizens was convened in New York, whose proceedings, without any auxiliary evidence, are ample for my purpose. "Never was such a meeting witnessed in New York for its respectability and numbers." The Chairman was Colonel FISH—The Committee who framed the resolutions were JOHN JAY, RUFUS KING, GOUVERNEUR MORRIS, RICHARD HARRISON, E. BENSON, M. CLARKSON, RICHARD VARICK. After stating "the war declared by a slender majority to be unwise"—"declared under unfavorable circumstances, and that the consequences to which it leads are alarming," and explaining the reasons for this conclusion, the report adds:

"That we are irresistibly drawn to the conclusion that the American people will, under the name and form of an alliance, be submitted to the will and power of the French Emperor." "That in this view of the subject, the question of peace or war, involves all that is dear and valuable to man on this side the grave." "We are therefore under the dire necessity of declaring that we have no confidence in the men who have brought us to this

perilous condition." They further resolved—"*That Representatives be chosen in the several counties—discreet men—friends of peace. These Representatives can correspond or confer with each other, and* CO-OPERATE WITH THE FRIENDS OF PEACE *in our sister States, in devising and pursuing such constitutional measures as may secure our independence and preserve our Union, both of which are endangered by the present war.*"

These resolutions include *the essence of all the invectives* that were ever uttered or that could be uttered against the policy of the war, and its threatened consequences. They point also to the formation of a Committee of correspondence, and TO CO-OPERATION WITH OTHER STATES; to the very object intended by instituting the Hartford Convention. In order to lend his name to these proceedings, the venerated JAY left the retirement chosen for his "life's decline." Mr. KING also gave them the weight of his distinguished character. Indeed the entire Committee is composed of men of the very highest eminence, for talents, virtue, and patriotism; and the Chairman was a distinguished officer of the revolution. They said and recommended *in effect* all that was said or done by Massachusetts. From New York, I pass on to Virginia, though ample confirmation of my position, that the language of opposition was every where uniform, may be found in every State between the two, and no where more decided than in Maryland. In September 1814, a Convention of delegates from eighteen Counties of Virginia was held in Staunton—a very animated address was adopted; too long to be here inserted. I give only the following extract:—

"As friends of Commerce we ask your co-operation in removing from office an administration which has nearly accomplished its total annihilation. As friends of Peace we invite your solemn protest against the authors of our impolitic and unnecessary war. As friends of Union we invoke you to arrest the progress of a system tending to its speedy and awful dissolution."

In their circular letter they say,

"It is to show to our sister States that a powerful minority in Virginia is opposed to the fatal policy that has consummated its career, in an unnecessary, precipitate, and ruinous war."

It would be quite impossible to confine within the bounds of as many letters as I have written, the quotations that might be made of this same language held in all parts of the country.

They may be found in overwhelming abundance in the files of the Gazettes of the day, by whosoever will take the trouble of making the research. There was in fact but one opinion respecting the policy of the war and the necessity of bringing it to a close by a change of administration, among all its opponents. The *proportional numbers* of the opposition in the Eastern States undoubtedly exceeded that of other sections of the United States; but the more it became general, the less did it deserve the character of faction or to be deemed an object of suspicion. How indeed is it possible to reconcile the conduct of men who pretend great deference for the voice of the people, and in the same breath calumniate an opposition so extended and powerful! In the election which first ensued upon the declaration of war, Mr. Madison had not a vote in New England, (Vermont excepted,) none in New York, New Jersey, or Delaware. We were a divided people in relation to that conflict, and the grounds of the division were uniformly known and felt to be the same. Against this statement there is absolutely nothing to oppose but the threadworn tale of the withholding the militia by Governor Strong, and the fact that the complaints of Massachusetts were more frequent and emphatical. With respect to the Militia question, not only were the Governors of the New England States agreed in their opinion, on the constitutional question, but the State of Maryland maintained the same construction, though not being opposed and dishonored by her own sons, she has received the payment of her claim. And as to the repetition of grievances and the vehemence of the language of complaint, it was to be expected where most was suffered and most to be apprehended—in a country dependent for its very existence on resources which were on the eve of annihilation. That an opposition from a portion of the country thus circumstanced should be more general and intense, and that they should exclaim with emotion against measures which threatened to frustrate a main object of the Union, was naturally to be expected; and perhaps it was not out of the ordinary course of paltry intrigue that individuals should be desirous of recommending themselves by magnifying the merit of their own trials and efforts at the expense of the character even of the State itself; and thus making good their claims to the loaves and

fishes which the persecution endured by prophets in their own country, and among their own kin, would seem to deserve. Hence the attrocious misrepresentations of persons, who, in the time of our tribulation, were preparing themselves for the vocation of sycophants and toad-eaters to the National Government, may be accounted for; but that His Excellency should take up and new vamp the tales of other times, seeing that he has already had all the reward he can expect from the fountain of honor, and consent to become Captain General and Commander in Chief of the legion of defamation instead of the Commonwealth, must be an embarrassment to any true man who shall have the charge of writing his epitaph. On the whole, it will appear in the page of impartial history that the federal party not merely in Massachusetts, but in all the States most adverse to the war, conducted itself with a moderation and dignity unexampled in the party struggles of great States. When Erskine's arrangement promised peace, they prepared to withdraw opposition. When peace was afterwards made, they actually and with one accord did withdraw it. The Administration and its friends affected to consider the delirium of the public joy at our escape from the war as a homage to their popularity. Because our brave citizens defended their Household Gods, *in some instances*, from invasion, and our army kept its ground upon our own frontier, and our navy supported and made glorious, the reputation of our flag, the Government Party claimed for *themselves*, as much as if *they* had achieved the conquests of Alexander, or destroyed the fleet of Xerxes, or the Armada of Spain. They exulted as if the prowess of their countrymen by land and water was a new discovery, of which they were entitled to the benefit, and as if there had never existed a Bunker Hill, or Saratoga, or Monmouth, or Stony Point, or Cowpens, or Yorktown; and as if a naval establishment had been their original and favorite measure.

They boasted of their peace as if they had not instructed their Ministers to conclude a treaty omitting stipulations respecting the principal cause of war, and left the great subject of controversy precisely where it was. Still certain *incidental* advantages had resulted from the war. A favorable impression of the resources and spirit of the nation, was made in Europe.

The popularity of the Navy was established, and what was more important, visionary theories were supplanted by the practical policy of the old federal party. While therefore, Government boasted of its victory over the public enemy, the opposition had gained a bloodless victory—a victory of principle—the only one they aimed at, over their antagonists. With this, they were content, and thus not only acquiesced in the triumph of their adversaries, without a symptom of spleen or repining, but with real good humor and unaffected joy.

Instead of attempting to organize and engraft upon the nation, an artificial and undying opposition for which materials were not wanting, they shewed that their object was principles not men, and magnanimously threw away their badges and united in electing to the first office, the man designated by their opponents. They have also steadily supported his administration, although throughout its seven years continuance, they have been systematically excluded from office; as much so as the Catholics in England, and the Jews in other countries; nearly as much so as Aliens and Outlaws are excluded every where, and more so than it is generally thought politic by a conqueror to exclude the citizens of the conquered country; and though the "Union of the republican party" (which means the *continued interdiction* of those who have ceased to act as a party) is inculcated as a vital principle. With this sacrifice to the spirit of harmony, the democratic party in many of the States, appear to be content. Seldom have we found them seeking or even improving an occasion to tear open old wounds. The leading men among them under the influence of the liberal feeling which in generous natures accompanies success, disdain reverting to injurious and offensive causes of animosity. But here it is far otherwise. Here we are to learn even from our Governors that it is not enough for our State to offer her hand without bending the knee. That the Phœnix of our influence will not arise until we put our hands on our mouths, and our mouths in the ashes of that which has expired. That it is not sufficient to have waved our constitutional rights, but that pardon must be asked, for having made them a question. Influence indeed! By surrendering to the National Government every questionable point, we shall acquire the influence of a rivulet upon the opposing

tide when it swells its mass of waters and is lost in the sea. But the only valuable influence among confederated States is of a very different description. It results from the means possessed, of bringing over to its measures the other members of a confederacy and modifying the general policy by its peculiar views of the national interest—This influence has its foundation in the respect which the State preserves for herself. In the selection of able representatives and agents, and the interest she displays in the fame of the men of principle who serve her with fidelity. No State can acquire or preserve influence which has not self-respect, and this is not to be the fruit of self-abasement. Confessions and repentance are the conditions of forgiveness and happiness to the humbled sinner in another world—But a State has no immortality. She must take care of herself in this world and whenever she admits her reputation to be tarnished it is gone. From the moment that Massachusetts stands in a white sheet in the Hall of Congress, though led in by her Governor, she will be held in contempt by those of her Sisters, who claim for their own peccadillos the merit of virtues, and WHO NEVER MAKE CONFESSIONS.

H. G. OTIS.

LETTER XIV.

SIR,

SUGGESTIONS have reached me from a quarter entitled to respect, that while the parallel I have attempted to draw between the principles of opposition in the State of Massachusetts, and out of it, is correct as far as it goes; I have left unexamined two themes of obloquy and complaint in which this State alone is implicated. These are the alleged refusal of the Legislature to vote thanks to our victorious naval officers, and the discouragement opposed to the public loans. I cheerfully yield to the wish expressed for my view of these matters, though it will be recollected that a full retrospect of domestic transactions, is what I expressly disclaimed the intention of undertaking.

In the Senate of 1813, the following resolve passed that body:—

"*Resolved*, As the sense of the Senate of Massachusetts, that in a war like the present, waged without justifiable cause and prosecuted in a manner which indicates that conquest and ambition are its real motives, it is not becoming a moral and religious people to express any approbation of military or naval exploits which are not immediately connected with the defence of the sea coast and the soil."

Upon a division, the usual federal majority of members present voted in the affirmative. This resolve has been assailed in every form of censure. A solemn invocation of defeat and disgrace upon the navy and army could not be liable to greater reviling. But though the *House of Representatives* of that year, of which I was a member, unanimously voted thanks to PERRY and others, thereby manifesting a different view of this procedure from that entertained by the Senate, yet a dispassionate consideration of this resolve and of the accompanying circumstances, will shew it to be quite undeserving of the odium annexed to it, and far from justifying any inference of hostility to the navy or indifference to its glory. Had the sentiment expressed in that resolve appeared in a treatise on political morality, or been found among the aphorisms of a Peace Society, no exceptions would probably be made to it. In order to judge of the correctness of this remark, let the converse of the proposition be stated. For example—"*It is* becoming a moral and religious people, to exult in the military and naval exploits of a war *waged without just cause, from motives of conquest and ambition*, not connected with the defence of the sea coast and the soil." Would not many moral and religious persons of all parties at this moment hesitate to subscribe to this as an axiom? If so, the objection to the resolve must be found not in *the inference*, but in the assumed premises—In the *character given of the war;* and not in the abstract claim of military and naval prowess to the approbation of the people. But this same character of the war, I have already said, whether justly or not, had been given to it a thousand times before this, and in that view the resolve is left on the same ground with other censures upon that measure. Justice however, to the majority of that day, requires a more enlarged consideration of this matter. It has just been

noticed that the House of Representatives, in which the federal members were more than two to one, and upon the motion of a federalist passed unanimously votes of thanks for our naval victories. Here then was a notorious difference of sentiment in relation to this point between the two Houses.

The doctrine maintained in the Senate was—First, that it was not the province of the State Legislatures to award this species of homage to victorious officers, and that by assuming to do it, they might graduate their praise by a rule different from that which the National Government might deem proper to adopt. But secondly, and principally, it was said there was manifest inconsistency that a legislative body remonstrating with vehemence against the policy and necessity of the war, should in the same breath encourage its authors to persevere, by enacting plaudits upon their agents; and that in the event of successful operations IN CANADA, the precedent would create great embarrassment for those who were opposed to the invasion of that country; and who might be called upon to express gratitude for what would be cause of regret. If the allegation of these reasons was insincere, and a mere veil for lukewarm feelings towards the navy; there would still be no equity in selecting a measure in which the Senate dissented from the House and the people, and holding it out detached from innumerable demonstrations of very different feelings, as a genuine test of the prevailing sentiment. Judging, however, of the disposition of *all* who voted in favor of the resolve, by what is known to be true of *many;* their real friendliness to the navy and the indulgence which they as private citizens permitted to their joy in its success, were displayed in too many and conspicuous modes to leave a doubt respecting their sincerity. Among those Senators were persons, who with their political associates were *first and foremost*, to receive with open arms, upon his landing, the hero who achieved the first naval victory: To set on foot and promote the means of doing him and his gallant officers the highest civic honors:—To renew the same cordial oblations of respect and gratitude to him who succeeded to the command and the glory of *Old Ironsides*—and to those who shared the honors of his triumph. Persons, who assisted and officiated at public entertainments given to these officers—who, from that moment

cherished and cultivated an acquaintance with them and their brethren of the sword as opportunity offered, and to this hour have remained upon terms of strict intimacy and friendship with many of their number.

Leaving then this inquiry as it relates to *the branch of the Legislature which passed the resolve*, I refer you a moment to other indications of the sense of the whole federal party on the subject of our naval victories. Those whose entire stock of calumny against that party is composed of gleanings from the Gazettes, must admit as proof of public opinion, the *universal* and *invariable* attestation of those very newspapers, to whose *occasional* and *limited* overflowings of zeal, they resort, in order to convict the people of disloyalty. It may be said with confidence, that from the first moment of the war to the last, the invariable tenor of those newspapers showed an entire devotedness to the interest and honor of the navy. Their columns were promptly filled with glowing descriptions of naval success. No power of language can express more strongly the enthusiasm felt in regard to every thing appertaining to the navy. How could it be otherwise ? Every victory was a homage offered to federal policy. Every brilliant achievement was the accomplishment of federal prediction. How long and how often had the enlightened foresight of the old federal party, calculating upon the aptitude of our people for this species of defence, pointed to the ocean which surrounds us, as the element on which danger must be met, and protection sought! The Congressional debates from the days of Washington to the epoch of the war, are a continued record of exertions by one party in favor, and of another in opposition to a naval establishment. Every bulletin from the Ocean and the Lakes, was an encomium upon the policy recommended by Washington, strenuously inculcated by Adams, rejected by Jefferson, and forced upon Madison; as it was also a satire upon the "Chinese" system, by which it was so long counteracted. The object which was constantly and preeminently the favorite of the old federalists, was the NAVY. They regarded the thirteen stripes as the consecrated "Labarum." Their prophecy from the first, was, "by this sign you shall conquer." Yet by the wayward fate which attends human affairs, our naval heroes have fought their

adversaries into popularity, while their friends, the original patrons of the navy, are put to act upon the defensive, and to maintain by argument their friendliness to a darling object. The "*Lilliputian ties*," have been broken, and the fleet has been towed into the enemy's harbor. Against this constancy of affection, this policy of the heart as well as of the head of New England, evinced by day and by night, in season and out of season, there is nothing to oppose, but the solitary vote above mentioned. Yet this has been exaggerated and tortured into every form of obloquy. The withholding of thanks has been deemed equivalent to a denunciation of censure, and a refusal to exult in success, regarded as the avowal of regret that it was not defeat. In conclusion. From the proceedings of the Legislature of Massachusetts, taken together, no sentiment of disaffection to the navy, or want of interest in the reputation of its officers, can be inferred, but the reverse. The Senate (the number of federal members being between twenty and thirty) passed a resolve (more in the nature of an abstract position of political morality than of a legislative enactment) importing that the brilliance of the exploit is not a subject for thanks from those who do not approve of the cause. In other words, that the *end* and not the *means*, is always to be regarded. The House of Representatives (the number of federal members being between two and three hundred) voted thanks to the navy on the ground that the officer cannot choose his service, and that honor is always due to the brave who obeys orders. But in the prosecution of the goodly work of dishonoring ourselves, the vote of the Senate detached from its preamble, has served as a watchword to rouse and cherish the popular prejudice, while that of the House is constantly permitted to slumber in silence.

H. G. OTIS.

LETTER XV.

SIR,

Those who are intent upon distorting every event which occured in Massachusetts to the depreciation of her character,

were not satisfied with denying to the people the right of assembling and consulting upon their grievances, and to the Legislature that of public protestation against measures thought to be detrimental to the Republic, but they present as a crying enormity and peculiar to our citizens, their refusal to subscribe to the War Loans. In order, however, to avoid the manifest absurdity of applying this charge exclusively to this part of the country, it has been roundly asserted, that "associations were formed" *to deter persons from subscribing by threats.* This assertion is, I have reason to think, entirely unfounded. No knowledge or even whisper of any such association ever reached my ears, and I believe on my honor and conscience, that none such was ever formed or thought of, though as usual my name has been audaciously mentioned as a party concerned.

It is very certain, that when the war was declared, a general and extreme disinclination prevailed among the monied men, against taking a concern in the public loans—Nor was there any very considerable abatement of that aversion, during the continuance of the war. They regarded it as made by one geographical division of the country,* without the consent of the other, and by the procurement of other classes against the interest and wish of the monied class. They persuaded themselves *at first*, that the conflict must speedily be terminated unless money was supplied, that peace was within the control of administration, and that they were not called upon to find sinews for a war which they were anxious to have brought to an end. Persons entertaining these opinions, would naturally promulge them—They might commune with and influence each other—To lend or not to lend, is a question on which monied

*VOTES IN CONGRESS ON THE WAR QUESTION.

IN SENATE.

For War.		*For Peace.*	
North of Delaware,	5	South of Delaware,	3
South of Delaware,	14	North of Delaware,	10

IN HOUSE.

For War.		*For Peace.*	
North of Delaware,	17	North of Delaware,	36
South of Delaware,	62	South of Delaware,	13

In the Autumn immediately following the declaration of war, the Peace ELECTORAL Ticket in Massachusetts succeeded by a MAJORITY of 24,023.

men in all countries consult together, and ascertain each others general views. They form different connexions and associations—accept or reject terms—enter into competitions for the loan, or refuse it altogether as they please. The terms of a loan also and the state of the public credit are fair subjects of discussion. Every man may declare his opinion as of right—And if he thinks ill of them, he may fairly apprize those who rely on his judgment, of his sentiments. In these transactions, men are governed by the dictates of interest and not of patriotism. Exceptions to this rule are always objects of admiration. If, when Mr. Dallas unveiled the secrets of the treasury and bankruptcy stood confessed, it had pleased some of our Republican *Millionaires*, to have descended like Jupiters in showers of gold through the roof; they would have deserved the honors of him who plunged into the *Curtian* gulf, and as it happens, would have met a happier fate. But many such examples were not to be expected; and I believe that not one was found who loaned money at par. So that the parallel of patriotism must be run between those institutions and individuals, who disapproving the war, and distrusting the security of the public resources, withheld their contributions and proclaimed their opinions; and those who thinking favorably of both, assisted their injured country in the pursuit of redress, by taking the loans, demanding a discount of only twelve per cent. as a premium for their disinterested love of country. Unfortunately for mankind, the days of patriotic oblation have gone by; so far, I mean, as respects silver, and gold, and jewels. Not of services—these I know may be had in profusion. No country can vie with ours in numbers who are ready to devote their talents to the service of their country, in the humblest as well as the highest departments. These talents, however, are not golden or gratuitous. Whatever they possess of sterling worth of another description must be paid for, though not always compensated. Those must attain to a great age indeed, who live to see the thanks of the nation deserved by or given to any man for taking up a loan. It is always an affair of calculation, though it may be prompted or accompanied by a real desire to support the public credit, and is so far laudable. In this view of the subject, it will be found that every proposal for

a loan gives rise *to some sort of association.* When the Chancellor of the British Exchequer opened his budgets during the late war there were always associations. And if one great banker and his friends known to be in opposition to the Administration had for any reasons connected with his views of the public credit or the terms of the loan, declined taking it and made his reasons known at Lloyd's Coffee House; and another great banker with his friends had in consequence taken it with a *better bonus*, would it not have seemed ridiculous to the English nation that the latter should have crowed up his own well paid patriotism, and decryed the conduct of the former as indicative of enmity to the Constitution and safety of the country! To shew that obstructions to the loan were pushed to an extreme, and that threats were employed; extracts as usual are made from the newspapers. It is not incumbent, I repeat, upon the old majority of the State to justify the sallies of zeal, or satire, or sensibility which may have escaped from the pens of individuals on this or any other topic. Yet what was the scope of the imputed theatenings? Never that I have seen, of pains or penalties, of injury to life, or limb, or property. Neither of tar and feathers or effigies. Some half dozen essays, more or less, may be found by those who go mousing among old files and pigeon holes, wherein the writers, of their own mere authority pronounce very strong censures upon those who being opposed to the war will nevertheless contribute pecuniary aids. But the sum total of the threats is that they will be *put in Coventry* by their party. And what very dreadful sentence would that have been to those *who were restrained by that consideration only*, from lending their money, even if the writers of those essays had possessed (which they did not) the means of giving effect to their menaces? Verily I say unto thee, they would have had their reward.

But the most shameless argument, (if its malignity were not neutralized by its folly,) to prove the existence of "a reign of terror," was drawn from the advertisements of brokers who offered to receive proposals and effect subscriptions, *without disclosing names.* The inference is, that this was intended as a screen for those who were *afraid* to be known as subscribers. Now the plain truth is, that it was understood at the Treasury

Department, that individuals *whose proposals might be rejected*, would (from a disposition natural to most men to conceal negotiations which issue in no contract,) be desirous of keeping their names out of sight, and the notices from the treasury encouraged the expectation that this should be done. As to those who *should take the loans*, the concealment, in the nature of things, could be *but temporary.* They would hardly permit the brokers to be their *permanent* trustees. They would either hold or sell their stock when subscribed for, and their names could not fail to be known. Besides, the treasury documents were always subject to the call of Congress. The brokers therefore issued their proposals in conformity to those of the treasury, but no man could have expected to be a subscriber and keep for any length of time under the rose.

It is certainly not a correct view of the social compact, to assume, that in a time of public distress, the monied capitalist is under any *peculiar* obligation to advance or risk his money by lending it to the country. Such an obligation is equally binding upon all who have *any money to spare*, whether the sum be great or small; and no reason can be perceived why those who have property which may be converted into money, without material sacrifice, should be excused from such contribution. Those, therefore, who had neither money, or property to command money beyond their fair and ordinary expenditures, are alone entitled to complain against their fellow citizens, who, with themselves, declined becoming public creditors. He only who is "guiltless," is authorized to "cast the first stone."

I now sir, take my leave of you, and of those who have condescended to read these letters. In writing them I have attempted to discharge a duty to my native State, and to defend the people against the slanders of their Chief Magistrate. And though, to judge from appearances, some are more ready to kiss the rod, than to vindicate their own honor, the time will come when the statements and principles of constitutional law contained in these letters; expounded by abler pens and under more auspicious circumstances, will be approved by all, except those who acquiesce in the disgrace of the State, so long as it involves the disparagement of their adversaries. This virulent

feeling cannot, I trust, continue to be the ruling impulse of great numbers of any party.

For myself, I am aware that my enlistment in this defence, can be productive of no possible personal advantage. On the contrary, this taking up of the gauntlet in behalf of my party, may seem to imply the admission, that I am peculiarly responsible for the project of the Convention, and other measures obnoxious to popular jealousy and censure, and thus to sanction the odiousness which is attempted to be brought upon my political character. To all this, I content myself with opposing my simple negation, and appealing to the well-informed of my cotemporaries of both parties. My political sins are those of Congresses, Senates, and Houses of Representatives—of a majority of the people, first of the United States, then of my native State and City. Of my full aliquot part of these I would nothing extenuate, and more should not be set down to me in malice. I have lived to see triumphant all the principles of the great original federal party, of which Washington was the head, and of which I was an individual member, though by the perversity of the course of human affairs, I have survived the downfall of the party itself. There is no prominent feature of federal policy (unless the alien and sedition acts be so regarded by means of a factitious importance) which the ruling party has not found itself compelled to adopt, and place in a bolder relief. The funding system—bank, navy, army, loans, taxes, embassies, in short, whatever appertaining to the civil and military establishments was formerly a theme of opposition, have been patronized, not merely as appendages, but essentials to the machinery of government. All the hydras and chimeras are transformed into goodly shapes and proper agents. And *not a question* has been decided, nor as far as I am informed, agitated upon old party principles, since the peace. With this state of things as it affects myself, I am so perfectly content, as to be inaccessible to any uneasiness or regret, except what arises from an apprehension that these letters may be thought by some to be dictated by spleen or other unworthy personal consideration. Against this, I can only once more oppose the assurance of my word, and trust to time to become my compurgator. And I assure those by whose strenuous opposition I

have become privileged to devote the few years of health and vigor, which through Divine goodness may *possibly* be mine, to retirement from public employment, that they have not only done me a favor, but restored to me a tranquillity of mind which is interrupted by no unkindly feeling towards them as a party, nor even to their musquito auxiliaries, which, when gorged with my blood, will fly off, and in due time fasten their little stings in some new prey.

So far, however, as relates to the great party with whom it will be always a subject of pride and pleasure to me, to have acted, I confess that I regard the state of public affairs not without emotions of apprehension and sorrow. Our party divisions no longer deriving nutriment from collisions of real interests and opinions of general policy, have become PERSONAL. This, which has ever been the most dangerous division in all republics, inspiring implacable and hereditary animosities among citizens, after the causes of their original schisms have ceased; threatens, if I understand the tendency of things aright, more of serious and permanent evil than has elsewhere proceeded from the same prolific source. In other countries, where these personal divisions (or if you please factions) have existed, the representative principle was *at best* but imperfectly understood or adopted in practice. The contests and dissentions of the old republics were carried on among the people in their *primary assemblies*, and hence it was impossible, especially where more than one State was concerned, to give such a direction to the suffrages of the people as should uniformly secure a dominant party against the enterprize and occasional success of its rival in obtaining a share in the administration of affairs—but this is to be done, and is pretty nearly effected among us, by a misapplication of the *Principle of Representation*. This great principle, in its purity the noblest of all human discoveries—the main regulator of the machinery of a free government, may be so perverted and misapplied as to give an overwhelming force to one of the parties in a State instead of preserving a just balance among all. Through this medium, a tremendous organization of the dominant party has already taken place throughout the Union, for permanently securing to itself the powers of Government without a participation by those who once were,

but have long ceased to be a party different *in principle* from themselves. This great party is itself convulsed by feuds and subdivisions, and cabals in behalf of different favorites—But all these become subservient to the paramount antipathy entertained against their ancient rivals. The only object in which they are unanimous, is so to concert operations as to keep power in the hands of the Republican family, when in truth there is no difference between a member of the Republican family and the persons they persecute, but what consists in *this very spirit of intolerance and exclusion*. On this principle they act openly and universally—They have never departed from it a moment—And no man from the President of the United States down to the Tub Orators, affects to disguise it. It is of no consequence in this connexion that the leading men are not agreed upon who shall be in office. They are perfectly of a mind as to who shall be disqualified. No matter, in this view, which candidate comes to be President; it being understood that each under the pains and forfeitures of treachery to his party is to maintain them in their monopoly of honor and office. Here then I venture to affirm is a *personal* division of parties, more formidable than the world has ever seen, whether we regard numbers, or the means possessed by one of strengthening itself and oppressing others. When this state of affairs is considered, and one reflects that the tyranny too often exercised in republics by one popular faction over another, has been displayed in every variety of violence and oppression that are imputable to other species of despotism; it is imposible to look down the vale of futurity and to ruminate "On rising kingdoms and on falling States," without sad misgivings. It is a new political problem to be resolved; what will be the fate of a republic, where a vast number of citizens, in all respects qualified to take part in public affairs, find themselves and their families degraded to a *caste*, which by the silent but irresistible effect of an intelligence among equals of no better pretensions; and for no reason but a difference in name, (which may be applied with arbitrary injustice to the third and fourth generation) is permanently shut out from the public confidence. They must indeed be more or less than men, to remain without feelings of bitter resentment, and dispositions to seize every occasion of escape

from this ignominious durance. They cannot but regard themselves victims of a more galling dispensation than the Catholics in England or the Greeks in Turkey, in proportion as there will be less of pretence for any discrimination. First or last, they will be driven to organize themselves in their turn. And new indications of concerted movements intended on their part will furnish pretexts for a more vigorous exclusion and a more intolerable "*dominatio plebis.*" But I have no inclination to trace consequences further. Let those who incline to do so, resort to history. If this system be pursued; and through the redeeming qualities of intelligence in the citizens—their public virtue, and any peculiar principle in our forms of Government, these consequences stop short of those which, from causes similar in character, but never so fearfully combined, have befallen other States, those who live after us will have abundant cause to claim the distinction of a chosen people.

H. G. OTIS.

NOTE TO LAST LETTER.

HAVING declared my opinion that *Loans* to Government during the war were not a subject deserving of praise, nor the refusal to loan, of censure; the following correspondence arrogates no credit for opinions held by me during the war, in relation to that subject. It leaves, however, all at liberty to judge how far those opinions are consistent with dispositions to *go all lengths*, which have been so kindly imputed to the *members* of the *Hartford Convention*. Nothing was *concluded*, at the meeting referred to in these letters. All were left free to act for themselves. I am bound in candor, however, to admit that *until after* the expectation of stopping the war had ceased by the rejection of terms of accommodation, I cherished the hope, and very probably expressed it in conversation, that the capitalists here would not take the loans. I add, *as my opinion merely*, that had it been premised in this quarter, that Government would instruct Ministers to treat for peace, on the terms afterwards agreed to, they could have commanded much of the disposable capital in this part of the country.

BOSTON, JULY 2, 1819.

DEAR SIR....You must doubtless remember that during the last war, a gentleman of high character, came hither from Philadelphia, bearing proposals from some opulent persons in that city to men of the same description in this, to be concerned in taking one of the loans proposed by the United States. That on this suggestion a meeting was had of some of our principal and most opulent citizens, at which the expediency of subscribing to this loan was submitted to their consideration. On that occasion I was of the number of those who recommended the measure, and professed my readiness to be concerned in it with my friends. I assumed that the reasons which might have induced the opposers of the war to withhold their aid in the first loan through a hope of stopping the progress of hostilities, had ceased:—That we were committed with the Government to the chances of a confirmed state of open war:—That the money would be had, however enormous the terms, and that if the debt should be redeemed, those who did not participate in the profit must still be charged with the burden of the excessive premium, and that if it should not be paid, the failure must be in consequence of a prostration of public credit that would be detrimental to

property of every description, and which of course the rich should endeavor to prevent. That an ultimate failure of the public credit was not likely to happen in a country whose resources were increasing like ours, and that the lenders of money might acquire some consideration with the Government of which a use favorable to a pacific policy might be made. I was however overruled by the opinion of a majority, and nothing was done. It would be gratifying to me to receive at your leisure ten lines expressive of your recollection of these facts, or any of them, and of any other circumstances explanatory of the part I then took in that discussion. I have no view to any specific use to be made of your answer in humiliating vindications of the course I pursued, or in idle pretensions to foresight and correctness of opinion. But it is possible I may avail myself of it to satisfy the curiosity of some who may take an interest in the humble but anxious part which I bore in the affairs of the times.

Respectfully, yours,

H. G. OTIS.

HON. G. CABOT.

BOSTON, JULY 3, 1819.

MY DEAR SIR....By your note of yesterday, I am desired to state my recollections of what passed, and especially of what part you took in a conversation at an early period of the war, held in this town, on the expediency of lending money to the Government of the United States. I remember that at the request of a gentleman from *Philadelphia*, a meeting of some of our wealthiest citizens was called at the time, to which you refer, and that the question proposed for their consideration was, whether the federalists here ought to become subscribers to a loan solicited by the Government of the United States. I well recollect that you was decidedly in favor of a subscription, and expressed your readiness to take a portion with your friends. In support of this proposition you observed, that all hopes of preventing or stopping hostilities had been long extinguished; that we were now at open war, and must all share in its consequences to our country; that the temporary failure of public credit would be a great calamity, and would load us with a heavy debt, which would be contracted at a ruinous discount, but must probably be discharged by a full payment of the nominal amount. You agreed that the resources of the nation being ample for its defence, must be considered as pledged for the attainment of that object at all times, and that if we did not choose to partake of the advantageous premiums on the loans, we must, at any rate, bear our part of the burden.

These are my general impressions of the subject of your inquiry—doubtless, there are many unimportant particulars, which, at this distance of time, I am unable to retrace; but as they cannot be of a different character, I shall be happy if these give you satisfaction,—being very truly, and with great respect, your assured friend and servant,

GEO. CABOT.

[Several of the subscribers to this series of Letters upon the Hartford Convention, have expressed their desire to the publisher to see Mr. Otis' Letter upon the Massachusetts Claim, printed in the same volume;—this was not contemplated in the prospectus, but he most readily and cheerfully accedes to the suggestion of his patrons.]

MASSACHUSETTS CLAIM.

SIR,

Being well informed that very significant inquiries are occasionally made concerning the delay to bring before Congress the Massachusetts Claim, these last five years, I consider it due to my colleagues of the Senate and House during that period, as well as to myself, to offer you for publication a brief statement of facts. Upon taking my seat in the Senate in the winter of 1817–18, (after ascertaining that the Secretary of War felt himself bound by the former decision of his predecessor,) I lost no time in consulting with Mr. Ashmun, my brother Senator, and others friendly to the Claim, especially Mr. King, upon the most advisable mode of introducing the subject before Congress. They were all agreed upon the inexpediency of taking the first step in the Senate. It was not usual to originate applications of this nature in that body. The right of propounding revenue bills in the House, by a sort of tacit consent, had been extended to other bills requiring considerable new appropriations. The Claim would encounter much of popular prejudice, which could be allayed only by a thorough examination of its merits in the House. Success in the Senate might not be auspicious to its fate in the House, while the loss of the bill in the former branch could not fail to augment the obstacles in the latter. These opinions were supported by several distinguished gentlemen of the majority, who, admitting that their first impressions were adverse to the Claim, had the magnanimity to wish that it might be presented under the most propitious aspect, and receive the most dispassionate examination. It was thereupon determined at a meeting of the whole

delegation of both Houses, to commence operations in the House of Representatives, and for this purpose, the gentlemen most friendly to the Claim, entered with me upon a laborious investigation of the documentary evidence, and requested me to prepare a statement calculated to dissipate prejudice, and call the attention of those whose duty it would be to decide upon it, to its true merits. Such a statement accordingly, in a pamphlet form, (with references to the very able memorial of Messrs. Lloyd and Sumner, formerly presented to the War Department, and other documents,) I digested with much labor, and all possible diligence, and it being approved by Messrs. Mason, Whitman, and by the greater part of my associates, was printed and a copy placed in the hands of each member. The Speaker evinced great liberality in the appointment of a committee upon the memorial: And the minority of the committee, though at first inclined against the Claim, (and perhaps not finally reconciled to it,) after an examination of the documents, magnanimously agreed that the majority might make out in their report, the most favorable case, which in their view, the evidence would warrant, and that the same should be presented with an understanding that they were not pledged to support it, unless upon mature deliberation and debate they should see fit to do so. As my attention had been much devoted to the subject in writing the pamphlet, the committee did me the honor to engage me to frame the report. It fortunately received their approbation, and was made without any material variation. By the principles therein stated, the Claim must, I am persuaded, stand or fall. They are the principles of substantial justice, applicable to facts supported by the most conclusive evidence: And whenever they shall be urged *by the cordial and concurrent influence of Massachusetts and Maine*, before an impartial Congress, they must prevail. The report was made to the House of Representatives many weeks before the end of the session, but such was the accumulation of business, that it could not take its place in the orders of the day, before the end of the session.

Both the pamphlet and report assume a correct view of the question, which, however repugnant to the received opinion, is undeniably true. The almost universal popular impression was, and to a great extent among the friends and adversaries of the

Claim yet is, that the withholding of the militia from the command of General Dearborn by Governor Strong, was in consequence of the difference of opinion between the National and State Executives respecting the constitutional right to command. But this opinion, *so far as it relates to troops or services for which compensation is now claimed,* (with the exception perhaps of some inconsiderable particulars,) *has no foundation in fact.* In July, 1814, (prior to which the State claims little or nothing,) there were *no orders* in existence from the President to the Governor. The orders to which the Governor declined a *formal* obedience, were issued in 1812, and *had expired in April,* 1814, *together with the law from which they emanated.* With the new requisition made in July, 1814, by General Dearborn, Governor Strong literally complied. *This put an end to the constitutional controversy.* The Governor *waved,* if he did not abandon it: And though he did not afterwards in all cases *literally* (but only substantially) comply with other requisitions, the non-compliance was not attributable to the Governor's disposition to revive that question; but to *other circumstances.* In fact, to a reluctance on the part of the militia to engage in service under a Military Prefect—to a fear of being drawn off to Canada, and a determination not to go thither; and to the derangement of companies and officers under the last order. These prevailed without regard to political parties, (as the documents prove,) and these the Governor could not control, though he made sincere efforts to get over the difficulties. It appeared to the federal members of Massachusetts, that this was a most radical and important distinction—that it placed the Claim on an impregnable foundation, and taken in connexion with the actual service, and the real concert (sufficient for all practical purposes) which prevailed after July, 1814, between the officers of the United States, including General Dearborn himself, and the State Officers, put an end to all just objection to its allowance. We also thought this ground might be assumed with perfect consistency, by those of our colleagues whose political creed differed from ours—and that they ought to be glad, and happy, and cordial, in aiding us to maintain it. But some of them, including, I believe, all from Maine, could not view the question in this light. They entirely declined pledging themselves to an active support of arguments founded on this basis. It was accordingly the decided sentiment of every friend to the Claim in the House of Representatives, that this disposition of the members interested, would create a paralysis in one quarter, while a fever would be unavoidable in another, and that the Claim could not struggle with such fearful odds.

In the next session the bill was committed to a Committee of the whole House; but for the reasons above stated, and which, by Mr. Mellen and myself, were at the time communicated to the Governor, and by him to the Legislature, (and for no other reasons,) it was permitted by its friends to slumber on the files.

In the session of 1822, Mr. Mills and myself received from His Excellency the Governor new instructions to bring forward the Claim—still leaving to our discretion the choice of means. Mr. Gorham was our fellow lodger, and it was agreed between us, to attempt once more to bring the members of the delegations of Massachusetts and Maine, into an agreement, to renew an application to the President of the United States, for instructions to the War Department to examine the accounts. Since the exhibition and rejection of the memorial of Messrs. Lloyd and Sumner, in 1817, the Claim of Maryland had been allowed, and (as we conceived) other claims of a less meritorious character than that of Massachusetts. The rejection of the memorial of those gentlemen, happened during a vacancy in the chief office of the War Department—before the ferment of opinion growing out of the war had subsided; and under a firm conviction in the mind of Mr. Madison, that the constitutional controversy, and that alone, had occasioned the omission to yield the militia upon every requisition. Several meetings were had, at which it was proposed to make a respectful application to the President, recalling to his recollection these facts, to the end of inducing him to review the decision on the above-mentioned memorial, and authorize the examination of the vouchers. Much delay took place, and several adjournments, to afford opportunity to the Senators from Maine to receive instructions. We prepared a memorial to the President, which we endeavored to make unexceptionable to gentlemen of both parties; but I left Washington before the Senators from Maine were ready to act upon it. The gentleman in whose hands I

left it, informed me that it was not acceptable to some individuals, who were averse to the admission of any fact which might exculpate the Government of Massachusetts. Another was therefore framed in very general terms, and presented too late to be acted upon; but in consequence of which, at the next session, as I have understood, the President had been pleased to grant the desired order. It would have been quite impossible for those of my colleagues in the Senate and House, with whose views I had the honor to concur, or for myself, to have exerted ourselves with more fidelity and industry, if the reward for performing those duties had been the amount of the Claim. Nothing could be done in the Senate, for the reasons above alleged, more than to discuss the merits of our Claim in repeated conversations, which we omitted no opportunity of doing. And it must be obvious, that to agitate the question in the House, while a portion of the Representatives from the interested States were indisposed to vindicate the justice of the Claim, and while the doctrine was constantly maintained in public newspapers of our own State, that equity afforded no ground for its support, and that its success must be preceded by concessions of error, and permitted by the mere bounty of Congress; would have been an undertaking worse than hopeless. I rejoice that this high concern is now deposited in abler hands than mine.

Whatever may be the fate of the Claim, I venture to predict that any allowances made towards it, will never be the fruit of disavowals or retractions, but the result of a conviction founded on evidence, and carried home to the understanding of Congress, or of the accounting officers, of the correctness of the principles maintained by those who have heretofore been charged with the solicitation of the Claim. I am well satisfied that there is such evidence, and that the principles are correct, and that the Claim may be placed on a foot that would require no departure from the political tenets of any party. If this cannot be done, the sooner it goes to *profit and loss*, the better. For it is not competent to Congress, nor to the Executive Government to make a grant to Massachusetts, of a million of dollars, more or less, *as a* bounty. If the State has a Claim in law or equity upon the National Treasury, it ought to be paid—but if otherwise, it is a nullity: and there is no power in the Constitution enabling Congress to convert an unfounded demand into a just Claim, on condition of disavowing political heresies, or of any sort of truckling or humiliation—no power to give us on our knees, what we are not entitled to receive in the erect posture of an independent State. I hope this statement of facts will not be considered obtrusive upon the public, or offensive to any individuals. I mean to question no gentleman's motives, nor even to censure the course of those, from whom I have the misfortune to differ in opinion. While I cheerfully leave my general political character to the disposal of the public, and rest my private character upon the opinion of my neighbors, attempting no vindication of either, I have felt it to be a duty to explain the mode in which I have endeavored to discharge a special trust, deeply interesting to my heart and feelings, and in regard to which I do not feel that the reproach of negligence or indifference can justly be added to the charge of other failings.

H. G. OTIS.

JUNE 28, 1823.

NOTE A.

The writer of these letters, finding them called for by his friends, in the form of a pamphlet, intended to illustrate certain of the subjects alluded to, by notes and references—But upon experiment it was found difficult to compress them within the limits of a common sized pamphlet, and the project is therefore abandoned.