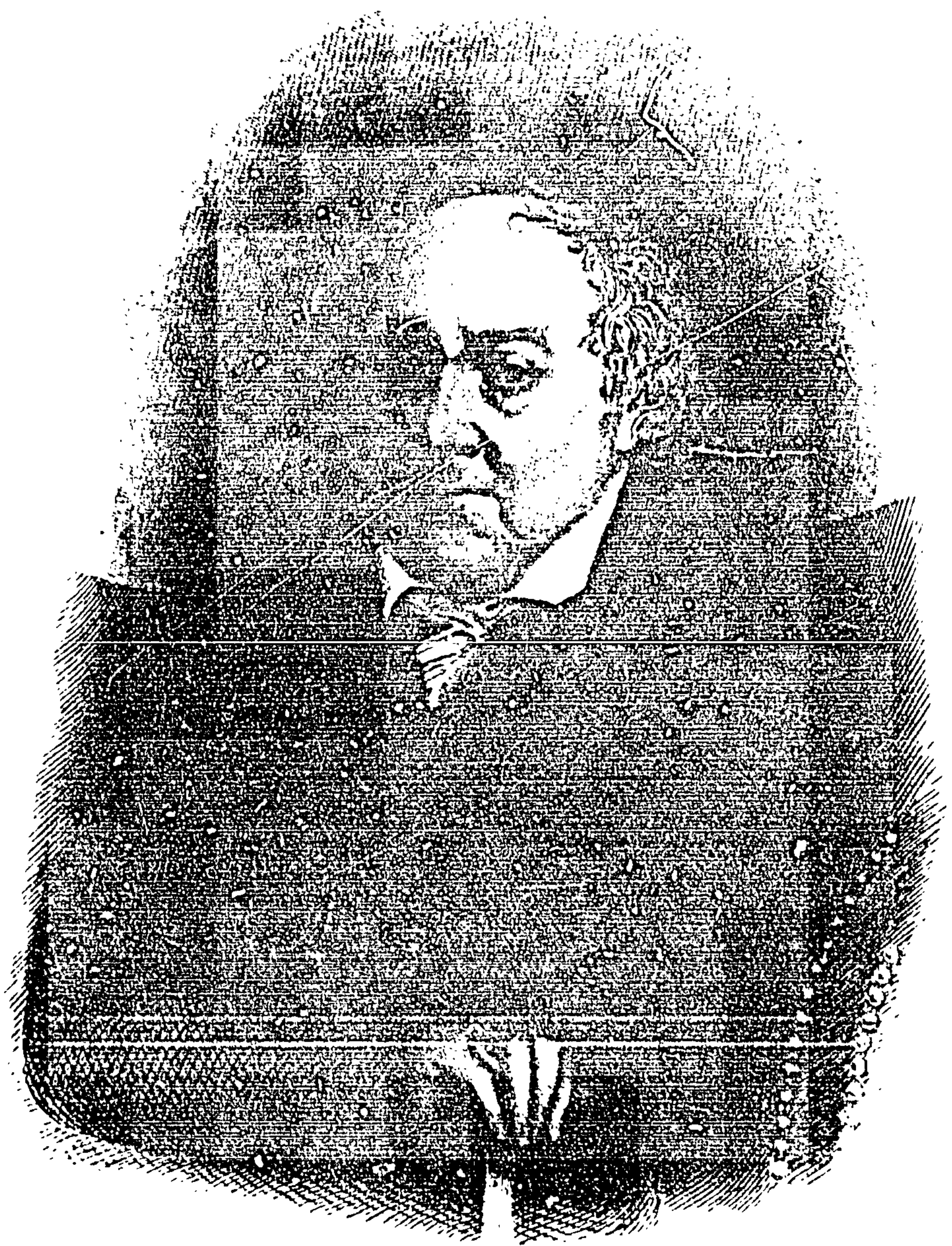


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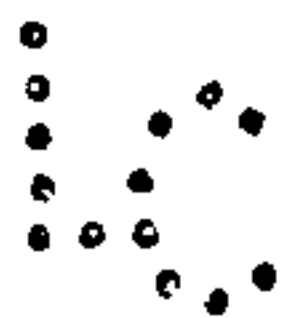
SECOND PRESIDENT OF THE UNITED STATES:

WITH
A LIFE OF THE AUTHOR,

NOTES AND ILLUSTRATIONS,

BY
HIS GRANDSON
CHARLES FRANCIS ADAMS.

VOL. X.



BOSTON:
LITTLE, BROWN AND COMPANY.

1856.

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GENERAL CORRESPONDENCE

C O N T I N U E D .

VOL. X.

1

A

mentation, and a schism in Congress, at the time, and serious consequences afterwards, which have lasted to this hour, and are not yet spent. I fear, but I do not know, that this animosity was occasioned by indiscretions of R. H. Lee, Mr. Samuel Adams, and some others of the Virginia delegates, by whom Adams was led into error. I never had a doubt that you were the author of that manly and noble address. But, as the subject is now brought before the public by Mr. Wirt, and will excite speculation, you, who alone are capable of it, ought to explain it, and, as I know you will, if at all, without favor or affection.¹

TO H. NILES.

Quincy, 14 January, 1818.

In a former letter I hazarded an opinion, that the true history of the American Revolution could not be recovered. I had many reasons for that apprehension, one of which I will attempt to explain.

Of the determination of the British cabinet to assert and maintain the sovereign authority of Parliament over the Colonies, in all cases of taxation and internal policy, the first demonstration which arrived in America was an *order in council* to the officers of the customs in Massachusetts Bay, to carry into execution *the acts of trade*, and to apply to the Supreme Judicature of the province for *writs of assistance*, to authorize them to break and enter all houses, cellars, stores, shops, ships, bales, casks, &c., to search and seize all goods, wares, and merchandises, on which the taxes imposed by those acts had not been paid.

Mr. Cockle, of Salem, a deputy under Mr. Paxton, of Boston, the collector of the customs, petitioned the Superior Court in Salem, in November, 1760, for such a writ. The Court doubted its constitutionality, and consequently its legality; but as the king's order ought to be considered, they ordered the question

¹ Mr. Jay's clear and convincing reply, which set the question at rest forever, is printed in his *Life* by his son, William Jay, vol. ii. p. 381.

to be argued before them, by counsel, at the next February term in Boston.

The community was greatly alarmed. The merchants of Salem and of Boston applied to Mr. Otis to defend them and their country against that formidable instrument of arbitrary power. They tendered him rich fees; he engaged in their cause, but would accept no fees.

James Otis, of Boston, sprang from families among the earliest of the planters of the Colonies, and the most respectable in rank, while the word *rank*, and the idea annexed to it, were tolerated in America. He was a gentleman of general science and extensive literature. He had been an indefatigable student during the whole course of his education in college and at the bar. He was well versed in Greek and Roman history, philosophy, oratory, poetry, and mythology. His classical studies had been unusually ardent, and his acquisitions uncommonly great. He had composed a treatise on Latin prosody, which he lent to me, and I urged him to print. He consented. It is extant, and may speak for itself. It has been lately reviewed in the *Anthology* by one of our best scholars, at a mature age, and in a respectable station. He had also composed, with equal skill and great labor, a treatise on Greek prosody. This he also lent me, and, by his indulgence, I had it in my possession six months. When I returned it, I begged him to print it. He said there were no Greek types in the country, or, if there were, there was no printer who knew how to use them. He was a passionate admirer of the Greek poets, especially of Homer; and he said it was in vain to attempt to read the poets in any language, without being master of their prosody. This classic scholar was also a great master of the laws of nature and nations. He had read Pufendorf, Grotius, Barbeyrac, Burlamaqui, Vattel, Heineccius; and, in the civil law, Domat, Justinian, and, upon occasions, consulted the *Corpus Juris* at large. It was a maxim which he inculcated on his pupils, as his patron in profession, Mr. Gridley, had done before him, "*that a lawyer ought never to be without a volume of natural or public law, or moral philosophy, on his table or in his pocket.*" In the history, the common law, and statute laws of England, he had no superior, at least in Boston.

Thus qualified to resist the system of usurpation and despot-

ism, meditated by the British ministry, under the auspices of the Earl of Bute, Mr. Otis resigned his commission from the crown, as Advocate-General, an office very lucrative at that time, and a sure road to the highest favors of government in America, and engaged in the cause of his country without fee or reward. His argument, speech, discourse, oration, harangue — call it by which name you will, was the most impressive upon his crowded audience of any that I ever heard before or since, excepting only many speeches by himself in Faneuil Hall and in the House of Representatives, which he made from time to time for ten years afterwards. There were no stenographers in those days. Speeches were not printed; and all that was not remembered, like the harangues of Indian orators, was lost in air. Who, at the distance of fifty-seven years, would attempt, upon memory, to give even a sketch of it? Some of the heads are remembered, out of which Livy or Sallust would not scruple to compose an oration for history. I shall not essay an analysis or a sketch of it at present. I shall only say, and I do say in the most solemn manner, that Mr. Otis's oration against *writs of assistance* breathed into this nation the breath of life.

Although Mr. Otis had never before interfered in public affairs, his exertions, on this single occasion, secured him a commanding popularity with the friends of their country, and the terror and vengeance of her enemies, neither of which ever deserted him.

At the next election, in May, 1761, he was elected, by a vast majority, a representative in the legislature, of the town of Boston, and continued to be so elected annually for nine years. Here, at the head of the country interest, he conducted her cause with a fortitude, prudence, ability, and perseverance, which has never been exceeded in America, at every sacrifice of health, pleasure, profit, and reputation, and against all the powers of government, and all the talents, learning, wit, scurrility, and insolence of its prostitutes.

Hampden was shot in open field of battle. Otis was basely assassinated in a coffee-house, in the night, by a well-dressed banditti, with a commissioner of the customs at their head.

During the period of nine years, that Mr. Otis was at the head of the cause of his country, he held correspondence with gentlemen, in England, Scotland, and various colonies in Ame-

rica. He must have written and received many letters, collected many pamphlets, and, probably, composed manuscripts, which might have illustrated the rising dawn of the revolution.

After my return from Europe, I asked his daughter whether she had found among her father's manuscripts a treatise on Greek prosody. With hands and eyes uplifted, in a paroxysm of grief, she cried, "Oh! Sir, I have not a line from my father's pen. I have not even his name in his own handwriting." When she was a little calmed, I asked her, "Who has his papers? Where are they?" She answered, "They are no more. In one of those unhappy dispositions of mind, which distressed him after his great misfortune, and a little before his death, he collected all his papers and pamphlets, and committed them to the flames. He was several days employed in it."

TO WILLIAM WIRT.

Quincy, 23 January, 1818.

I thank you for your kind letter of the 12th of this month. As I esteem the character of Mr. Henry an honor to our country, and your volume a masterly delineation of it, I gave orders to purchase it as soon as I heard of it, but was told it was not to be had in Boston. I have seen it only by great favor on a short loan. A copy from the author would be worth many by purchase. It may be sent to me by the mail.

From a personal acquaintance, perhaps I might say a friendship, with Mr. Henry of more than forty years, and from all that I have heard or read of him, I have always considered him as a gentleman of deep reflection, keen sagacity, clear foresight, daring enterprise, inflexible intrepidity, and untainted integrity; with an ardent zeal for the liberties, the honor, and felicity of his country, and his species. All this you justly, as I believe, represent him to have been. There are, however, remarks to be made upon your work, which, if I had the eyes and hands, I would, in the spirit of friendship, attempt. But my hands and eyes and life are but for a moment.

When Congress had finished their business, as they thought,

in the autumn of 1774, I had, with Mr. Henry, before we took leave of each other, some familiar conversation, in which I expressed a full conviction, that our resolves, declarations of rights, enumeration of wrongs, petitions, remonstrances, and addresses, associations, and non-importation agreements, however they might be expected by the people in America, and however necessary to cement the union of the Colonies, would be but waste paper in England. Mr. Henry said, they might make some impression among the people of England, but agreed with me that they would be totally lost upon the government. I had but just received a short and hasty letter, written to me by Major Joseph Hawley, of Northampton, containing "a few broken hints," as he called them, of what he thought was proper to be done, and concluding with these words, "*after all, we must fight.*"¹ This letter I read to Mr. Henry, who listened with great attention; and as soon as I had pronounced the words, "after all, we must fight," he raised his head, and with an energy and vehemence, that I can never forget, broke out with "BY G—D, I AM OF THAT MAN'S MIND." I put the letter into his hand, and, when he had read it, he returned it to me with an equally solemn asseveration, that he agreed entirely in opinion with the writer. I considered this as a sacred oath, upon a very great occasion, and could have sworn it as religiously as he did, and by no means inconsistent with what you say, in some part of your book, that he never took the sacred name in vain.

As I knew the sentiments with which Mr. Henry left Congress, in the autumn of 1774, and knew the chapter and verse from which he had borrowed the sublime expression, "we must fight," I was not at all surprised at your history, in the 122d page, in the note, and in some of the preceding and following pages. Mr. Henry only pursued, in March, 1775, the views and vows of November, 1774.

The other delegates from Virginia returned to their State, in full confidence that all our grievances would be redressed. The last words that Mr. Richard Henry Lee said to me, when we parted, were, "*We shall infallibly carry all our points. You will be completely relieved; all the offensive acts will be repealed;*

¹ This letter is printed in full in the Appendix to vol. ix. of this work.

the army and fleet will be recalled, and Britain will give up her foolish project."

Washington only was in doubt. He never spoke in public. In private he joined with those who advocated a non-exportation, as well as a non-importation agreement. With both, he thought we should prevail; without either, he thought it doubtful. Henry was clear in one opinion, Richard Henry Lee in an opposite opinion, and Washington doubted between the two. Henry, however, appeared in the end to be exactly in the right.

Oratory, Mr. Wirt, as it consists in expressions of the countenance, graces of attitude and motion, and intonation of voice, although it is altogether superficial and ornamental, will always command admiration; yet it deserves little veneration. Flashes of wit, coruscations of imagination, and gay pictures, what are they? Strict truth, rapid reason, and pure integrity are the only essential ingredients in sound oratory. I flatter myself that Demosthenes, by his "action! action! action!" meant to express the same opinion. To speak of American oratory, ancient or modern, would lead me too far, and beyond my depth.

I must conclude with fresh assurances of the high esteem of your humble servant.

TO BENJAMIN WATERHOUSE.

Quincy, 30 January, 1818.

As "the accurate Jefferson" has made the Revolution a game of billiards, I will make it a game of shuttle-cock. Henry might give the first impulse to the ball in Virginia, but Otis's battle-dore had struck the shuttle-cock up in air in Massachusetts, and continued to keep it up for several years before Henry's ball was touched. Jefferson was but a boy at college, of fifteen or sixteen years of age at most, and too intent on his classics and sciences to know, think, or care about any thing in Boston. When Otis first fulminated against British usurpation, I was but twenty-five years and three months old. Jefferson is, at least, nine, I believe ten years younger than I, and, consequently, could not be more than fifteen or sixteen. He knew

more of the eclipses of Jupiter's satellites than he did of what was passing in Boston.

You presume that I "am certain as to the date." You need not take my word. Look into Judge Minot's History of Massachusetts Bay, *anno* 1761; search the records of the Superior Court of Judicature, Court of Assize and General Gaol Delivery, at Salem term, 1760, and Boston term, 1761; look up the newspapers of 1761; ascertain the time when Chief Justice Stephen Sewall died; call for Dr. Mayhew's printed sermon on his death; search the date of Chief Justice Thomas Hutchinson's commission as Chief Justice; ascertain the time when the bench and the bar assumed their scarlet and sable robes, and you will not find much reason to call in question my veracity or memory. If ever human beings had a right to say,

"Hos ego versiculos feci. tulit alter honores;
Sic vos, non vobis, mellificatis apes,"

they were James Otis and Samuel Adams; and to them ought statues to be erected, and not to

JOHN.

TO BENJAMIN WATERHOUSE.

Quincy, 6 February, 1818.

WATERHOUSE, — You ought to tell me the name of that animal who "faced you down" against dates and Otis; he must have been an inveterate, indurated *old tory*, with an iron heart, and a brazen face, or, at least, a son or grandson of such a one, who has inherited all his ancestor's envy, malice, hatred, mortified pride, and demoniacal revenge.

"James Otis had no patriotism!!!" Had the adored Hutchinson patriotism, when he mounted to the head of the supreme judicature, on purpose to sanctify the most odious chain that ever was forged to fetter the hands and feet of a free people, as the writs of assistance would have been, in the hands of an executive power and a supreme, sovereign, unlimited, uncontrollable legislative authority, three thousand miles distant?

Had any of his idolaters patriotism, when they excited a bloody war of eight years against their country, to enslave it to a foreign sovereignty?

Would Mr. Otis, because his father had been disappointed of an office, which had been promised him by two successive governors, worth one hundred and twenty pounds sterling, at most, have resigned an office, which he held himself, worth two or three hundred pounds sterling, at least? If he had no patriotic feelings, his filial affection must have been very strong!

It has been, in all times, the artifice of despotism and superstition to nip liberty, truth, virtue, and religion, in the bud, by cutting off the heads of all who dared to show a regard to either. But when a process so summary could not be effected, the next trick was to blast the character of every rising genius, who excited their jealousy, by propagating lies and slanders to destroy his influence.

Jews and Pagans imputed the conversion of St. Paul to disappointment in love. They said that he courted the daughter of his master, Gamaliel, but the learned Pharisee thought him too mean in person and fortune for a match with the beautiful and accomplished young lady, and forbade his addresses. Revenge for this affront excited a mortal hatred against all Pharisees, and Paul became an apostate from Judaism, and a convert to Christianity, from spite. And this calumny has lasted more than seventeen hundred years; and, I hope, the defamation of Otis will last as long, because it will be an immortal proof of the malice and revenge of the scurrilous, persecuting tyrants, against whom he had to contend.

The Romans, and all of their communion, say that "the Reformation owed its origin, in Germany, to interest, in England, to love, and in France, to novelty; that all the kings and princes who favored it, were seduced by the temptation of the confiscation of lands, and gold, and diamonds of the churches, monasteries, and convents."

Is Christianity the less divine, is the Reformation less glorious, is the American Revolution less beneficial, for these envenomed slanders?

I must know who that ugly fellow is, whom you quote with so little disapprobation. Do you not abhor him? If you had loved James Otis in your youth, as much as I did in mine, and

if you had smarted as often as I have, under the hornet stings, the *chew*-balls, the serpent's teeth, and the poisoned arrows of these old tories, you would hate him with a perfect hatred.

TO H. NILES.

Quincy, 13 February, 1818.

The American Revolution was not a common event. Its effects and consequences have already been awful over a great part of the globe. And when and where are they to cease?

But what do we mean by the American Revolution? Do we mean the American war? The Revolution was effected before the war commenced. The Revolution was in the minds and hearts of the people; a change in their religious sentiments of their duties and obligations. While the king, and all in authority under him, were believed to govern in justice and mercy, according to the laws and constitution derived to them from the God of nature and transmitted to them by their ancestors, they thought themselves bound to pray for the king and queen and all the royal family, and all in authority under them, as ministers ordained of God for their good; but when they saw those powers renouncing all the principles of authority, and bent upon the destruction of all the securities of their lives, liberties, and properties, they thought it their duty to pray for the continental congress and all the thirteen State congresses, &c.

There might be, and there were others who thought less about religion and conscience, but had certain habitual sentiments of allegiance and loyalty derived from their education; but believing allegiance and protection to be reciprocal, when protection was withdrawn, they thought allegiance was dissolved.

Another alteration was common to all. The people of America had been educated in an habitual affection for England, as their mother country; and while they thought her a kind and tender parent, (erroneously enough, however, for she never was such a mother,) no affection could be more sincere. But when

they found her a cruel beldam, willing like Lady Macbeth, to "dash their brains out," it is no wonder if their filial affections ceased, and were changed into indignation and horror.

This radical change in the principles, opinions, sentiments, and affections of the people, was the real American Revolution.

By what means this great and important alteration in the religious, moral, political, and social character of the people of thirteen colonies, all distinct, unconnected, and independent of each other, was begun, pursued, and accomplished, it is surely interesting to humanity to investigate, and perpetuate to posterity.

To this end, it is greatly to be desired, that young men of letters in all the States, especially in the thirteen original States, would undertake the laborious, but certainly interesting and amusing task, of searching and collecting all the records, pamphlets, newspapers, and even handbills, which in any way contributed to change the temper and views of the people, and compose them into an independent nation.

The colonies had grown up under constitutions of government so different, there was so great a variety of religions, they were composed of so many different nations, their customs, manners, and habits had so little resemblance, and their intercourse had been so rare, and their knowledge of each other so imperfect, that to unite them in the same principles in theory and the same system of action, was certainly a very difficult enterprise. The complete accomplishment of it, in so short a time and by such simple means, was perhaps a singular example in the history of mankind. Thirteen clocks were made to strike together—a perfection of mechanism, which no artist had ever before effected.

In this research, the gloriolæ of individual gentlemen, and of separate States, is of little consequence. The *means and the measures* are the proper objects of investigation. These may be of use to posterity, not only in this nation, but in South America and all other countries. They may teach mankind that revolutions are no trifles; that they ought never to be undertaken rashly; nor without deliberate consideration and sober reflection; nor without a solid, immutable, eternal foundation of justice and humanity; nor without a people possessed of intelligence, fortitude, and integrity sufficient to carry them

with steadiness, patience, and perseverance, through all the vicissitudes of fortune, the fiery trials and melancholy disasters they may have to encounter.

The town of Boston early instituted an annual oration on the 4th of July, in commemoration of the principles and feelings which contributed to produce the revolution. Many of those orations I have heard, and all that I could obtain, I have read. Much ingenuity and eloquence appears upon every subject, except those principles and feelings. That of my honest and amiable neighbor, Josiah Quincy, appeared to me the most directly to the purpose of the institution. Those principles and feelings ought to be traced back for two hundred years, and sought in the history of the country from the first plantations in America. Nor should the principles and feelings of the English and Scotch towards the colonies, through that whole period, ever be forgotten. The perpetual discordance between British principles and feelings and of those of America, the next year after the suppression of the French power in America, came to a crisis, and produced an explosion.

It was not until after the annihilation of the French dominion in America that any British ministry had dared to gratify their own wishes, and the desire of the nation, by projecting a formal plan for raising a national revenue from America, by parliamentary taxation. The first great manifestation of this design was by the order to carry into strict executions those acts of parliament, which were well known by the appellation of the *acts of trade*, which had lain a dead letter, unexecuted for half a century, and some of them, I believe, for nearly a whole one.

This produced, in 1760 and 1761, an awakening and a revival of American principles and feelings, with an enthusiasm which went on increasing till, in 1775, it burst out in open violence, hostility, and fury.

The characters the most conspicuous, the most ardent and influential in this revival, from 1760 to 1766, were, first and foremost, before all and above all, James Otis; next to him was Oxenbridge Thacher; next to him, Samuel Adams; next to him, John Hancock; then Dr. Mayhew; then Dr. Cooper and his brother. Of Mr. Hancock's life, character, generous nature, great and disinterested sacrifices, and important services, if I

had forces, I should be glad to write a volume. But this, I hope, will be done by some younger and abler hand. Mr. Thacher, because his name and merits are less known, must not be wholly omitted. This gentleman was an eminent barrister at law, in as large practice as any one in Boston. There was not a citizen of that town more universally beloved for his learning, ingenuity, every domestic and social virtue, and conscientious conduct in every relation of life. His patriotism was as ardent as his progenitors had been ancient and illustrious in this country. Hutchinson often said, "Thacher was not born a plebeian, but he was determined to die one." In May, 1763, I believe, he was chosen by the town of Boston one of their representatives in the legislature, a colleague with Mr. Otis, who had been a member from May, 1761, and he continued to be reëlected annually till his death in 1765, when Mr. Samuel Adams was elected to fill his place, in the absence of Mr. Otis, then attending the Congress at New York. Thacher had long been jealous of the unbounded ambition of Mr. Hutchinson, but when he found him not content with the office of Lieutenant-Governor, the command of the castle and its emoluments, of Judge of Probate for the county of Suffolk, a seat in his Majesty's Council in the Legislature, his brother-in-law Secretary of State by the king's commission, a brother of that Secretary of State, a Judge of the Supreme Court and a member of Council, now in 1760 and 1761, soliciting and accepting the office of Chief Justice of the Superior Court of Judicature, he concluded, as Mr. Otis did, and as every other enlightened friend of his country did, that he sought that office with the determined purpose of determining all causes in favor of the ministry at St. James's, and their servile parliament.

His indignation against him henceforward, to 1765, when he died, knew no bounds but truth. I speak from personal knowledge. For, from 1758 to 1765, I attended every superior and inferior court in Boston, and recollect not one, in which he did not invite me home to spend evenings with him, when he made me converse with him as well as I could, on all subjects of religion, morals, law, politics, history, philosophy, belles lettres, theology, mythology, cosmogony, metaphysics, — Locke, Clark, Leibnitz, Bolingbroke, Berkeley, — the preëstablished harmony of the universe, the nature of matter and of spirit, and the

eternal establishment of coincidences between their operations; fate, foreknowledge absolute; and we reasoned on such unfathomable subjects as high as Milton's gentry in pandemonium; and we understood them as well as they did, and no better. To such mighty mysteries he added the news of the day, and the tittle-tattle of the town. But his favorite subject was politics, and the impending, threatening system of parliamentary taxation and universal government over the colonies. On this subject he was so anxious and agitated that I have no doubt it occasioned his premature death. From the time when he argued the question of writs of assistance to his death, he considered the king, ministry, parliament, and nation of Great Britain as determined to new-model the colonies from the foundation, to annul all their charters, to constitute them all royal governments, to raise a revenue in America by parliamentary taxation, to apply that revenue to pay the salaries of governors, judges, and all other crown officers; and, after all this, to raise as large a revenue as they pleased, to be applied to national purposes at the exchequer in England; and further, to establish bishops and the whole system of the Church of England, tithes and all, throughout all British America. This system, he said, if it was suffered to prevail, would extinguish the flame of liberty all over the world; that America would be employed as an engine to batter down all the miserable remains of liberty in Great Britain and Ireland, where only any semblance of it was left in the world. To this system he considered Hutchinson, the Olivers, and all their connections, dependents, adherents, shoelickers, &c., entirely devoted. He asserted that they were all engaged with all the crown officers in America and the understrappers of the ministry in England, in a deep and treasonable conspiracy to betray the liberties of their country, for their own private, personal, and family aggrandizement. His philippics against the unprincipled ambition and avarice of all of them, but especially of Hutchinson, were unbridled; not only in private, confidential conversations, but in all companies and on all occasions. He gave Hutchinson the sobriquet of "Summa Potestatis," and rarely mentioned him but by the name of "Summa." His liberties of speech were no secrets to his enemies. I have sometimes wondered that they did not throw him over the bar, as they did soon afterwards Major

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Hawley. For they hated him worse than they did James Otis or Samuel Adams, and they feared him more, because they had no revenge for a father's disappointment of a seat on the superior bench to impute to him, as they did to Otis; and Thacher's character through life had been so modest, decent, unassuming; his morals so pure, and his religion so venerated, that they dared not attack him. In his office were educated to the bar two eminent characters, the late Judge Lowell and Josiah Quincy, aptly called the Boston Cicero. Mr. Thacher's frame was slender, his constitution delicate; whether his physicians overstrained his vessels with mercury, when he had the smallpox by inoculation at the castle, or whether he was over-plied by public anxieties and exertions, the smallpox left him in a decline from which he never recovered. Not long before his death he sent for me to commit to my care some of his business at the bar. I asked him whether he had seen the Virginia resolves: "Oh yes—they are men! they are noble spirits! It kills me to think of the lethargy and stupidity that prevails here. I long to be out. I will go out. I will go out. I will go into court, and make a speech, which shall be read after my death, as my dying testimony against this infernal tyranny which they are bringing upon us." Seeing the violent agitation into which it threw him, I changed the subject as soon as possible, and retired. He had been confined for some time. Had he been abroad among the people, he would not have complained so pathetically of the "lethargy and stupidity that prevailed;" for town and country were all alive, and in August became active enough; and some of the people proceeded to unwarrantable excesses, which were more lamented by the patriots than by their enemies. Mr. Thacher soon died, deeply lamented by all the friends of their country.

Another gentleman, who had great influence in the commencement of the Revolution, was Doctor Jonathan Mayhew, a descendant of the ancient governor of Martha's Vineyard. This divine had raised a great reputation both in Europe and America, by the publication of a volume of seven sermons in the reign of King George the Second, 1749, and by many other writings, particularly a sermon in 1750, on the 30th of January, on the subject of passive obedience and non-resistance, in which the saintship and martyrdom of King Charles the First are con-

sidered, seasoned with wit and satire superior to any in Swift or Franklin. It was read by everybody; celebrated by friends, and abused by enemies. During the reigns of King George the First and King George the Second, the reigns of the Stuarts, the two Jameses and the two Charleses were in general disgrace in England. In America they had always been held in abhorrence. The persecutions and cruelties suffered by their ancestors under those reigns, had been transmitted by history and tradition, and Mayhew seemed to be raised up to revive all their animosities against tyranny, in church and state, and at the same time to destroy their bigotry, fanaticism, and inconsistency. David Hume's plausible, elegant, fascinating, and fallacious apology, in which he varnished over the crimes of the Stuarts, had not then appeared. To draw the character of Mayhew, would be to transcribe a dozen volumes. This transcendent genius threw all the weight of his great fame into the scale of his country in 1761, and maintained it there with zeal and ardor till his death, in 1766. In 1763 appeared the controversy between him and Mr. Apthorp, Mr. Caner, Dr. Johnson, and Archbishop Secker, on the charter and conduct of the Society for Propagating the Gospel in Foreign Parts. To form a judgment of this debate, I beg leave to refer to a review of the whole, printed at the time and written by Samuel Adams, though by some, very absurdly and erroneously, ascribed to Mr. Apthorp. If I am not mistaken, it will be found a model of candor, sagacity, impartiality, and close, correct reasoning.

If any gentleman supposes this controversy to be nothing to the present purpose, he is grossly mistaken. It spread an universal alarm against the authority of Parliament. It excited a general and just apprehension, that bishops, and dioceses, and churches, and priests, and tithes, were to be imposed on us by Parliament. It was known that neither king, nor ministry, nor archbishops, could appoint bishops in America, without an act of Parliament; and if Parliament could tax us, they could establish the Church of England, with all its creeds, articles, tests, ceremonies, and tithes, and prohibit all other churches, as conventicles and schism shops.

Nor must Mr. Cushing be forgotten. His good sense and sound judgment, the urbanity of his manners, his universal good character, his numerous friends and connections, and his

continual intercourse with all sorts of people, added to his constant attachment to the liberties of his country, gave him a great and salutary influence from the beginning in 1760.

Let me recommend these hints to the consideration of Mr. Wirt, whose *Life of Mr. Henry* I have read with great delight. I think that, after mature investigation, he will be convinced that Mr. Henry did not "give the first impulse to the ball of independence," and that Otis, Thacher, Samuel Adams, Mayhew, Hancock, Cushing, and thousands of others, were laboring for several years at the wheel before the name of Henry was heard beyond the limits of Virginia.

TO WILLIAM TUDOR.

Quincy, 25 February, 1818.

As Mr. Wirt has filled my head with James Otis, and as I am well informed, that the honorable Mr. Benjamin Austin, alias Honestus, alias Old South,¹ &c., roundly asserts, that Mr. Otis had no patriotism, and that "he acted only from revenge of his father's disappointment of a seat on the Superior Bench," I will tell you a story which may make you laugh, if it should not happen to melt you into tears.

Otis belonged to a club, who met on evenings, of which club William Molineux, whose character you know very well, was a member. Molineux had a petition before the legislature, which did not succeed to his wishes, and he became, for several evenings, sour, and wearied the company with his complaints of services, losses, sacrifices, &c., and said, "That a man who has behaved as I have, should be treated as I am, is intolerable," &c. Otis had said nothing, but the company were disgusted and out of patience, when Otis rose from his seat, and said, "Come, come, Will, quit this subject, and let us enjoy ourselves. I

¹ Benjamin Austin was a voluminous writer under these signatures, in the *Boston Chronicle*, in the early part of the present century, and an active leader of the republican side in politics. He was known during the rest of his life as Honestus, or rather Hony Austin.

also have a list of grievances; will you hear it?" The club expected some fun, and all cried out, "Aye! aye! let us hear your list."

"Well, then, Will; in the first place I resigned the office of Advocate-General, which I held from the crown, which produced me—how much do you think?" "A great deal, no doubt," said Molineux. "Shall we say two hundred sterling a year?" "Aye, more, I believe," said Molineux. "Well, let it be two hundred; that for ten years is two thousand. In the next place, I have been obliged to relinquish the greatest part of my business at the bar. Will you set that at two hundred more?" "Oh! I believe it much more than that." "Well, let it be two hundred. This, for ten years, makes two thousand. You allow, then, I have lost four thousand pounds sterling." "Aye, and more too," said Molineux.

"In the next place, I have lost a hundred friends, among whom were the men of the first rank, fortune, and power in the province. At what price will you estimate them?" "Damn them," said Molineux, "at nothing. You are better without them than with them." A loud laugh. "Be it so," said Otis.

"In the next place, I have made a thousand enemies, amongst whom are the government of the province and the nation. What do you think of this item?" "That is as it may happen," said Molineux.

"In the next place, you know I love pleasure. But I have renounced all amusement for ten years. What is that worth to a man of pleasure?" "No great matter," said Molineux, "you have made politics your amusement." A hearty laugh.

"In the next place, I have ruined as fine health and as good a constitution of body as nature ever gave to man." "That is melancholy indeed," said Molineux. "There is nothing to be said upon that point."

"Once more," said Otis, holding his head down before Molineux, "Look upon this head!" (where was a scar in which a man might bury his finger.) "What do you think of this? And what is worse, my friends think I have a monstrous crack in my skull." This made all the company very grave, and look very solemn. But Otis, setting up a laugh, and with a gay countenance, said to Molineux, "Now, Willy, my advice to you is, to say no more about your grievances; for you and

I had better put up our accounts of profit and loss in our pockets, and say no more about them, lest the world should laugh at us."

This whimsical dialogue put all the company, and Molineux himself, into good humor, and they passed the rest of the evening in joyous conviviality.

It is provoking, it is astonishing, and it is mortifying, and it is humiliating, to see how calumny sticks, and is transmitted from age to age. Mr. Austin is one of the last men I should have expected to have swallowed that execrable lie, that Otis had no patriotism. The father was refused an office worth twelve hundred pounds old tenor, or about one hundred and twenty pounds sterling; and the refusal was no loss, for his practice at the bar was worth much more, for Colonel Otis was a lawyer in profitable practice, and his seat in the legislature gave him more power and more honor; for this refusal the son resigned an office which he held from the crown, worth twice the sum. The son must have been a most dutiful and affectionate child to the father; or rather, the most enthusiastically and frenzically affectionate.

I have been young, and now am old, and I solemnly say, I have never known a man whose love of his country was more ardent or sincere; never one, who suffered so much; never one, whose services for any ten years of his life were so important and essential to the cause of his country, as those of Mr. Otis from 1760 to 1770.

The truth is, he was an honest man, and a thorough taught lawyer. He was called upon in his official capacity as Advocate-General by the custom-house officers, to argue their cause in favor of writs of assistance. These writs he knew to be illegal, unconstitutional, destructive of the liberties of his country, a base instrument of arbitrary power, and intended as an entering wedge to introduce unlimited taxation and legislation by authority of Parliament. He therefore scorned to prostitute his honor and his conscience, by becoming a tool. And he scorned to hold an office which could compel him or tempt him to be one. He therefore resigned it. He foresaw, as every other enlightened man foresaw, a tremendous storm coming upon his country, and determined to run all risks, and share the fate of the ship, after exerting all his energies to save her,

if possible. At the solicitation of Boston and Salem, he accordingly embarked, and accepted the command. To attribute to such a character sinister or trivial motives, is ridiculous.

You and Mr. Wirt have "brought the old man out," and, I fear, he will never be driven in again till he falls into the grave.

TO WILLIAM WIRT.

Quincy, 7 March, 1818.

Be pleased to accept my cordial thanks, for the present of an elegant copy of your Sketches of Mr. Henry. I know not whether I shall ever have time to make you any other return than thanks; but, as I see you wish to investigate the sources of the American Revolution, if you will give me leave, I will give you such hints as my memory affords, to assist you.

In 1764 was published, in Boston, a pretty little pamphlet, "The Sentiments of a British American," the motto of which ought to have warned Great Britain to desist from her tyrannical system of taxation.

Asellum in prato timidus pascibat senex.

Is, hostium clamore subito territus,

Suadebat asino fugere, ne possent capi.

At ille lentus: quæso, num binas mihi

Clitellas impositurum victorem putas?

Senex negavit. Ergo quid refert in ea

Cui serviam? clitellas dum portem meas!

Phædrus.

Considering "An Act for granting certain duties in the British colonies and plantations in America," of the 4 G. III., he says; "The first objection is, that a tax is laid on several commodities, to be raised and levied in the plantations, and to be remitted home to England. This is esteemed as a grievance, inasmuch as they are laid without the consent of the representatives of the colonists. It is esteemed an essential British right, that no person shall be subject to any tax, but what, in person or by his representative, he has a voice in laying."

I am indebted to you, Sir, for the reperusal of this pretty little thing. I had never seen it for fifty-four years, and should never have seen it again; but your book has excited me, having no copy of it, to borrow it as a great favor for a short time. It was written by Oxenbridge Thacher, a barrister at law in Boston. There is so much resemblance between this pamphlet and Mr. Jay's address to the people of England, written ten years afterwards, that, as Johnson said of his *Rasselas* and Voltaire's *Candide*, one might be suspected to have given birth to the other.

In 1764 was published, in Boston, "The Rights of the British Colonies Asserted and Proved," by James Otis, Esq. This work was read in the House of Representatives of Massachusetts, in manuscript, in 1764, and, though not ordered by them to be published, it was printed with their knowledge. In it these propositions are asserted as fundamental.

"1. That the supreme and subordinate powers of legislation should be free and sacred in the hands where the community have once rightfully placed them.

2. The supreme, national legislative cannot be altered justly till the commonwealth is dissolved, nor a subordinate legislative taken away without forfeiture or other good cause. Nor then can the subjects in the subordinate government be reduced to a state of slavery, and subject to the despotic rule of others.

3. No legislative, supreme or subordinate, has a right to make itself arbitrary.

4. The supreme legislative cannot justly assume a power of ruling by extempore arbitrary decrees, but is bound to dispense justice by known, settled rules, and by duly authorized, independent judges.

5. THE SUPREME POWER *cannot take from any man any part of his property, WITHOUT HIS CONSENT IN PERSON, OR BY REPRESENTATION.*

6. The legislative cannot transfer the power of making laws to any other hands.

These are their bounds which, by God and nature, are fixed; hitherto have they a right to come, and no further.

1. To govern by stated laws.

2. Those laws should have no other end ultimately but the good of the people.

3. TAXES ARE NOT TO BE LAID ON THE PEOPLE, BUT BY THEIR CONSENT IN PERSON, OR BY DEPUTATION.

4. Their whole power is not transferable.

These are the first principles of law and justice, and the great barriers of a free State, and of the British Constitution in particular. I ask, I want no more!"

This work, which in 1764 was as familiar to me as my alphabet, I had not seen for fifty-four years, and should never have seen it again, if your Sketches, for which I again thank you, had not aroused me. With some pains, and as a great favor, I have obtained the loan of it for a short time. In page 73 is an elaborate and learned demonstration, that all acts of Parliament, laying taxes on the Colonies, without their consent, are void.

In an appendix to this work is a copy of instructions, given by the city of Boston at their annual meeting, in May, 1764, to their representatives, Royal Tyler, James Otis, Thomas Cushing, and Oxenbridge Thacher, Esqrs. These instructions were drawn by Samuel Adams, who was one of those appointed by the town for that purpose. These instructions are a sample of that simplicity, purity, and harmony of style, which distinguished all the productions of Mr. Adams's pen. I wish I could transcribe the whole; but the paragraph most directly to the present purpose is the following.

"But what still heightens our apprehensions is, that these unexpected proceedings may be preparatory to new taxations upon us. For, if our trade may be taxed, why not our lands? Why not the produce of our lands, and every thing we possess or make use of? This, we apprehend, annihilates our charter right to govern and tax ourselves. It strikes at our British privileges, which, as we have never forfeited them, we hold in common with our fellow-subjects, who are natives of Britain. If taxes are laid upon us in any shape, without our having a legal representation where they are laid, are we not reduced from the character of free subjects to the miserable state of tributary slaves?"

This whole work was published more than a year before Mr. Henry's resolutions were moved. Excuse the trouble I give you, and believe, &c.

TO WILLIAM TUDOR.

Quincy, 11 March, 1818.

Your pupil, Mr. Minot, was a young gentleman of excellent character, pure, spotless in morals and manners, loving truth above all things. Agreed. But can you accuse me of prejudice or malignity, when I perceive a tang of the old cask of toryism in his History? He studies, he labors for impartiality; but does he always hit it?

In page 142, of his second volume, he says, "There was a pause in the opposition to the measures of the Crown and Parliament!" "A pause," indeed, there was! A *hiatus valde deplendus*! I never could account for it, and I cannot, to this day, account for it, to my own entire satisfaction. There was an appearance of coalition between Otis and Hutchinson, which had wellnigh destroyed Otis's popularity and influence forever. The rage against him in the town of Boston seemed to be without bounds. He was called a reprobate, an apostate, and a traitor, in every street in Boston. I have heard sober, substantial, independent householders lament, with tears in their eyes, the fall of Otis, and declare that they never had so high an opinion of any man before, and they never would have so much confidence in any man again. The indignation of all his political friends against him was universal. His colleague, Mr. Thacher, was, in private, as explicit as anybody in condemning him. If I may, without or with vanity, mention myself in such company, I must acknowledge that I was staggered and inflamed. I said, "What! is a controversy between two quarters of the globe become a dispute between two petty names of office and seat on the bench of Common Pleas at Barnstable, on the other?"¹ A meeting of the bar was called, upon some critical point connected with politics.² Otis did not

¹ The copies made of these late letters are often exceedingly defective. There is obviously an omission of some words in the first part of this sentence, which makes the whole of it unintelligible.

² As the dates exactly coincide, it seems not unlikely that this is the same bar-meeting described in the Diary, vol. ii. p. 142. But that was not connected with politics. The indignation excited against Mr. Otis, who was present and opposed the bar rules there agreed upon, may have been much increased by his vacillation in politics. It was violent enough, at all events. Thacher shared in it largely.

appear. Though several messages were sent for him, he would not come. I suspected him of skulking, and was so provoked that I rashly said, and publicly to all the bar, young as I was, "Otis is a mastiff that will bark and roar like a lion one hour, and the next, if a sop is thrown in his way, will creep like a spaniel." *Horresco referens!* I shall never forgive myself for this wild sally. Thacher beckoned me to come to him. He whispered in my ear, "Adams, you are too warm." Happy would it have been for me, if I had always had so faithful a monitor! But I then suspected and believed that Otis was corrupted and bought off, and expected that Otis and Hutchinson would in future go hand in hand, in support of ministerial measures and parliamentary taxation, and that all the ministerial people would, at the next election, use all their influence to secure his reelection into the legislature. And this was the general opinion. But, when the election drew near, it was found that all this was an artful stratagem to turn Otis out. The old calumnies were revived, that Otis's sole motive had been vengeance for his father's disappointed ambition; and, but a few days before the election, appeared an envenomed song,¹ in which Otis was abused more virulently than the elder Pitt was, on his acceptance of a pension and a peerage. This convinced the people that Otis had not committed the unpardonable sin against them, and he was again elected, though by a small majority. I heard him afterwards, in the House, attempt a vindication of himself, but it was not to my entire satisfaction. He represented the clamor that had been raised against him; said that he had thought himself ruined; but he added, "the song of the drunkard saved me." Samuel Waterhouse, an old scribbler for Hutchinson against Pownall, was supposed to be the author of the song, and Samuel Waterhouse was reported to be intemperate.

Mr. Otis cannot be exculpated from the charge of wavering in his opinions. In his "Rights of the Colonies Asserted and Proved," though a noble monument to his fame, and an important document in the early history of the Revolution, there are, nevertheless, concessions in favor of authority in Parliament inconsistent with the ground he had taken, three years

¹ *Jemmybullero.*

before, in his argument against the sugar act, the molasses act, and writs of assistance, and with many of his ardent speeches in the legislature, in the year 1761 and 1762. Otis had ploughed, harrowed, and manured a rich, strong soil, and sown the best seeds; but, as the worthy farmers in my neighborhood express themselves, "there was a slack after planting." A light cloud passed over the province, which diminished its lustre; but not over the town of Boston, for that still glowed with light and heat. Who could account for this phenomenon? Otis, the son, had no conceivable object. Colonel Otis, the father, was the undisputed head of the bar in the three counties of Barnstable, Plymouth, and Bristol, besides occasional engagements in other counties. His profits must have been much greater than the pitiful emoluments of the office to which he was appointed. Besides, he was supposed to be rich, and he was rich for those times. Certainly, he was rich in connections, in popularity, in power, and in property.

But the strange, unaccountable election of Hutchinson to the agency was an astonishment and a cruel mortification to all the inflexibles. It was committing the tender kid to the custody and guardianship of the hungry lion. There was little confidence in any of the agents, De Berdt, Mauduit, or Jackson. They could know nothing with certainty of London characters, but it is certain they had better have appointed Will Molineux or Dr. Young than Hutchinson. The legislature was, indeed, to be pitied. They knew not whom to trust.

To account for Hutchinson's election to the agency, look to your pupil's second volume, pages 144, 145, 146, &c.

In page 146, Hutchinson is employed "in draughting instructions to Mr. Mauduit, against the several acts of Parliament so detrimental to the trade and fishery of the province." But your pupil does not inform us who were united with Hutchinson in draughting these instructions. He ought to have given us the instructions, word for word. No historian ought to be trusted in abridging state papers so critical as this. The only construction I can put upon this whole transaction is, and was, that Hutchinson was intriguing with all his subtilty and simulation, to get himself elected agent; that he assumed so much the appearance of an angel of light as to deceive the very elect. There are moments when the firmest minds tremble, and the

clearest understandings are clouded. Who would believe that Catharine de Medici could deceive the Admiral Coligni, the profoundest statesman, the honestest man in Europe, to his own destruction, and that of the Protestant religion in France?

In the Boston Gazette of the 4th of April, 1763, Mr. Otis published a vindication of himself, with his name. Where can you find a more manly morsel? Charles Paxton, the essence of customs, taxation, and revenue, appears to have been Governor, Lieutenant-Governor, Secretary, and Chief Justice. A more deliberate, cool, studied, corrupt appointment never was made than that of Hutchinson to be Chief Justice. It was done for the direct purpose of enslaving this whole continent, and, consequently, Britain and man; and, if Otis did say he would set the province in a flame, it was one of the sublimest expressions that ever was uttered, and he ought to have a statue of adamant erected in honor of it. But, I believe, he only said, "Hutchinson's appointment will set the province in a flame." But I care not a farthing for the difference; in either case it was a glorious prophecy, equal to any in Daniel, and as perfectly fulfilled.

It never was pretended that Otis voted for Hutchinson to be agent, and it soon appeared that he was no traitor. He again appeared the life and soul of the Revolution, and continued such to his assassination. Hutchinson was soon excused from his agency.

TO WILLIAM TUDOR.

Quincy, 5 April, 1818.

In Mr. Wirt's elegant and eloquent panegyric on Mr. Henry, I beg your attention to page 56 along to page 67, the end of the second section, where you will read a curious specimen of the agonies of patriotism in the early stages of the Revolution. "When Mr. Henry could carry his resolutions but by one vote, and that against the influence of Randolph, Bland, Pendleton, Wythe, and all the old members, whose influence in the House had till then been unbroken; and when Peyton Randolph, after-

wards President of Congress, swore a round oath, he would have given five hundred guineas for a single vote; for one vote would have divided the House, and Robinson was in the chair, who he knew would have negatived the resolution."

And you will also see the confused manner in which they were first recorded, and how they have since been garbled in history. My remarks, at present, will be confined to the anecdote in page 65. "Cæsar had his Brutus, Charles the First his Cromwell, and George the 'Third' — 'Treason,' cried the speaker, — 'Treason, treason,' echoed from every part of the House. Henry finished his sentence by the words, 'may profit by their example.' If this be treason, make the most of it."

In Judge Minot's History of Massachusetts Bay, volume second, in pages 122 and 123, you will find another agony of patriotism. In 1762, three years before Mr. Henry's, Mr. Otis suffered one of equal severity in the House of Representatives of Massachusetts. Judge Minot's account of it is this.

"The remonstrance offered to the Governor was attended with aggravating circumstances. It was passed after a very warm speech by a member in the House; and at first contained the following offensive observation:

'For it would be of little consequence to the people whether they were subject to George or Louis, the King of Great Britain or the French King, if both were arbitrary, as both would be, if both could levy taxes without Parliament.'"

Though Judge Minot does not say it, the warm speech was from the tongue, and the offensive observation from the pen of James Otis. When these words of the remonstrance were first read in the House, Timothy Paine, Esq., a member from Worcester, in his zeal for royalty, though a very worthy and very amiable man, cried out, "Treason! Treason!" The House, however, were not intimidated, but voted the remonstrance, with all the treason contained in it, by a large majority; and it was presented to the Governor by a committee, of which Mr. Otis was a member.

Judge Minot proceeds, "The Governor was so displeased at this passage, that he sent a letter to the speaker, returning the message of the House, in which, he said, the King's name, dignity, and cause were so improperly treated, that he was obliged to desire the speaker to recommend earnestly to the House, that

it might not be entered upon the minutes in the terms in which it then stood. For, if it should, he was satisfied they would again and again wish that some parts of it were expunged; especially if it should appear, as he doubted not it would, when he entered upon his vindication, that there was not the least ground for the insinuation, under color of which that sacred and well-beloved name was so disrespectfully brought into question.

Upon the reading of this letter, the exceptionable clause was struck out of the message."

I have now before me a pamphlet, printed in 1762, by Edes & Gill, in Queen street, Boston, entitled "*A Vindication of the Conduct of the House of Representatives of the Province of the Massachusetts Bay, more particularly in the last Session of the General Assembly*," by James Otis, Esq., a member of said House," with this motto:—

"Let such, such only, tread this sacred floor,
Who dare to love their country and be poor;"
"Or good, tho' rich, humane and wise, tho' great;
Jove give but these, we've nought to fear from fate."

I wish I could transcribe the whole of this pamphlet, because it is a document of importance in the early history of the Revolution, which ought never to be forgotten. It shows, in a strong light, the heaves and throes of the burning mountain, three years, at least, before the explosion of the volcano in Massachusetts or Virginia.

Had Judge Minot ever seen this pamphlet, could he have given so superficial an account of this year, 1762? There was more than one "*warm speech*" made in that session of the legislature. Mr. Otis himself made many. A dark cloud hung over the whole continent; but it was peculiarly black and threatening over Massachusetts and the town of Boston, against which devoted city the first thunderbolts of parliamentary omnipotence were intended and expected to be darted. Mr. Otis, from his first appearance in the House in 1761, had shown such a vast superiority of talents, information, and energy, to every other member of the House, that in 1762 he took the lead, as it were, of course. He opened the session with a speech, a sketch of which he has given us himself. It depends upon no man's memory. It is warm; it is true. But it is

warm only with loyalty to his king, love to his country, and exultations in her exertions in the national cause.

This pamphlet ought to be reprinted and deposited in the cabinet of the curious. The preface is a frank, candid, and manly page, explaining the motive of the publication, namely, the clamors against the House for their proceedings, in which he truly says: "The world ever has been, and will be pretty equally divided between those two great parties, vulgarly called the *winners* and the *losers*; or, to speak more precisely, between those who are discontented that they have no power, and those who never think they can have enough. Now, it is absolutely impossible to please both sides either by temporizing, trimming, or retreating; the two former justly incur the censure of a wicked heart, the latter, that of cowardice; and fairly and manfully fighting the battle out, is in the opinion of many worse than either."

On the 8th of September, A. D. 1762, the war still continuing in North America and the West Indies, Governor Bernard made his speech to both Houses, and presented a *requisition* of Sir Jeffery Amherst, that the Massachusetts troops should be continued in pay during the winter.

Mr. Otis made a speech, the outlines of which he has recorded in this pamphlet, urging a compliance with the Governor's recommendation and General Amherst's requisition; and concluding with a motion for a committee to consider of both.

A committee was appointed, of which Mr. Otis was one, and reported not only a continuance of the troops already in service, but an addition of nine hundred men, with an augmented bounty to encourage their enlistment.

If the orators on the 4th of July really wish to investigate the principles and feelings which produced the Revolution, they ought to study this pamphlet, and Dr. Mayhew's sermon on passive obedience and non-resistance, and all the documents of those days. The celebrations of independence have departed from the object of their institution as much as the Society for the Propagation of the Gospel in Foreign Parts have from their charter. The institution had better be wholly abolished than continued an engine of the politics and feelings of the day, instead of a memorial of the principles and feelings of the Revolution half a century ago — I might have said for two centuries before.

This pamphlet of Mr. Otis exhibits the interesting spectacle of a great man glowing with loyalty to his sovereign, proud of his connection with the British empire, rejoicing in its prosperity, its triumphs, and its glory, exulting in the unexampled efforts of his own native province to promote them all; but at the same time grieving and complaining at the ungenerous treatment that province had received from its beginning from the mother country, and shuddering under the prospect of still greater ingratitude and cruelty from the same source. Hear a few of his words, and read all the rest.

“Mr. Speaker, — This province has upon all occasions been distinguished by its loyalty and readiness to contribute its most strenuous efforts for his Majesty’s service. I hope this spirit will ever remain as an indelible characteristic of this people,” &c. &c. “Our own immediate interest, therefore, as well as the general cause of our king and country, requires that we should contribute the last penny and the last drop of blood, rather than by any backwardness of ours his Majesty’s measures should be embarrassed, and thereby any of the enterprises that may be planned for the regular troops miscarry. Some of these considerations, I presume, induced the Assembly upon his Majesty’s requisition, signified last spring by Lord Egremont, so cheerfully and unanimously to raise thirty-three hundred men for the present campaign; and upon another requisition, signified by Sir Jeffery Amherst, to give a handsome bounty for enlisting about nine hundred more into the regular service. The colonies, we know, have often been blamed without cause; and we have had some share of it. Witness the miscarriage of the pretended expedition against Canada, in Queen Anne’s time, just before the infamous treaty of Utrecht. It is well known, by some now living in this metropolis, that every article, that was to be provided here, was in such readiness, that the officers, both of the army and navy, expressed their utmost surprise at it upon their arrival. To some of them, no doubt, it was a disappointment; for in order to shift the blame of this shameful affair from themselves, they endeavored to lay it upon the New England colonies. I am therefore clearly for raising the men,” &c. &c.

“This province has, since the year 1754, levied for his Majesty’s service, as soldiers and seamen, near thirty thousand men,

besides what have been otherwise employed. One year, in particular, it was said that every fifth man was engaged in one shape or another. We have raised sums for the support of this war, that the last generation could hardly have formed any idea of. We are now deeply in debt," &c. &c.

On the 14th of September, the House received a message from the Governor, containing a somewhat awkward confession of certain expenditures of public money with advice of council, which had not been appropriated by the House. He had fitted out the Massachusetts sloop-of-war, increased her establishment of men, &c. Five years before, perhaps, this irregularity might have been connived at or pardoned; but since the debate concerning writs of assistance, and since it was known that the acts of trade were to be enforced, and a revenue collected by authority of Parliament, Mr. Otis's maxim, that "taxation without representation was tyranny," and that "expenditures of public money, without appropriations by the representatives of the people, were unconstitutional, arbitrary, and therefore tyrannical," had become popular proverbs. They were commonplace observations in the streets. It was impossible that Otis should not take fire upon this message of the Governor. He accordingly did take fire, and made that flaming speech, which Judge Minot calls a "*a warm speech*," without informing us who made it or what it contained. I wish Mr. Otis had given us this warm speech, as he has the comparatively cool one, at the opening of the session. But this is lost forever. It concluded, however, with a motion for a committee to consider the Governor's message and report. The committee was appointed, and Otis was the first after the speaker.

The committee reported the following answer and remonstrance, every syllable of which is Otis.

"*May it please your Excellency, —*

"The House have duly attended to your Excellency's message of the eleventh instant relating to the Massachusetts sloop, and are humbly of opinion that there is not the least necessity for keeping up her present complement of men, and, therefore, desire that your Excellency would be pleased to reduce them to six, the old establishment made for said sloop by the General Court. Justice to ourselves and to our constituents obliges us to remonstrate against the method of making or increasing establishments by the Governor and Council.

“It is, in effect, taking from the House their most darling privilege, the right of originating all taxes.

“It is, in short, annihilating one branch of legislation. And when once the representatives of the people give up this privilege, the government will very soon become arbitrary.

“No necessity, therefore, can be sufficient to justify a House of Representatives in giving up such a privilege; for it would be of little consequence to the people, whether they were subject to George or Louis, the King of Great Britain or the French King, if both were arbitrary, as both would be, if both could levy taxes without parliament.

“Had this been the first instance of the kind, we might not have troubled your Excellency about it; but lest the matter should go into precedent, we earnestly beseech your Excellency, as you regard the peace and welfare of the province, that no measures of this nature be taken for the future, let the advice of the Council be what it may.”

This remonstrance being read, was accepted by a large majority, and sent up and presented to his Excellency by a committee, of whom Mr. Otis was one.

“The same day the above remonstrance was delivered, the town was alarmed with a report, that the House had sent a message to his Excellency, reflecting upon his Majesty’s person and government, and highly derogatory from his crown and dignity, and therein desired that his Excellency would in no case take the advice of his Majesty’s Council.”

The Governor’s letter to the Speaker is as Judge Minot represents it. Upon reading it, the same person who had before cried out, “treason! treason!” when he first read the offensive words, now cried out, “rase them! rase them!” They were accordingly expunged.

“In the course of the debate, a new and surprising doctrine was advanced. We have seen the times when the majority of a council, by their words and actions, have seemed to think themselves obliged to comply with every thing proposed by the chair, and to have no rule of conduct but a Governor’s will and pleasure. But now for the first time it was asserted that the Governor, in all cases, was obliged to act according to the advice of the council, and consequently would be deemed to have no judgment of his own.”

In page 17, Mr. Otis enters on his apology, excuse, or justification of the offensive words, which, as it is as facetious as it is edifying, I will transcribe at length in his own words, namely:

“In order to excuse, if not altogether justify the offensive passage, and clear it from ambiguity, I beg leave to premise two or three data. 1. God made all men naturally equal. 2. The ideas of earthly superiority, preëminence, and grandeur, are educational, at least acquired, not innate. 3. Kings were, and plantation governors should be, made for the good of the people, and not the people for them. 4. No government has a right to make hobby-horses, asses, and slaves of the subject; nature having made sufficient of the two former for all the lawful purposes of man, from the harmless peasant in the field to the most refined politician in the cabinet; but none of the last, which infallibly proves they are unnecessary. 5. Though most governments are *de facto* arbitrary, and, consequently, the curse and scandal of human nature, yet none are *de jure* arbitrary. 6. The British constitution of government, as now established in his Majesty's person and family, is the wisest and best in the world. 7. The King of Great Britain is the best as well as most glorious monarch upon the globe, and his subjects the happiest in the universe. 8. It is most humbly presumed, the King would have all his plantation governors follow his royal example, in a wise and strict adherence to the principles of the British constitution, by which, in conjunction with his other royal virtues, he is enabled to reign in the hearts of a brave and generous, a free and loyal people. 9. This is the summit, the *ne plus ultra* of human glory and felicity. 10. The French King is a despotic, arbitrary prince, and, consequently, his subjects are very miserable.

“Let us now take a more careful review of this passage which by some out of doors has been represented as seditious, rebellious, and traitorous. I hope none, however, will be so wanting to the interests of their country, as to represent the matter in this light on the east side of the Atlantic, though recent instances of such a conduct might be quoted, wherein the province has, after its most strenuous efforts during this and other wars, been painted in all the odious colors that avarice, malice, and the worst passions could suggest.

“ The House assert, that ‘ it would be of little consequence to the people, whether they were subject to George or Louis, the King of Great Britain or the French King, if both were arbitrary; as both would be, if both could levy taxes without Parliament.’ Or, in the same words transposed, without the least alteration of the sense, ‘ it would be of little consequence to the people, whether they were subject to George, the King of Great Britain, or Louis, the French King, if both were arbitrary, as both would be, if both could levy taxes without Parliament.’

“ The first question that would occur to a philosopher, if any question could be made about it, would be, whether the position were true. But truth being of little importance with most modern politicians, we shall touch lightly upon that topic, and proceed to inquiries of a more interesting nature.

“ That arbitrary government implies the worst of temporary evils, or, at least, the continual danger of them, is certain. That a man would be pretty equally subjected to these evils, under every arbitrary government, is clear. That I should die very soon after my head should be cut off, whether by a sabre or a broadsword, whether chopped off to gratify a tyrant, by the Christian name of Tom, Dick, or Harry, is evident. That the name of the tyrant would be of no more avail to save my life than the name of the executioner, needs no proof. It is, therefore, manifestly of no importance what a prince’s Christian name is, if he be arbitrary, any more, indeed, than if he were not arbitrary. So the whole amount of this dangerous proposition may, at least in one view, be reduced to this, namely: *It is of little importance what a king’s Christian name is.* It is, indeed, of importance, that a king, a governor, and all other good Christians, should have a Christian name, but whether Edward, Francis, or William, is of none, that I can discern. It being a rule to put the most mild and favorable construction upon words that they can possibly bear, it will follow that this proposition is a very harmless one, that cannot by any means tend to prejudice his Majesty’s person, crown, dignity, or cause, all which I deem equally sacred with his Excellency.

“ If this proposition will bear a hundred different constructions, they must all be admitted before any that imports any bad meaning, much more a treasonable one.

“ It is conceived, the House intended nothing disrespectful to

his Majesty, his government, or governor, in those words. It would be very injurious to insinuate this of a House, that upon all occasions has distinguished itself by a truly loyal spirit, and which spirit possesses at least nine hundred and ninety-nine in a thousand of their constituents throughout the province. One good-natured construction, at least, seems to be implied in the assertion, and that pretty strongly, namely, that in the present situation of Great Britain and France; it is of vast importance to be a Briton rather than a Frenchman, as the French King is an arbitrary, despotic prince, but the King of Great Britain is not so *de jure, de facto*, nor by inclination. A greater difference on this side the grave cannot be found than that which subsists between British subjects and the slaves of tyranny.

“Perhaps it may be objected, that there is some difference even between arbitrary princes in this respect, at least, that some are more rigorous than others. It is granted; but, then, let it be remembered, that the life of man is a vapor that soon vanisheth away, and we know not who may come after him, a wise man or a fool; though the chances before and since Solomon have ever been in favor of the latter. Therefore, it is said, of little consequence. Had it been *no* instead of *little*, the clause, upon the most rigid stricture, might have been found barely exceptionable.

“Some fine gentlemen have charged the expression as indelicate. This is a capital impeachment in politics, and therefore demands our most serious attention. The idea of delicacy, in the creed of some politicians, implies, that an inferior should, at the peril of all that is near and dear to him, that is, his interest, avoid every the least trifle that can offend his superior. Does my superior want my estate? I must give it him, and that with a good grace; which is appearing, and, if possible, being really obliged to him, that he will condescend to take it. The reason is evident; it might give him some little pain or uneasiness to see me whimpering, much more openly complaining, at the loss of a little glittering dirt. I must, according to this system, not only endeavor to acquire myself, but impress upon all around me, a reverence and passive obedience to the sentiments of my superior, little short of adoration. Is the superior in contemplation a king? I must consider him as God’s vicerent, clothed with unlimited power, his will the supreme law,

and not accountable for his actions, let them be what they may, to any tribunal upon earth. Is the superior a plantation governor? He must be viewed, not only as the most excellent representation of majesty, but as a viceroy in his department, and *quoad* provincial administration, to all intents and purposes, vested with all the prerogatives that were ever exercised by the most absolute prince in Great Britain.

“The votaries of this sect are all monopolizers of offices, speculators, informers, and generally the seekers of all kinds. It is better, say they, to give up any thing and every thing quietly, than contend with a superior who, by his prerogative, can do, and, as the vulgar express it, right or wrong, will have whatever he pleases. For you must know, that, according to some of the most refined and fashionable systems of modern politics, the ideas of right and wrong, and all the moral virtues, are to be considered only as the vagaries of a weak or dis-tempered imagination in the possessor, and of no use in the world, but for the skilful politician to convert, to his own purposes of power and profit. With these,

‘The love of country is an empty name ;
For gold they hunger, but ne’er thirst for fame.’

“It is well known that the least ‘patriotic spark’ unawares ‘caught’ and discovered, disqualifies a candidate from all further preferment in this famous and flourishing order of knights-errant. It must, however, be confessed that they are so Catholic as to admit all sorts, from the knights of the post to a garter and star, provided they are thoroughly divested of the fear of God and the love of mankind; and have concentrated all their views in dear self, with them the only ‘sacred and well-beloved name’ or thing in the universe. See Cardinal Richelieu’s Political Testament, and the greater Bible of the Sect, Mandeville’s Fable of the Bees. Richelieu expressly, in solemn earnest, without any sarcasm or irony, advises the discarding all honest men from the presence of a prince, and from even the purlieus of a court. According to Mandeville, ‘the moral virtues are the political offspring which flattery begot upon pride.’ The most darling principle of the great apostle of the order, who has done more than any mortal towards diffusing corruption, not only through the three kingdoms, but

through the remotest dominions, is, that every man has his price, and that, if you bid high enough, you are sure of him.

“To those who have been taught to bow at the name of a king with as much ardor and devotion as a Papist at the sight of a crucifix, the assertion under examination may appear harsh; but *there is an immense difference between the sentiments of a British House of Commons remonstrating, and those of a courtier cringing for a favor. A House of Representatives here, at least, bears an equal proportion to a Governor, with that of a House of Commons to the King.* There is, indeed, one difference in favor of a House of Representatives. When a House of Commons addresses the King, they speak to their sovereign, who is truly the most august personage upon earth. When a House of Representatives remonstrate to a Governor, they speak to a fellow-subject, though a superior, who is undoubtedly entitled to decency and respect, but I hardly think to quite so much reverence as his master.

“It may not be amiss to observe, that a form of speech may be in no sort improper, when used *arguendo*, or for illustration, speaking of the king, which same form may be very harsh, indecent, and ridiculous, if spoken to the king.

“The expression under censure has had the approbation of divers gentlemen of sense, who are quite unprejudiced by any party. They have taken it to imply a compliment rather than any indecent reflection upon his Majesty's wise and gracious administration. It seems strange, therefore, that the House should be so suddenly charged by his Excellency with impropriety, groundless insinuations, &c.

“What cause of so bitter repentance, ‘again and again,’ could possibly have taken place, if this clause had been printed in the journal, I cannot imagine. If the case be fairly represented, I guess the province can be in no danger from a House of Representatives, daring to speak plain English, when they are complaining of a grievance. I sincerely believe that the House had no disposition to enter into any contest with the Governor or Council. Sure I am, that the promoters of this address had no such view. On the contrary, there is the highest reason to presume that the House of Representatives will, at all times, rejoice in the prosperity of the Governor and Council, and contribute their utmost assistance in supporting those two

branches of the legislature in all their just rights and preëminence. But the House is, and ought to be, jealous and tenacious of its own privileges; *these are a sacred deposit, intrusted by the people, and the jealousy of them is a godly jealousy.*"

Allow me now, Mr. Tudor, a few remarks.

1. Why has the sublime compliment of "treason! treason!" made to Mr. Henry, in 1765, been so celebrated, when that to Mr. Otis, in 1762, three years before, has been totally forgotten? Because the Virginia patriot has had many trumpeters, and very loud ones; but the Massachusetts patriot none, though false accusers and vile calumniators in abundance.

2. I know not whether Judge Minot was born in 1762. He certainly never saw, heard, felt, or understood any thing of the principles or feelings of that year. If he had, he could not have given so frosty an account of it. The "warm speech" he mentions, was an abridgment or second edition of Otis's argument in 1761 against the execution of the acts of trade. It was a flaming declaration against taxation without representation. It was a warning voice against the calamities that were coming upon his country. It was an ardent effort to alarm and arouse his countrymen against the menacing system of parliamentary taxation.

3. Bernard was no great thing, but he was not a fool. It is impossible to believe, that he thought the offensive passage treason, sedition, or of such danger and importance as he represented it. But his design was to destroy Otis. "There is your enemy," said Bernard, (after a Scottish general,) "if ye do not kill him, he will kill you."

4. How many volumes are concentrated in this little fugitive pamphlet, the production of a few hurried hours, amidst the continual solicitations of a crowd of clients. For his business at the bar, at that time, was very extensive and of the first importance, and amidst the host of politicians, suggesting their plans and schemes, claiming his advice and directions.

5. Look over the declaration of rights and wrongs issued by Congress in 1774. Look into the declaration of independence in 1776. Look into the writings of Dr. Price and Dr. Priestley. Look into all the French constitutions of government; and, to cap the climax, look into Mr. Thomas Paine's Common Sense, Crisis, and Rights of Man. What can you find that is not to

be found in solid substance in this "Vindication of the House of Representatives?"

6. Is it not an affront to common sense, an insult to truth, virtue, and patriotism, to represent Patrick Henry, though he was my friend as much as Otis, as the father of the American Revolution and the founder of American independence? The gentleman who has done this, sincerely believed what he wrote, I doubt not; but he ought to be made sensible that he is of yesterday, and knows nothing of the real origin of the American Revolution.

7. If there is any bitterness of spirit discernible in Mr. Otis's vindication, this was not natural to him. He was generous, candid, manly, social, friendly, agreeable, amiable, witty, and gay, by nature and by habit; honest almost to a proverb, though quick and passionate against meanness and deceit. But at this time he was agitated by anxiety for his country, and irritated by a torrent of slander and scurrility, constantly pouring upon him from all quarters.

Mr. Otis has fortified his vindication in a long and learned note, which, in mercy to my eyes and fingers, I must borrow another hand to transcribe in another sheet.¹

"This other original, Mr. Locke has demonstrated to be the consent of a free people. It is possible there are a few, and I desire to thank God there is no reason to think there are many among us, that cannot bear the names of liberty and property, much less that the things signified by those terms should be enjoyed by the vulgar. These may be inclined to brand some of the principles advanced in the Vindication of the House, with the odious epithets, *sedition* and *levelling*. Had any thing to justify them been quoted from Colonel Algernon Sidney, or other British martyrs to the liberty of their country, an outcry of rebellion would not be surprising. The authority of Mr. Locke has therefore been preferred to all others, for these further reasons. 1. He was not only one of the most wise as well as most honest, but the most impartial man that ever lived. 2. He professedly wrote his discourses on government, as he himself expresses it, 'to establish the throne of the great re-

¹ Here follow quotations from Locke on Government, Part II. Ch. iv., Ch. xi., Ch. xiv., B. I. Ch. ii. and B. II. Ch. ii., touching the origin of government, which are omitted.

storer, King William; to make good his title in the consent of the people, which being the only one of all lawful governments, he had more fully and clearly than any prince in Christendom, and to justify to the world the people of England, whose love of liberty, their just and natural rights, with their resolution to preserve them, saved the nation when it was on the brink of slavery and ruin.' By this title, our illustrious sovereign, George 3d (whom God long preserve), now holds. 3. Mr. Locke was as great an ornament, under a crowned head, as the Church of England ever had to boast of. Had all her sons been of his wise, moderate, tolerant principles, we should probably never have heard of those civil dissensions that have so often brought the nation to the borders of perdition. Upon the score of his being a churchman, however, his sentiments are less liable to those invidious reflections and insinuations, that high-flyers, jacobites, and other stupid bigots, are apt, too liberally, to bestow, not only upon dissenters of all denominations, but upon the moderate, and, therefore, infinitely the most valuable part of the Church of England itself."

TO THOMAS JEFFERSON.

Quincy, 29 May, 1818.

As Holly is a diamond of a superior water, it would be crushed to powder by mountainous oppression in any other country. Even in this he is a light shining in a dark place. His system is founded in the hopes of mankind, but they delight more in their fears. When will man have juster notions of the universal, eternal cause? Then will rational Christianity prevail. I regret Holly's misfortune in not finding you, on his account, to whom an interview with you would have been a lasting gratification.

Waterhouse's pen, "*labitur et labetur.*" He has let it run on with too much fluency. I have not a tenth part of the vivacity, activity, memory, or promptitude and punctuality in correspondence which he ascribes to me. I can answer but few of the letters I receive, and those only with short scratches of the pen.