



JAMES OTIS

THE PRE-REVOLUTIONIST

A BRIEF INTERPRETATION OF THE LIFE AND WORK OF
A PATRIOT

BY

JOHN CLARK RIDPATH, LL.D.

Author of a "Cyclopædia of Universal History," "Great Races of Mankind," "Life and Times of William E. Gladstone," etc., etc.

WITH ANECDOTES, CHARACTERISTICS AND
CHRONOLOGY

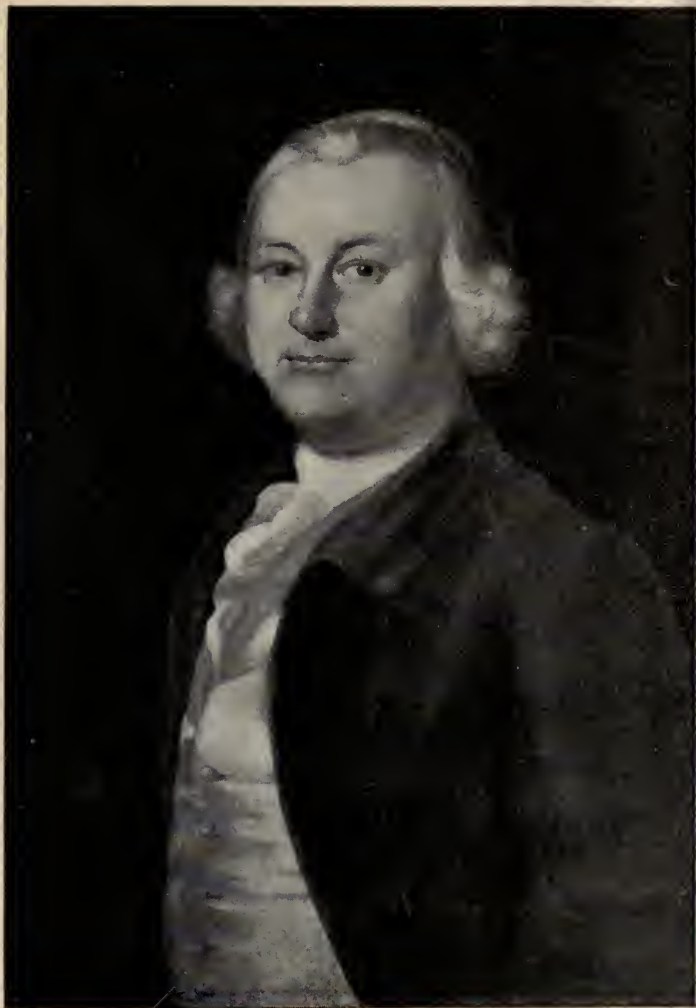
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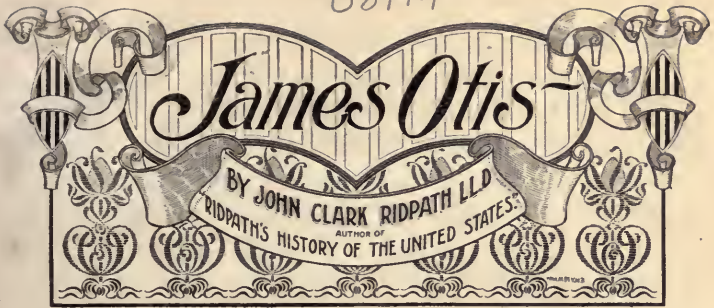




JAMES OTIS.

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NEAR the northeast corner of the old Common of Boston a section of ground was put apart long before the beginning of the eighteenth century to be a burying ground for some of the heroic dead of the city of the Puritans. For some quaint reason or caprice this acre of God was called "The Granary"—and is so called to this day. Perhaps the name was given because the dead were here *garnered* as grain from the reaping until the bins be opened at the last day's threshing when the chaff shall be driven from the wheat.

Here the thoughtless throng looking through the iron railing may see the old weather-beaten and time-eaten slabs with their curious lettering which designate the spots where many of the men of the pre-revolutionary epoch were laid to their last repose. The word *cemetery* is from Greek and means *the little place where I lie down*.

In the Granary Burying Ground are the tombs of many whom history has gathered and recorded as her own. But history looks in vain among the blue-black slabs of semi-slate for the name of one who was greatest

perhaps of them all; but whose last days were so strangely clouded and whose sepulchre was so obscure as to leave the world in doubt for more than a half century as to where the body of the great sleeper had been laid. Curiosity, whetted by patriotism, then discovered the spot. But the name of another was on the covering slab, and no small token was to be found indicative of the last resting place of the lightning-smitten body of James Otis, the prophetic giant of the pre-revolutionary days. He who had lived like one of the Homeric heroes, who had died like a Titan under a thunderbolt, and had been buried as obscurely as Richard the Lion Hearted, or Frederick Barbarossa, must lie neglected in an unknown tomb within a few rods of the spot where his eloquence aforetime had aroused his countrymen to national consciousness, and made a foreign tyranny forever impossible in that old Boston, the very name of which became henceforth the menace of kings and the synonym of liberty.

Tradition rather than history has preserved thus much. In the early part of the present century a row of great elms, known as the Paddock elms, stood in what is now the sidewalk on the west side of Tremont Street skirting the Granary Burying Ground. These trees were cut away and the first section of the burial space was invaded with the spade. Tomb No. 40, over which the iron railing now passes, was divided down as far as where the occupants are lying. Within the sepulchre were several bodies. One was the body of Nathaniel Cunningham, Sr. Another was Ruth Cunningham,



Old Granary Burying Ground, Boston.

his wife. The younger members of the family were also there in death.

When the lid of one coffin in this invaded tomb was lifted, it was found that a mass of the living roots of the old strong elm near by, had twined about the skull of the sleeper, had entered through the apertures, and had eaten up the brain. It was the brain of James Otis which had given itself to the life of the elm and had been transformed into branch and leaf and blossom, thus breathing itself forth again into the free air and the Universal Flow.

The body of the patriot had been deposited in this tomb of his father-in-law, the Nathaniel Cunningham just referred to, and had there reposed until the searching fibres of another order of life had found it out, and lifted and dispensed its sublimer part into the viewless air. Over the grave in which the body was laid is still one of the rude slabs which the fathers provided, and on this is cut the name of "George Longley, 1809," he being the successor of the Cunninghams in the ownership of Tomb No. 40.

Here, then, was witnessed the last transformation of the material, visible man called James Otis, the courageous herald who ran swinging a torch in the early dawn of the American Revolution.

The pre-revolutionists are the Titans of human history; the revolutionists proper are only heroes; and the post-revolutionists are too frequently dwarfs and weaklings. This signifies that civilization advances by revolutionary stages, and that history sends out her tallest

and best sons to explore the line of march, and to select the spot for the next camping-ground. It is not they who actually command the oncoming columns and who seem so huge against the historical background—it is not these, but rather the hoarse forerunners and shaggy prophets of progress who are the real kings of men—the true princes of the human empire.

These principles of the civilized life were strongly illustrated in our War of Independence. The forerunners of that war were a race of giants. Their like has hardly been seen in any other epoch of that sublime scrimmage called history. Five or six names may be selected from the list of the early American prophets whose deeds and outcry, if reduced to hexameters, would be not the *Iliad*, not the *Jerusalem Delivered*, but the *Epic of Human Liberty*.

The greatest of these, our protagonists of freedom, was Benjamin Franklin. After him it were difficult to name the second. It is always difficult to find the second man; for there are several who come after. In the case of our forerunners the second may have been Thomas Jefferson; it may have been Samuel Adams; it may have been his cousin; it may have been Thomas Paine; it may have been Patrick Henry; it may have been James Otis, the subject of this monograph.

It is remarkable to note how elusive are the lives of many great men. Some of the greatest have hardly been known at all. Others are known only by glimpses and outlines. Some are known chiefly by myth and tradition. Nor does the effort to discover the details of such

lives yield any considerable results. There are great names which have come to us from antiquity, or out of the Middle Ages, that are known only as names, or only by a few striking incidents. In some cases our actual knowledge of men who are believed to have taken a conspicuous part in the drama of their times is so meagre and uncertain that critical disputes have arisen respecting the very existence of such personages.

Homer for example—was he myth or man? The Christ? Where was he and how did he pass his life from his twelfth year to the beginning of his ministry? What were the dates of his birth and death? Shakespeare? Why should not the details of his life, or some considerable portion of the facts, compare in plenitude and authenticity with the events in Dr. Johnson's career?

It seems to be the law of biography that those characters who are known to the world by a few brilliant strokes of genius have as a rule only a meagre personal history, while they whose characters have been built up painfully and slowly out of the commonplace, like the coral islands of the Atlantic, have a great variety and multitude of materials ready for the hands of the biographer.

James Otis belonged to the first of these classes. There is a measure of elusiveness about his life. Our lack of knowledge respecting him, however, is due in part to the fact that near the close of his life, while he was oscillating in a half-rational condition between Andover and Boston, with an occasional visit to Plymouth, he fell into a fit of pessimism and despair during which

he spent two days in obliterating the materials for his biography, by destroying all his letters and manuscripts. He did as much as he could to make impossible any adequate account of his career or any suitable revelation of his character as developed in his correspondence. Over and above this, however, the materials of his life are of small extent, and fragmentary. It is to his formal publications and the common tradition of what he did, that we must turn for our biographical and historical estimate of the man. In this respect he is in analogy with Patrick Henry who appears only fitfully in history, but with meteoric brilliancy; or with Abraham Lincoln the narrative of whose life for the first forty-five years can be adequately written in ten pages.

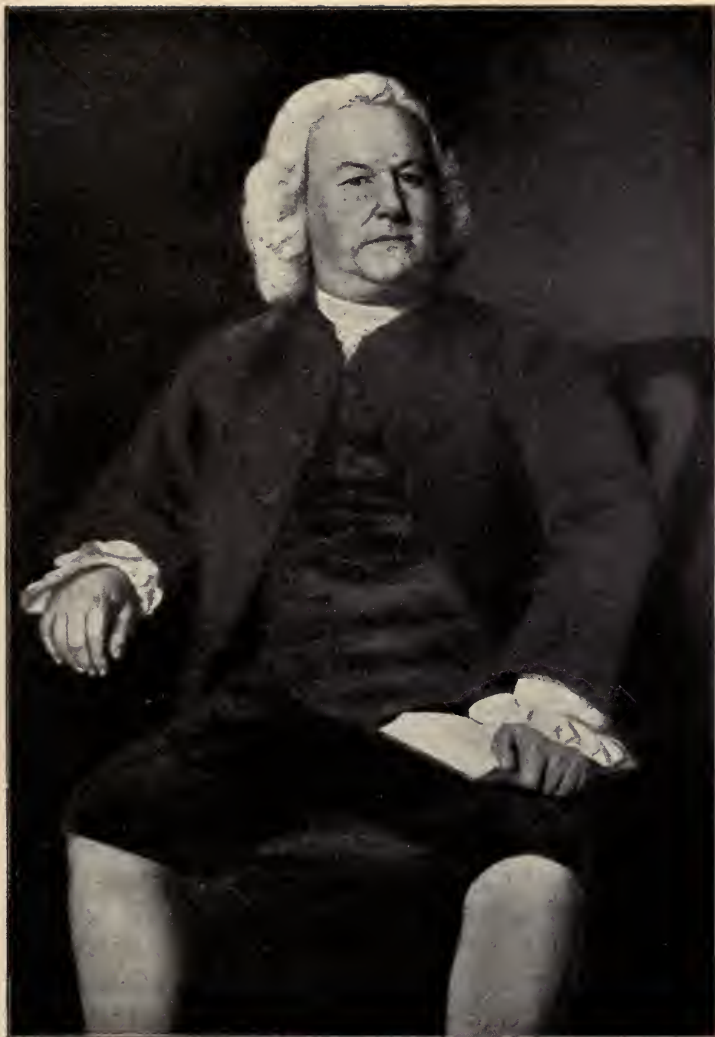
The American Otises of the seventeenth century were of English descent. The emigration of the family from the mother country occurred at an early day when the settlements in New England were still infrequent and weak. The Otis family was among the first to settle at the town of Hingham. Nor was it long until the name appeared in the public records, indicating official rank and leadership. From Hingham, John Otis, who was born in 1657, ancestor of the subject of this sketch, removed to Barnstable, near the center of the peninsula of Massachusetts, and became one of the first men of that settlement. He was sent to the Legislature and thence to the Council of the Colony in which he had a seat for twenty-one years. During this period he was promoted to the place of Chief Justice of the Common Pleas, and while holding this important place he was also judge of

the Probate Court. The family flourished and rose in reputation.

In 1702, James Otis, son of Judge John Otis, was born. He followed in his father's footsteps becoming a lawyer and colonial publicist, afterwards a colonel of the militia, a judge of the Common Pleas, a judge of the Probate Court, and a member of the Council of Massachusetts. Just after reaching his majority Colonel Otis took in marriage Mary Alleyne, and of this union were born thirteen children. The eldest was a son, and to him was given his father's name. It was to this child that destiny had assigned the heroic work of confronting the aggressions of Great Britain on the American colonists, and of inspiring the latter to forcible resistance.

JAMES OTIS, JUNIOR, was born at a place called Great Marshes, now known as West Barnstable, on the 5th of February, 1725. He inherited from his father and grandfather not only a large measure of talents but also a passion for public life which impelled him strongly to the study and solution of those questions which related to the welfare of the American colonies, and to the means by which their political independence might be ultimately secured.

The character and intellect of Colonel Otis of Barnstable were transmitted to other members of his family also. The daughter Mercy, oldest sister of James Otis, was married to James Warren who made his home at Plymouth. This lady had her brother's passion for politics—an enthusiasm which could hardly be restrained. She wrote and conversed in a fiery manner on the revo-



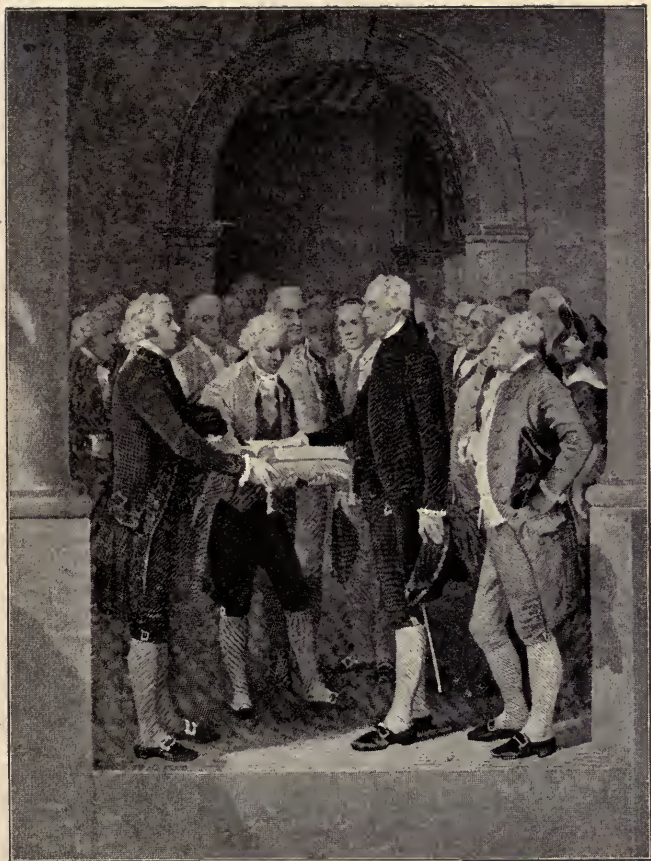
Col. James Otis, of Barnstable.

Father of James Otis, the Pre-Revolutionist. From a photograph of the original painting in the hall of the Old State House, Boston.

lutionary topics of the day. Almost coincidentally with the Battle of Bunker Hill she composed and published (without her name, however,) a biting satire on the colonial policy of Great Britain, calling her brochure "The Group." Fifteen years afterwards she published a volume of poems, mostly patriotic pieces, and finally in 1805 a brief "History of the American Revolution," which was considered a reputable work after its kind.

Samuel Alleyne Otis, youngest brother of James, outlived nearly all the other members of the family, and was recognized as a prominent political leader. He, also, had the strong patriotic and revolutionary bent of the family, was popular and influential, and was honored with a long term of service as Secretary of the Senate of the United States. In this capacity he participated, April 30, 1789, in the inauguration of Washington, holding the Bible on which the Father of his Country took the oath of office. The other brothers and sisters were of less conspicuous ability, and were not so well known to their own and other times.

In New England in the first half of the eighteenth century the sentiment of education was universal. Among the leading people, the sentiment was intense. Colonel Otis, of Barnstable, was alert with respect to the discipline and development of his children. He gave to them all, to the sons especially, the best advantages which the commonwealth afforded. James Otis was assigned to the care of Reverend Jonathan Russell, the minister at Barnstable, who prepared the youth for college. By the middle of his fifteenth year he was thought



Livingston. St. Clair. Knox. Sherman. Steuben.
Otis. Washington. Adams.

Inauguration of Washington.
(Samuel Alleyne Otis holding the Bible.)

to be ready for matriculation. He was accordingly^s entered as a freshman at Harvard, in June, 1739.

Of the incidents of his preceding boyhood, we know but little. A tradition exists that he was more precocious than diligent; that his will was strong; that his activities were marked with a reckless audacity, which, however, did not distinguish him much from the other promising New England boys of his age. Something of these characteristics are noticeable in his college career. At Harvard he showed an abundance of youthful spirits, a strong social disposition, and a well-marked discrimination between his friends and his enemies. At times he applied himself assiduously, and at other times mused and read rather than studied. On the whole he did not greatly distinguish himself as a student. His passion for literature was marked, and he became conspicuous for his forensic abilities. Towards the end of his course, his character as a student was intensified, and he was not often seen away from his books. Out of term time, he would return to his father's home taking his books with him. At such times he was rarely seen by his former companions of Barnstable, because of his habit of secluding himself for study.

It is narrated that at this period of his life, young Otis gave strong evidence of the excitable temperament with which he was endowed. In the intervals of his study, his nervous system, under the stimulus of games or controversial dispute, would become so tense with excitement as to provoke remark. Nor may we in the retrospect fail to discover in this quality of mind and temper

the premonitions of that malady which finally prevailed over the lucid understanding, and rational activities of James Otis.

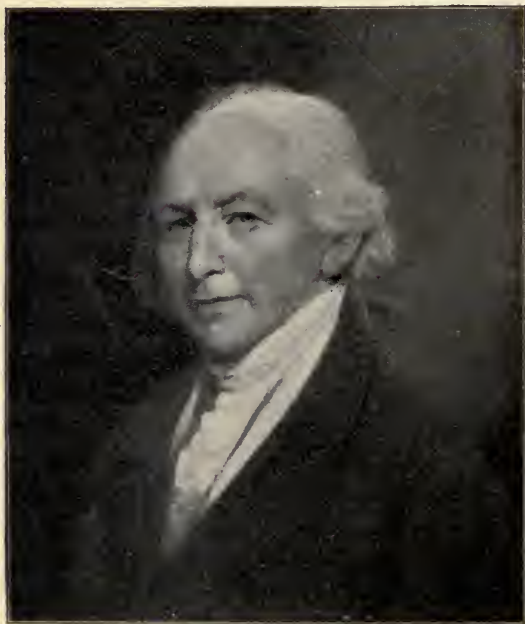
The youth did not much effect social accomplishments. He had a passion for music and learned to play the violin. With this instrument he was wont to entertain himself in the intervals of study. Sometimes he would play for company. It was one of his habits to break off suddenly and rather capriciously in the midst of what he was doing. Thus did he with his music. It is narrated that on a certain occasion while playing by invitation for some friends, he suddenly put aside the instrument, saying in a sort of declamatory manner as was his wont—

“So fiddled Orpheus and so danced the brutes.”

He then ran into the garden, and could not be induced to play the violin again.

Young Otis passed through the regular classes at Harvard and was graduated in 1743. On that occasion he took part in a disputation which was one of the exercises of his class. Otherwise his record at the college is not accented with any special work which he did. At the time of his graduation he was in his nineteenth year. It had been his father's purpose and his own that his profession should be the law. It does not appear, however, that his college studies were especially directed to this end. At any rate, he did not devote himself at once to the law, but assiduously for two years (1743-45) to a general course of study chosen and directed by himself, with a view to the further discipline of

his mind and the widening of his information. It was an educational theory with Otis that such an interval of personal and spontaneous application should intervene between a young man's graduation and the beginning of his professional career. Having pursued



Samuel Alleyne Otis.

this course with himself he insisted that his younger brother, Samuel Alleyne Otis, should take the same course. In one of his letters to his father—a communication fortunately rescued from the holocaust of his correspondence—he discusses the question and urges the propriety of

the young man's devoting a year or two to general study before taking up his law books. An extract from the letter will prove of interest. The writer says:

"It is with sincerest pleasure I find my brother Samuel has well employed his time during his residence at home. I am sure you don't think the time long he is spending in his present course of studies; since it is past all doubt they are not only ornamental and useful, but indispensably necessary preparatories for the figure I hope one day, for his and your sake, as well as my own, to see him make in the profession he is determined to pursue. I am sure the year and a half I spent in the same way, after leaving the academy, was as well spent as any part of my life; and I shall always lament I did not take a year or two further for more general inquiries in the arts and sciences, before I sat down to the laborious study of the laws of my country.

"My brother's judgment can't at present be supposed to be ripe enough for so severe an exercise as the proper reading and well digesting the common law. Very sure I am, if he would stay a year or two from the time of his degree, before he begins with the law, he will be able to make better progress in one week, than he could now, without a miracle, in six. Early and short clerkships, and a premature rushing into practice, without a competent knowledge in the theory of law, have blasted the hopes, and ruined the expectations, formed by the parents of most of the students in the profession, who have fallen within my observation for these ten or fifteen years past."

The writer of this well-timed communication then adds

in proof of his position, the names of several distinguished jurists who postponed the beginning of their legal studies, or at least their legal practice, to a time of life quite beyond the conventional student period. Mr. Otis then declares his conviction that a young man may well procrastinate his legal studies until he shall have attained the age of thirty or even of forty years. He declares his belief that such postponement will as a rule lead to better results than can be attained by a youth who begins at twenty, however brilliant his genius may be.

This view of the case was with James Otis both theory and practice. He began his legal studies in 1745. In that year he became a law student under the tuition of Jeremiah Gridley who at that time was already regarded as one of the most able and accomplished lawyers in Massachusetts. Preceptor and student were at the first in accord in their political and social principles. At the time of the young man's law course, Gridley was a member of the General Court of Massachusetts. He belonged to the party called Whig; for the political jargon of Great Britain had infected the Americans also, and they divided according to the names and principles of the British partisans of the period.

Judge Gridley, while he remained on the bench, took sides with the colonists in their oncoming contention with the mother country. Afterwards, however, by accepting the appointment of Attorney General he became one of the king's officers, and it was in this relation that he was subsequently brought face to face with his distinguished pupil in the trial of the most

remarkable case which preceded the Revolution.

Mr. Otis devoted two years of time to his legal studies before beginning the practice of his profession. The study of law at that time was much more difficult than at the present day. The student was obliged to begin *de novo* with the old statutes and decisions, and to make up the science for himself by a difficult induction, which not many young men were able to do successfully. Law text-books were virtually unknown. Otis did not even have access to "Blackstone's Commentaries." No authoritative works on evidence or pleading existed in the English language.

The student must get down his Acts of Parliament, his decisions of the King's Bench, his Coke, his black-letter dissertations on the common law, and out of these construct the best he could a legal system for himself. To this work Mr. Otis devoted himself from 1745 to 1747, after which he left the office of Judge Gridley and went to Plymouth, where he applied for admission to the bar, and was accepted by the court. He began to practice in 1748—the year of the treaty of Aix-la-Chapelle, when the political and historical status of Europe was again fixed for a brief period.

The young attorney almost immediately took rank at the Plymouth bar. The old records of the court at that place still show the frequent appearance of Otis for one or the other of the parties. In this manner were passed the years 1748 and 1749. It does not appear that at this time he concerned himself very much with the affairs of the town or the larger affairs of the commonwealth. The tax records show his name with an entry

to the effect that in 1748 he estimated his personal estate at twenty pounds besides his "faculty," by which was meant, his professional value.

A few incidents of this period in Otis's life have come down by tradition. He soon made a favorable impression on the court and bar. He gained the good opinion of his fellows for both ability and integrity of character. This reputation he carried with him to Boston, whither he removed early in the year 1750. He had already acquired sufficient character to bring his services into requisition at places somewhat distant from Plymouth.

His reception in Boston was accordingly favorable. Beyond the limits of the colony he became known as an advocate. He was sent for in important cases, and showed such signal ability as to attract the admiring attention of both court and people. Already at the conclusion of his twenty-fifth year he was a young man of note, rising to eminence.

There was good ground for this reputation in both his principles of conduct and his legal abilities. From the first he avoided the littleness and quibble which are the bane of the bar. He had a high notion of what a lawyer should be and of the method and spirit in which he should conduct his cases. He had as much dignity as audacity, a sense of justice as keen as the purpose was zealous in pursuing it.

It came to be understood in the courts of Boston when Otis appeared as an advocate that he had a case and believed in it. He avoided accepting retainers in cases, of the justice of which he was in doubt. Pursuing this

Hannah Otis Book given her by
her father James Otis July 16th 1773

Given to Wm Taylor Esq
by his friend H. G. Otis

Found in an old box
of books - & presented to

Wm C. Otis -
Great G. G. nephew.

by Mrs J R Walker -

Jan. 31. 1881 - Boston

{ Great Nephew & grandson of
James O. S. H. G. Otis -

to Harrison Gray Otis in 1844
Son of Wm C. Otis -

Inscription on the Fly Leaf of a Copy of "A New Dictionary of
Arts and Sciences," (Vol. III,) London, 1764.

The upper two lines are in the handwriting of James Otis. The author
is indebted for the use of the volume to Harrison Gray Otis, Esq., of Win-
throp, Massachusetts, whose name appears at the bottom of the page.

method, he was sometimes involved in law-suits in which he was constrained to turn upon his own client.

The story goes of one such instance in which he brought suit for the collection of a bill. Believing in his client and in the justice of the claim, he pressed the matter in court and was about to obtain a judgment when he accidentally discovered, among his client's papers, a receipt which the plaintiff had signed for the very claim under consideration. Through some mistake the receipt had again got back into the man's possession, and he had taken advantage of the fact to institute a suit for the collection of the claim a second time.

Seeing through the matter at once, Otis took the plaintiff aside, confronted him with the receipt and denounced him to his face as a rascal. The man gave down and begged for quarter, but Otis was inexorable; he went back to the bar and stated to the court that reasons existed why the case of his client should be dismissed. The court, presided over by Judge Hutchinson, afterward Lieutenant-Governor and Chief Justice of Massachusetts, expressed its surprise at the turn of affairs, complimented Otis for his honorable course as an advocate, commended his conduct to the bar, and dismissed the case.

With the spread of his reputation Mr. Otis was summoned on legal business to distant parts. On one occasion he was called to Halifax to defend some prisoners under arrest for piracy; believing them to be innocent he convinced the court in an eloquent plea and secured the acquittal of the prisoners.

On another occasion he was summoned to Plymouth to defend some citizens of that town who had become involved in a riot on the anniversary of the Gunpowder Plot. It was the custom in the New England towns to observe this day with a mock procession, in which effigies representing the Pope, the Old Bad One, and James the Pretender, were carried through the streets to be consigned at the end to a bonfire. In this instance violence was done by some of the participants; windows were smashed, gates were broken down, etc. Mr. Otis conducted the defense, showing that the arrested persons taking part in a noisy anniversary, and committing acts that were innocent in spirit, if not innocent *per se*, ought not to be adjudged guilty of serious misdemeanor. This plea prevailed and the young men were acquitted.

It is to be greatly regretted that the legal pleas and addresses of James Otis have not been preserved. A volume of his speeches would reveal not only his style and character, but also much of the history of the times. The materials, however, are wanting. He kept a commonplace book in which most of his business letters of the period under consideration were recorded. But these give hardly a glimpse at the man, the orator, or his work. Tradition, however, is rife with the myth of his method and manner. (He was essentially an orator. He had the orator's fire and passion; also the orator's eccentricities—his sudden high flights and transitions, his quick appeals and succession of images.

To these qualities of the orator in general Otis added the power of applying himself to the facts; also the

power of cogent reasoning and masterful search for the truth which gained for him at length the fame of first orator of the revolution. The passion and vehemence of the man made him at times censorious and satirical. His manner towards his opponents was at times hard to bear. His wit was of that sarcastic kind which, like a hot wind, withers its object.

All of these dispositions seemed to increase his power and to augment his reputation, but they did not augment his happiness. His character as an advocate and as a man came out in full force during the first period of his Boston practice; that is, in the interval from 1750 to 1755.

On attaining his thirtieth year Mr. Otis came to the event of his marriage. He took in union, in the spring of 1755, Ruth Cunningham, daughter of a Boston merchant. From one point of view his choice was opportune, for it added to his social standing and also to his means. From another aspect, however, the marriage was less fortunate.

The Cunningham family was not well grounded in the principles of patriotism. The timid commercial spirit showed itself in the father, and with this the daughter sympathized. The sharp line of division between patriotism and loyalty had not yet been drawn—as it was drawn five years afterward. But it began to be drawn very soon after the marriage with serious consequences to the domestic peace of the family.

It appears that beside this general cause of divergence, the staid and unenthusiastic character of Mrs. Otis rather

chilled the ardor of the husband, and he, for his part, by his vehemence and eccentricity, did not strongly conciliate her favor. There were times of active disagreement in the family, and in later years the marriage was rather a fact than a principle.



Mary Alleyne Otis, Mother of James Otis, Jr.

The result of Mr. Otis's marriage was a family of one son and two daughters. The son, who was given his father's name, showed his father's characteristics from childhood, and certainly a measure of his genius. The lad, however, entered the navy at the outbreak of the Revolution, became a midshipman, and died in his

eighteenth year. The oldest daughter, Elizabeth, went wholly against her father's grain and purpose. Just before the beginning of the Revolution, but after the case had been clearly made up, she was married to a certain Captain Brown, at that time a British officer in Boston, cordially disliked, if not hated, by James Otis. Personally, Brown was respectable, but his cause was odious. He was seriously wounded in the Battle of Bunker Hill. Afterwards he was promoted and was given a command in England. Thither his wife went with him, and Mr. Otis discarded them both, if not with anathema at least with contempt.

It would appear that his natural affection was blotted out. At least his resentment was life-long, and when he came to make his will he described the circumstances and disinherited Elizabeth with a shilling. The fact that Mrs. Otis favored the unfortunate marriage, and perhaps brought it about—availing herself as it is said, of one of Mr. Otis's spells of mental aberration to carry out her purposes—aggravated the difficulty and made her husband's exasperation everlasting.

The younger daughter of the family shared her father's patriotism. She was married to Benjamin Lincoln, Jr., a young lawyer of Boston, whose father was General Benjamin Lincoln of revolutionary fame. The marriage was a happy one, but ultimately clouded with honorable grief. Two promising sons were born, but each died before reaching his majority. The father also died when he was twenty-eight years old. The wife and mother resided in Cambridge, and died there in 1806.

The second period in James Otis's life may be regarded as extending from 1755 to 1760; that is, from his thirtieth to his thirty-fifth year. It was in this period that he rose to eminence. Already distinguished as a lawyer, he now became more distinguished as a civilian and a man of public affairs.

He caught the rising interest as at the springing of the tide, and rose with it until it broke in lines of foam along the shores of New England. He gained the confidence of the patriot party, of which he was the natural leader. His influence became predominant. He was the peer of the two Adamses, and touched hands right and left with the foremost men of all the colonies.

It surprises us to note that at this time James Otis devoted a considerable section of his time to scholastic and literary pursuits. He was a student not only of men and affairs but of books. Now it was that the influence of his Harvard education was seen in both his studies and his works. We are surprised to find him engaged in the composition of a text-book which is still extant, and, however obsolete, by no means devoid of merit. The work was clearly a result left on his mind from his student days.

He composed and, in the year 1760, published, by the house of B. Mecom in Boston, a 72 page brochure entitled "The Rudiments of Latin Prosody with a Dissertation on Letters and the Principles of Harmony in Poetic and Prosaic Composition, collected from some of the best Writers."

The work is primarily a text in Latin Prosody in

which the author thought himself to improve on the existing treatises on that subject. The afterpart of the pamphlet is devoted to a curious examination of the qualities of the letters of the Greek and Roman alphabets.

In this he attempts to teach the distinction between quantity and accent in the Greek language, but more particularly to describe the position and physiological action of the organs of speech in producing the elementary sounds in the languages referred to. The author declares his conviction that the growth of science had been seriously ^{interfered with or delayed by} ~~impeded~~ by the inattention of people to the correct utterance of elementary sounds. He also points out the great abuses in the prevailing methods and declares that these abuses have so impeded the work of education "that many have remained children all their days."

Having written and published his work on Latin prosody, Mr. Otis next produced a similar work on the prosody of Greek. This, however, he did not publish, and he is said to have destroyed the manuscript at the time of burning his correspondence near the end of his life.

A conversation of James Otis is narrated by Francis Bowen, in Jared Sparks's "American Biography" in which the orator is represented, in speaking of the bad literary taste prevalent among the boys of the time, as saying, "These lads are very fond of talking about poetry and repeating passages of it. The poets they quote I know nothing of; but do you take care, James, [Otis was addressing James Perkins, Esq., of Boston] that you don't

give in to this folly. If you want to read poetry, read Shakespeare, Milton, Dryden and Pope and throw all the rest into the fire; these are all that are worth reading." In this brief comment the severity of Otis's literary taste is indicated and also something of the rather abrupt and dogmatic character of his mind. His criticism, though true, can hardly be said to be judicious.

In order to understand the part which James Otis played in the great work of revolution and independence it is now necessary to note with care the conditions into which he was cast and with which he was environed at that period of his life when the man-fire flames highest and the audacity of the soul bounds furthest into the arena of danger.

Every man is the joint product of himself and his environment. His life is the resultant of the two forces by which he is held and balanced. At the time when James Otis reached his thirty-fifth year a condition had supervened in the American colonies which reacted upon his passionate and Patriotic nature so powerfully as to bring into full play all of his faculties and to direct the whole force of his nature against the tyrannical method of the mother country.

Let us look for a moment at the course of events which had preceded and which succeeded the crisis in James Otis's life, and made him the born leader of his countrymen in their first conflict for independence.

Great Britain had aforetime permitted the American colonists to plant themselves where, when, and as they would. Almost every colonial settlement had been an

adventure. The emigrants from the other side of the Atlantic had been squeezed out by the hard discipline of church and state. In America they settled as they might.

“And England didn't look to know or care.”

In the language of one of the bards of this age,

“That is England's awful way of doing business.”

She permitted her persecuted children to brave the intolerable ocean in leaking ships, to reach the new world if they could, and survive if they might.

Notwithstanding this hard strain on the sentiment of the Pilgrims, the Cavaliers, and the Huguenots, they remained loyal to the mother country. They built their little states in the wilderness and were proud to christen their towns and villages with the cherished names of the home places in England. They defended themselves as well as they could against the inhospitality of nature, the neglect of the mother country, and the cruelty of savage races.)

It was only when they grew and multiplied and flourished that our little seashore republics attracted the attention of the mother land and suggested to the ministers of the crown the possibility of plucking something from the new states which had now demonstrated their ability to exist and to yield an increase.

(Meanwhile, for six generations, the colonists had developed their own social affairs and managed their own civil affairs according to the exigencies of the case and the principles of democracy. Their methods of government were necessarily republican.

The military necessities which were ever at the door had taught our fathers the availability of arms as the final argument in the debate with wrong. The conflicts with the Indians and the experiences of the French and Indian war had shown that the Americans were able to hold their own in battle.

Under these conditions there was a natural growth of public opinion in the colonies tending to independence of action, and to indignant protest against foreign dictation. In the sixth decade of the eighteenth century many of the leading young men of America talked and wrote of independence as a thing desirable and possible.

In 1755, when James Otis was thirty years of age, his young friend, John Adams, sitting one day in his school house in Connecticut, wrote this in his diary: "In another century all Europe will not be able to subdue us. The only way to keep us from setting up for ourselves is to disunite us."

We thus note natural conditions as tending to produce a rebellion of the American colonies; also the inherited disposition of the colonists under the discipline of their times; also the growth of public opinion among the leading spirits—to which we must add the character of the reigning king and of the ministers to whom he entrusted his government as the *general* conditions antecedent to the revolutionary movement of our fathers.

But there were more immediate and forceful causes which operated to the same end. Among these should be mentioned as a prevailing influence the right of arbitrary government claimed by Great Britain and at length

Tyrannical

resisted by the colonists. The right of arbitrarily controlling the American states was shown in a number of specific acts which we must here discuss.

The first of these was the old Navigation Act of 1651. The measure adopted by the government of Cromwell



Oliver Cromwell.

had never been strenuously enforced. It was the peculiarity of all the early legislation of Great Britain relative to the colonies that it was either misdirected or permitted to lapse by disuse.

The colonies thus literally *grew*, with little home direction. After the navigation act had been nominally in force for eighty-two years it was revived and supplemented by an-

other measure known as the Importation Act.

This statute, dating from the year 1733, was intended to be an actual device for controlling the commercial relations with the colonies. By the terms of the Act heavy duties were laid on all the sugar, molasses, and rum which should be imported into the colonies. The

pity often engenders love

customs were exorbitant and were from the first evaded as far as possible by the American merchants.

This may be regarded as the first actual breach of justice on the one side and good faith on the other, as between the home government and the American dependencies of Great Britain.

The reader will note that the question at issue was from the first commercial. It was a question of taking something from the colonists and of giving no equivalent, either in value or political rights. Had the American colonists been willing to be taxed and searched without an equivalent, then would there have been no revolution.

It will be noted from the nature of the question that the issue, since it was a matter of the merchants, was also a matter of the cities. For the merchant and the city go together. With the country folk of the pre-revolutionary era, the faultfinding and dispute related always to political questions proper—to questions of rights as between the king and his subjects; to questions of institutional forms, the best method of governing, etc.

All of these matters, however, could have been easily adjusted, and if there were an "if" in history they would have been adjusted without revolution and without independence. The commercial question, however, involving money rights, and implying the privilege and power of the Mother Country to take from the Colonists their property, however small the amount, could but engender resistance, and if the claim were not relinquished could but lead to war and disruption. *confusion*

The neglected growth of the Colonies had in the meantime established in the seaboard towns of America, usages and customs which were repugnant to British notions of regular and orderly government. The commercial life had taken a form of its own.

The Americans had built ships and warehouses. They had engaged in commerce as they would. They had made their trade as free as possible. They had ignored the old Navigation Act, and when the Importation Act was passed, it confronted a condition in America. It applied to a state of affairs that already existed.

The American ship, trading with the West Indies and bringing back to Boston a cargo of molasses or rum, was met at custom house with an exorbitant requisition. The officer acting under the Importation Act, virtually said, "Stand and deliver."

If it were a British ship the resistance to the duty would be offered by the land merchants rather than by the sea traders; for the merchants did not desire that the cost of the merchandise to themselves and their customers should be doubled without some equivalent advantage. No equivalent advantage was either visible or invisible. What, therefore, should they do but first evade and then openly resist?

There was an epoch of evasion. This covered a period of about seventeen years, extending from 1733 to 1750. In the latter year an act was passed by Parliament forbidding the erection of iron works in America. The manufacture of steel was especially interdicted. The measure which was in reality directed against ship-

building included a provision which forbade the felling of pines outside of enclosures. It was thus sought by indirection to prevent the creation of a merchant marine by the American Colonists and to limit their commerce to British ships. This measure like the Importation Act was also ignored and resisted. For eleven years the Americans persisted in their usual course, making iron, cutting pine timber and building ships, importing molasses and rum, evading the duties, and thus getting themselves into the category of smugglers.

It was this precise condition of affairs which led to a still more stringent ¹⁷⁶⁴ measure on the part of the home government. It was determined in Parliament to put an end to the evasion and resistance of the American merchants and importers with respect to the existing laws. The customs should be collected. It was deemed best, however, that the new measure should issue from the judiciary.

An appeal was made to the Court of Exchequer in England for the granting of search warrants to be issued in America by the king's officers for the purpose of ferreting out contraband goods. These warrants granted by the Court of Exchequer were the Writs of Assistance, the name of which appears so frequently and with so much odium in the colonial history of the times. These writs were granted by the court under pressure of the ministry in the year 1760.

The Writs of Assistance were directed to the officers of the customs in America. But any officer could arm one of his subordinates, or indeed any other person whom

he should designate, with one of the writs, and the person so appointed might act in the name of the king's officer.

The thing to be done was the examination of any place and all places where contraband goods might be supposed to be lodged. Whether there were evidence or no evidence, the case was the same. (The document was a writ of arbitrary search.)

Any house, public or private, might be entered at any time; any closet or any cellar might be opened. Neither the bridal chamber nor the room of the dead was sacred on the approach of any petty customs constable or deputy in whose hands a Writ of Assistance had been placed. The antecedent proceedings required no affidavit or any other legal formality. The object was to lay bare the whole privacy of a people on sheer suspicion of smuggling.

It could hardly be supposed that our fathers would tamely submit to such an odious and despotic procedure. To have done so would have been to subscribe to a statute for their own enslavement. Nor may we pass from the consideration of these writs and the resistance offered thereto by the patriots of all our colonies without noticing the un-English character of these laws.

Of a certainty Englishmen in whatever continent or island of this world would never tolerate such a tyrannical interference with their rights. This was demonstrated not only in America, but in England also.

The issuance in England of just such illegal and arbitrary warrants was one of the causes that led to the tremendous agitation headed by John Wilkes. The ex-

citement in that controversy grew, and notwithstanding the repeated arrests of Wilkes and his expulsions from Parliament, his reëlection was repeated as often, and his following increased until not only the ministry but the throne itself was shaken by the cry of "Wilkes and Liberty." Nor did this well-timed ebullition of human rights subside until the arbitrary warrants were annulled by a decision of the King's Bench.

It was the trial of this issue in America that brought on the Revolution. It was a great cause that had to be pleaded, and the occasion and the city and the man, were as great as the cause. The parties to it were clearly defined, and were set in sharp antagonism.

On the one side were the king's officers in the province, headed by the governor. This following included the officers of the customs in particular. It also included the not inconsiderable class of American respectabilities who were feeble in American sentiments, and who belonged by nature and affiliation to the established order. These were the loyalists, destined to be designated as Tories, and to become the *bete noire* of patriotism.

On the other side was a whole phalanx of the common people—a phalanx bounded on the popular side by the outskirts of society and on the high-up side by the intellectual and philosophical patriots who were as pronounced as any for the cause of their country, and with better reason than the reason of the many.

The officers of the province elected by the home folks were all patriots, but the appointed officers of the crown were quite unanimous for the prerogative of the crown,

holding that severe measures should be taken with the resisting colonists, and in particular that the Writs of Assistance were good law and correct policy.

We should here note the particular play of the personal forces in the year



George II.

1760. There were two notable deaths—the one notable in Massachusetts and the other in the world. The first was that of Chief Justice Stephen Sewall of Massachusetts, and the other was that of His Majesty George II, the

“Snuffy old drone from the German hive,”

as he is described by the “Autocrat of the Breakfast Table.” The first was succeeded in office by Thomas Hutchinson, Lieutenant-

ant-Governor of the province under Sir Francis Bernard, who was appointed governor in this notable year 1760 as the successor of Thomas Pownall, who had succeeded Governor William Shirley.

Hutchinson—to use the adjective which John Adams was wont to apply to himself and other patriots to the manner born—was a Massachusettensian. He had sym-

pathized with the people, but he now turned against them. Before Judge Sewall went away it was said and believed that Governor Shirley had promised the place of Chief Justice, when the same should be vacant, to no other than Colonel James Otis of Barnstable, father of the subject of this sketch.

But Governor Bernard, Shirley's second successor in office, took another view of the matter and appointed Lieutenant-Governor Hutchinson to the high office of Chief Justice.

It was the belief and allegation of the King's party that this appointment and this disappointment—the first of Hutchinson and the second of Colonel Otis—bore heavily on all the Otises, and indeed converted them from loyalism to patriotism.

Chief Justice Hutchinson himself is on record to this effect. In his "History of Massachusetts," speaking of his own appointment to the judicial office, he says:

"The expected opposition ensued. Both gentlemen (that is, Colonel Otis and James Otis, Jr.) had been friends to the government. From this time they were at the head of every measure in opposition, not merely in those points which concerned the Governor in his administration, but in such as concerned the authority of Parliament; the opposition to which first began in this colony, and was moved and conducted by one of them, both in the Assembly and the town of Boston. From so small a spark, a great fire seems to have been kindled."

The statement of a partisan, especially if he be a bene-

fiary, must be taken with the usual allowance of salt.

It may be that the patriotic trend of the Otises was intensified a little by a personal pique in the matter referred to. But that either father or son was transferred from the king's party to the people's party by the failure of Colonel Otis to be appointed Chief Justice is not to be believed. Other stories are to be dismissed in the same manner.

One slander prevalent about the Custom House ran to the effect that James Otis had declared that he would set the province on fire even if he had to perish in the flames. The art of political lying was known even among our fathers.

Such was the situation of affairs when the sycophants of the foreign government in Boston undertook to enforce the Writs of Assistance. They soon found that they needed *more* assistance to do it. The banded merchants, and the patriots generally, said that the acts were illegal, and that they would not submit to the officers. The governor and his subordinates and the custom-house retinue in particular, said that the writs were legal, and that they should be enforced. The matter came to a clash and a trial.

The case as made up presented this question: *Shall the persons employed in enforcing the Acts of Trade have the power to invoke generally the assistance of all the executive officers of the colony?*

This issue was, in February of 1761, taken into court in the old Town House, afterwards the old State House, of Boston. There were sitting the five Judges of the Su-



The Old Town House (now Old State House), Boston.

(From a photograph by Pollock, 1898.)

In the hall, where the lights appear, in the second story of this building, James Otis thundered for five hours against the Writs of Assistance. About a hundred yards in front of this building the first blood of the Revolution was shed.

perior Court of the province. Chief Justice Hutchinson, still holding the office of Lieutenant-Governor, his membership in the Council, and his position of Judge of Probate, presided at the trial. Perhaps there was never in America an instance in which a high official so nearly fulfilled the part of "Pooli Bah."

The trial evoked an attendance of all who could be admitted, and of many more. The officers of the crown were out in full force, and resolute patriotism completed the crowd. John Adams was one of the spectators. Another element in the dramatic situation was the fact that James Otis had, in the meantime, received the appointment to the crown office of Advocate General, to which an ample salary was attached. In this relation it would be his especial duty to *support* the petition of the custom-house officers in upholding the Writs of Assistance and in constraining the executive officers of the province to support them in doing so.

This contingency brought out the mettle of the man. When the revenue officers came to him with the request that he defend their case, he at once *resigned his office*, and this being known the merchants immediately sought his services as counsel to uphold *their* protest against the Writs. For his assistant they selected Mr. Oxenbridge Thatcher.

Otis accepted the invitation without a fee. His action involved the loss of his official position as well as his means of living. It chanced at this time that his old law preceptor, Jeremiah Gridley, was selected as King's Attorney, and it fell to his lot to take the place which

Otis would not accept. Thus master and pupil were brought face to face at the bar in the hottest legal encounter which preceded our rupture with the mother country.

The trial that ensued has been described by John



Council Room, Old State House, Boston, where Otis delivered his Address against the Writs of Assistance.

Adams, an eye witness of the whole proceedings. He gives in his works a description of the conduct of the case as it was presented for and against the crown, and also notes of Otis's argument.

After the pleas were presented and other preliminary matters arranged, Mr. Gridley addressed the court in

support of the government's position. He defended the petition of the custom-house officials as both legal and just. Two statutes of the time of Charles II, empowering the court of Exchequer to issue writs such as those which were now denied, were adduced. He then cited the statute of the sixth year of Queen Anne, which continued to enforce the processes which had been authorized in the twelfth and fourteenth years of the reign of Charles.

Still more to the point were the statutes of the seventh and eighth years of William III, which authorized the collection of revenue "in the British plantations" by officers who might search both public and private houses to find goods that had evaded the duty. These statutes Mr. Gridley claimed as a warrant for the like usage in America.

In answer to Gridley, Oxenbridge Thatcher,* himself a lawyer of no mean abilities, spoke for the counter petitioners. His plea was a strong confutation of Gridley's arguments. After this brief address Mr. Otis rose to continue the plea for the people.

Of the speech which followed we have no complete record or wholly satisfactory summary. It is to John

* John Adams attempts to classify the pre-revolutionary orators of New England according to their ardor and influence. "The characters," says he, "the most conspicuous, the most ardent and influential, from 1760 to 1766, were first and foremost, above all and over all, James Otis; next to him was Oxenbridge Thatcher; next to him, Samuel Adams; next to him, John Hancock; then Doctor Mayhew." —Works of John Adams, Vol. X, p. 284.

If we should insert in this list the name of John Adams himself, his place would be between his cousin and Hancock.

Adams, and to the notes which he made on the occasion, that we must look for our opinion of what was, if we mistake not, the greatest and most effective oration delivered in the American colonies before the Revolution. Such was the accepted belief of those who heard Otis, and witnessed the effect of his tremendous oratory.

Making all allowance for exaggeration, it seems to have been one of those inspired appeals by which History and Providence at critical epochs make themselves known to mankind. John Adams, then twenty-five years of age, passing from his notes of Thatcher's speech, says of the greater actor:

"But Otis was a flame of fire; with a promptitude of classical allusions, a depth of research, a rapid summary of historical events and dates, a profusion of legal authorities, a prophetic glance of his eyes into futurity, and a rapid torrent of impetuous eloquence, he hurried away all before him. American Independence was then and there born. The seeds of patriots and heroes, to defend the *Non sine diis animosus infans*, to defend the vigorous youth, were then and there sown. Every man of an immense crowded audience appeared to me to go away, as I did, ready to take arms against Writs of Assistance. Then and there was the first scene of the first act of opposition to the arbitrary claims of Great Britain. Then and there the child Independence was born. In fifteen years, that is in 1776, he grew up to manhood, and declared himself free."

We may allow a little for the enthusiasm of a young patriot such as Adams, but there can be no doubt that

his unmeasured eulogy was well deserved. Such was the *description* of Otis's speech.

As to the speech itself we have only a second-hand and inadequate report. Minot, in his "History of Mas-



Relic Room, Old State House, Boston.

sachusetts," presents what purports to be a tolerably full outline of the great address.

Mr. Otis spoke for five hours, during which time with his rather rapid utterance he would perhaps deliver an oration of 30,000 words. Minot's report appears to have been derived from Adams' notes done into full form by an unknown writer, who proba-

bly put in here and there some rather florid paragraphs of his own. At a subsequent period, Adams took up the subject and corrected Minot's report, giving the revised address to William Tudor, who used the same in his biography of James Otis. From these sources we are able to present a fair abstract of what were the leading parts of Otis's speech. In the beginning he said:

"May it please your Honors:

"I was desired by one of the court to look into the books, and consider the question now before them concerning Writs of Assistance. I have accordingly considered it, and now appear, not only in obedience to your order, but likewise in behalf of the inhabitants of this town, who have present another petition, and out of regard to the liberties of the subject. And I take this liberty to declare, that, whether under a fee or not (for in such a cause as this I despise a fee), I will to my dying day oppose, with all the powers and faculties God has given me, all such instruments of slavery on the one hand, and villainy on the other, as this Writ of Assistance is.

"It appears to me the worst instrument of arbitrary power, the most destructive of English liberty and the fundamental principles of law, that was ever found in an English law-book. I must, therefore, beg your Honors' patience and attention to the whole range of an argument, that may, perhaps, appear uncommon in many things, as well as to points of learning that are more remote and unusual, that the whole tendency of my design may the more easily be perceived, the conclusions better

descend, and the force of them be better felt.

“I shall not think much of my pains in this case, as I engaged in it from principle. I was solicited to argue this case as advocate-general; and because I would not, I have been charged with desertion from my office. To this charge I can give a very sufficient answer. I renounced that office, and I argue this case, from the same principle; and I argue it with the greater pleasure, as it is in favor of British liberty, at a time when we hear the greatest monarch upon earth declaring from his throne, that he glories in the name of Briton, and that the privileges of his people are dearer to him than the most valuable prerogatives of his crown; and it is in opposition to a kind of power, the exercise of which, in former periods of English history, cost one king of England his head, and another his throne.

“I have taken more pains in this case than I ever will take again, although my engaging in this and another popular case has raised much resentment. But I think I can sincerely declare, that I cheerfully submit myself to every odious name for conscience’ sake; and from my soul I despise all those whose guilt, malice or folly, has made them my foes.

“Let the consequences be what they will, I am determined to proceed. The only principles of public conduct, that are worthy of a gentleman or a man, are to sacrifice estate, ease, health and applause, and even life, to the sacred calls of his country.

“These manly sentiments, in private life, make the good citizen; in public life, the patriot and the hero. I

do not say that, when brought to the test, I shall be invincible. I pray God I may never be brought to the melancholy trial; but if ever I should, it will then be known how far I can reduce to practice principles which I know to be founded in truth. In the meantime, I will proceed to the subject of this writ."

After this introductory part we are obliged to fall back on the summary given by Mr. Adams. According to his report, Otis in the next place went into fundamentals and discussed the rights of man in a state of nature. In this part, the argument ran in an analogous vein to that of Rousseau in the *Contrat Social*;



John Adams.

that is, man in the first place is a sovereign subject only to the higher laws revealed in his own conscience. In this state he has a right to life, to liberty, to property.

Here the speaker fell into the manner of Jefferson in the opening paragraphs of the Declaration. It is to be noted that Otis presented the truth absolutely; he including negroes in the common humanity to whom inalienable rights belong.

Mr. Otis next took up the social compact, and showed that society is the individual enlarged and generalized. This brought him to the question before the court; for the conflict now on was a struggle of society, endowed with inalienable rights, against arbitrary authority and its abusive exercise.

The abusive exercise was shown in the attempts to enforce the Acts of Trade. Of this kind was the old Navigation Act, and of like character was the Importation Act. It was to enforce these that the Writs of Assistance had been devised. Mr. Otis then continued:

“Your Honors will find, in the old books concerning the office of a justice of the peace, precedents of general warrants to search suspected houses. But, in more modern books, you will find only special warrants to search such and such houses, specially named, in which the complainant has before sworn, that he suspects his goods are concealed; and will find it adjudged, that special warrants only are legal. In the same manner, I rely in it, that the writ prayed for in this petition, being general, is illegal. It is a power that places the liberty of every man in the hands of every petty officer.

“I say, I admit that special Writs of Assistance, to search special places, may be granted to certain persons on oath; but I deny that the writ now prayed for can be granted; for I beg leave to make some observations on the writ itself, before I proceed to other acts of Parliament.

“In the first place, the writ is universal, being directed to ‘all and singular justices, sheriffs, constables, and all

other officers and subjects;’ so that, in short, it is directed to every subject in the King’s dominions. Every one, with this writ, may be a tyrant in a legal manner, and may control, imprison, or murder, any one within the realm.

“In the next place it is perpetual; there is no return. A man is accountable to no person for his doings. Every man may reign secure in his petty tyranny, and spread terror and desolation around him, until the trump of the archangel shall excite different emotions in his soul.

“In the third place, a person with this writ, in the daytime, may enter all houses, shops, etc., at will, and command all to assist him.

“Fourthly, by this writ, not only deputies, etc., but even their menial servants, are allowed to lord it over us. What is this but to have the curse of Canaan with a witness on us? To be the servant of servants, the most despicable of God’s creation?

“Now, one of the most essential branches of English liberty is the freedom of one’s house. A man’s house is his castle; and whilst he is quiet, he is as well guarded as a prince in his castle. This writ, if it should be declared legal, would totally annihilate this privilege. Custom-house officers may enter our houses when they please; we are commanded to permit their entry. Their menial servants may enter, may break locks, bars, and every thing in their way; and whether they break through malice or revenge, no man, no court, can inquire. Bare suspicion, without oath, is sufficient.

“This wanton exercise of this power is not a chimerical suggestion of a heated brain. I will mention some facts. Mr. Pew had one of these writs, and, when Mr. Ware succeeded him, he endorsed this writ over to Mr. Ware; so that these writs are negotiable from one officer to another; and so your Honors have no opportunity of judging the persons to whom this vast power is delegated. Another instance is this:

“Mr. Justice Walley had called this same Mr. Ware before him, by a constable, to answer for a breach of the Sabbath-day acts, or that of profane swearing. As soon as he had finished, Mr. Ware asked him if he had done. He replied, ‘Yes.’ ‘Well, then,’ said Mr. Ware, ‘I will show you a little of my power. I command you to permit me to search your house for uncustomed goods;’ and went on to search the house from the garret to the cellar; and then served the constable in the same manner.

“But to show another absurdity in this writ, if it be established, I insist upon it, every person, by the 14th of Charles the Second, has this power, as well as the custom-house officers. The words are, ‘It shall be lawful for any person, or persons, authorized,’ etc. What a scene does this open. Every man prompted by revenge, ill-humor, or wantonness, to inspect the inside of his neighbor’s house, may get a Writ of Assistance. Others will ask it from self-defence; one arbitrary exertion will provoke another, until society be involved in tumult and in blood.”

This extract may serve to show the Demosthenic

power of James Otis as an orator. We cannot within our limits present many additional paragraphs from his great plea in the cause of his countrymen.

In the next division of his argument he confuted the position taken by Gridley with respect to the alleged legal precedents for the Writs of Assistance. He showed that the writs were wholly different from those provided for in the time of Charles II. Even if they had not been so, the epoch and the manner of King Charles had passed away. Neither could the Writs be justified by inferences and constructions deduced from any previous statutes of Parliament.



Charles II.

Besides, such odious Writs could never be enforced. They could never be enforced in the City of the Pilgrims. If the King of England should himself encamp with twenty thousand soldiers on the Common of Boston, he could not enforce such laws. He assailed the sugar tax with unmeasured invective. And over and above all, this despotic legislation was in direct conflict with the Charter of Massachusetts.

Here the orator broke forth in his most impassioned strain declaring that the British King, the British Parliament, and the British nation, were all guilty of ingratitude and oppression in attempting to impose tyrannical enactment on the people of America. Thus he concluded his argument and appeal.

Those who heard the oration were convulsed with excitement. The King's party was enraged. The patriots were inspired and defiant. It was in every respect a critical and a historic hour.

What would the court do with the case? The action of that body was obscure and double. There seems to have been a disposition of the Associate Judges to decide for the counter-petitioners; but Chief Justice Hutchinson induced them to assent to his policy of *withholding a decision*. He accordingly announced that the court would decide the case at the ensuing session. He then wrote to the home government, and the records show that the decision was rendered *for the petitioners*. That is, for the Custom House officials, and in favor of the Writs.

The Chief Justice is also on record to the effect that he continued to issue the Writs; but if so, no officer of the king ever dared to present one of them in Boston! The famous (and infamous) Writs of Assistance were as dead as the mummies of Egypt.

It is from this point of view that the character and work of James Otis appear to the greatest historical advantage. There can be no doubt that his was the living voice which called to resistance, first Boston, then



The Old Custom House of Boston.

This building was the headquarters of the King's officers in the time when the controversy was on between them and the Merchants of Boston—a controversy which, fanned to a flame, became a revolutionary conflagration in the American Colonies.

Massachusetts, then New England and then the world! For ultimately the world heard the sound thereof and was glad. The American Colonies resisted, and at length won their independence. The sparks fell in France, and the jets of flame ran together in a conflagration the light of which was seen over Europe, and if over Europe, then over the world. The Pre-revolutionist had cried out and mankind heard him. Resistance to tyranny became obedience to God.

We shall here sketch rapidly and briefly the unsteady way and unfortunate decline of James Otis down to the time of the eclipse of his intellect and his tragic death.

Three months after he had, according to John Adams, "breathed into the nation the breath of life," he was chosen to represent Boston in the legislature of the Commonwealth. All of his colleagues were patriots. Boston was in that mood.

There runs a story that when he was entering upon his duties he was counselled by a friend to curb his impetuosity and to gain leadership by the mastery of self—advice most salutary to one of his temperament. But it was much like advising General Putnam to be calm at Bunker Hill! Otis promised, however, that if his friends would warn him when his temperature was rising, he would command himself.

It is also narrated that his friends did attempt to pluck him by the coat, but he turned upon them demanding to know if he was a school boy to be called down!

At this time the relations between Governor Bernard and the Legislature were greatly strained. Otis rather

increased the tension. A question arose about a financial measure whereby gold was to be exported and silver money retained as the currency of the colony—the former at less than its nominal value—in a manner to juggle the people into paying their obligations twice over. The argument became hot and the Council taking the side of the administration was opposed by the legislative assembly.

Chief Justice Hutchinson and James Otis got into a controversy which was bitter enough, and which may be illustrated with the following letter which James Otis addressed to the printer of a newspaper:

“Perhaps I should not have troubled you or the public with any thoughts of mine, had not his Honor the Lieutenant-Governor condescended to give me a personal challenge. This is an honor that I never had vanity enough to aspire after, and I shall ever respect Mr. Hutchinson for it so long as I live, as he certainly consulted my reputation more than his own when he bestowed it. A general officer in the army would be thought very condescending to accept, much more to give, a challenge to a subaltern. The honor of entering the lists with a gentleman so much one’s superior in one view is certainly tempting; it is at least possible that his Honor may lose much; but from those who have and desire but little, but little can possibly be taken away.

“I am your humble servant,

“JAMES OTIS, JR.”

This controversy continued for some time, and it is thought that to it must be attributed much of the ani-

mosity displayed by the Chief Justice towards Otis in the "History of Massachusetts Bay."

Mr. Otis continued his aggressive policy in the session of the assembly held in 1762. It was at this session that the government in the hope of getting a sum of money adopted the ruse of creating an alarm relative to a French invasion of Newfoundland. But the patriots would have none of it. They went so far as to say that if arbitrary government was to be established in America, it made no difference whether the Americans should have King Stork or King Log. To this effect ran a resolution offered by James Otis:

"No necessity 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."

It is said that when this resolution was offered a loyalist member cried out in the Virginian manner, "Treason, treason." It was in this way that Mr. Otis gained the undying enmity of the King's party in America.

It was in the period following his legislative service that James Otis prepared his powerful pamphlet entitled "A Vindication of the Conduct of the House of Representatives of the Province of the Massachusetts Bay." In this work he traverses and justifies the course pursued by the patriot legislature during the sessions of his attendance.

Great was the joy of the American Colonies at the conclusion of the French and Indian War. The Treaty of Paris in February of 1763 conceded Canada to Great Britain and insured the predominance of English institutions in the New World.

The animosities of the Americans towards the mother country rapidly subsided. Meetings were held in the principal towns to ratify the peace. At the jubilee in Boston, James Otis presided. He made on the occasion one of his notable addresses. He referred with enthusiasm to the "expulsion of the heathen"—meaning the French, and then expressed sentiments of strong affection for Great Britain and appreciation of the filial relations of the American Colonies to her.

In these utterances Otis reflected the sentiment of the Bostonians and of the whole people. The General Assembly of Massachusetts took up the theme and passed resolutions of gratitude and loyalty. At this particular juncture the Americans did not anticipate what was soon to follow.

The English Ministry was already preparing a scheme for the raising of revenue in America: The question of the right of taxation suddenly obtruded itself. The Americans claimed the right as Englishmen to tax themselves. The English ministers replied that Parliament, and not the Colonial Assemblies, was the proper body to vote taxes in any and all parts of the British Empire. The Americans replied that they were not represented in Parliament. Parliament replied that many of the towns, shires, and boroughs in England were not

represented. If they were not represented, they ought to be, said the Americans; – and thus the case was made up.

By the beginning of 1764 it was known that the Ministers had ~~determined to make~~ a rigorous enforcement of the Sugar Act. Than this, nothing could be more odious to America.

In the spring of the year just named, the citizens of Boston held a great meeting to protest against the impending policy of the crown. As a member of the Assembly and as chairman of a committee Mr. Otis made a report which was ordered to be sent to the agent of the government along with the copy of Otis's recent pamphlet, "The Rights of the British Colonies asserted and proved."

At this time Lieutenant-Governor Hutchinson was about to become the representative of the Colony in its contention with the crown and for some reason, not very apparent, Mr. Otis favored his appointment. Governor Bernard, however, opposed the measure, and Hutchinson declined the appointment. Otis's course was censured by the patriots and his popularity was for the while impaired. However, he took strong grounds against the Sugar Act, and soon afterward still more strenuously opposed the Stamp Act.

He regained the impaired confidence of the people and at the close of the session of the Assembly he was appointed chairman of a committee to correspond with the other Colonies, and thus to promote the common interest of all. This, after the intercolonial conference which Franklin had promoted, was perhaps the *first step*

towards the creation of the Continental Congress. Mr. Otis's letter to the provincial agent went to England, though it was sent in the name of the Lower House only. In this document the writer said:

“Granting the time may come, which we hope is far off, when the British Parliament shall think fit to oblige the North Americans, not only to maintain civil government among themselves, for this they have already done, but to support an army to protect them, can it be possible, that the duties to be imposed and the taxes to be levied shall be assessed without the voice or consent of one American in Parliament? If we are not represented, we are slaves.”

This document was one of the few American papers which was read and criticized in the British Parliament. The merits of Mr. Otis's pamphlet were actually debated in the House of Lords by Lord Littleton and Lord Mansfield. The latter in the course of his remarks said:

“Otis is a man of consequence among the people there. They have chosen him for one of their deputies at the Congress, and general meeting from the respective governments. It is said the man is mad. What then? One madman often makes many. Massaniello was mad, nobody doubts; yet for all that, he overturned the government of Naples. Madness is catching in all popular assemblies, and upon all popular matters. The book is



Lord Mansfield.

full of wildness. I never read it till a few days ago, for I seldom look into such things."

It was in the course of this pamphlet that the Mr. Otis spoke so strongly on taxation and representation. "The very act of taxing," said he, "exercised over those who are not represented, appears to me to be depriving them of one of their most essential rights; and, if continued seems to be, in effect, an entire disfranchisement of every civil right. For what one civil right is worth a rush, after a man's property is subject to be taken from him at pleasure, without his consent?"*

In this was the germ of the stern resistance offered by the Americans to the Stamp Act. No man in the colonies did so much to confute the principles on which the Stamp Act rested as did James Otis.

When the General Assembly of Massachusetts met in May of 1765, Governor Bernard urged in his address the duty of submission to Parliament as to the "conservators of liberty." It was this recommendation which being referred to a Committee, of which Otis was a member, led to the adoption of a resolution for the holding of a Colonial Congress in New York.

Nine colonies accepted the invitation of Massachusetts, and James Otis *headed the delegation* of three members chosen to represent the mother colony in that prophetic body.

*In a further discussion of the prerogatives of the crown Mr. Otis said: "When the Parliament shall think fit to allow the colonists a representation in the House of Commons, the *equity* of their taxing the colonists will be as clear as their *power* is, at present, of doing it if they please."

The story of the contest of the Americans with the home government on the subject of the Stamp Act is well known. The controversy resulted on the 18th of March, 1766, in the repeal of the Act by Parliament. But the repeal was accompanied with a salvo to British obduracy in the form of a declaration that Parliament had "the right to bind the colonies in all cases whatsoever."

Notwithstanding this hateful addendum, the repeal of the Act was received in America with the greatest joy. During the excitement antecedent to the repeal, mobs had surged through the streets of Boston, building bonfires and burning effigies of officers and other adherents of the king's party. In one of these ebullitions, the house of Lieutenant-Governor Hutchinson was attacked and pillaged. The better people had nothing to do with it. Many were arrested and imprisoned.

Governor Bernard was so much alarmed that he declared himself to be a governor only in name. The partisans of the crown started a story that James Otis was the instigator of the riots. There is a hint to this effect in Hutchinson's "History of Massachusetts Bay." But it is evident that the charge was unfounded—except in this, that in times of public excitement the utterances of orators are frequently wrested from their purpose by the ignorant and made to do service in the cause of anarchy.

Meanwhile on the first of November, Mr. Otis returned from the Congress in New York, laid a copy of the proceedings before the Assembly, and was formally thanked for his services.

During the Stamp Act year, Mr. Otis found time to compose two pamphlets setting forth his views on the great questions of the day. There had recently appeared a letter written by a Halifax gentleman and addressed to a Rhode Island friend. The latter personage was unknown; the former was ascertained to be a certain Mr. Howard. The so-called "Letter" was written with much ability and in a bitter spirit.

To this Otis replied with great asperity, and with his power of invective untrammelled. He called his pamphlet "A Vindication of the British Colonies against the Aspersions of the Halifax Gentleman, in his Letter to a Rhode Island Friend." A single passage from the work may serve to show the cogency of the writer's style and especially his anticipation of the doctrines of the Declaration of Independence.

"Is the gentleman," said he, "a British-born subject and a lawyer, and ignorant that charters from the crown have usually been given for enlarging the liberties and privileges of the grantees, not for limiting them, much less for curtailing those essential rights, which all his Majesty's subjects are entitled to, by the laws of God and nature, as well as by the common law and by the constitution of their country?"

"The gentleman's positions and principles, if true, would afford a curious train of consequences. Life, liberty, and property are, by the law of nature, as well as by the common law, secured to the happy inhabitants of South Britain, and constitute their primary, civil, or political, rights."

The other pamphlet bearing date of September 4, 1765, was entitled "Considerations on Behalf of the Colonists, in a Letter to a Noble Lord." In this the writer discusses the question of Taxation and in particular the specious claim of the British Ministry that the home government might justly tax the colonists to defray the expenses of the French and Indian War.

In answer to this Otis says, in a manner worthy of an American patriot in the year 1898, "The national debt is confessed on all hands to be a terrible evil, and may in time ruin the state. But it should be remembered, that the colonies never occasioned its increase, nor ever reaped any of the sweet fruits of involving the finest kingdom in the world in the sad calamity of an enormous, overgrown mortgage to state and stock-jobbers."

The period here under consideration was that in which the Stamp Act was nominally in force. The law required all legal business to be done on stamped paper. Therefore no legal business was done.

Hutchinson in his History says: "No wills were proved, no administrations granted, no deeds nor bonds executed." Of course matters could not go on in this manner forever. Governor Bernard was induced to call the legislature together. When that body convened an answer to the Governor's previous message was adopted by the House, and the answer was the work of James Otis. An extract will show the temper of the people at that juncture:

"The courts of justice must be open, open immediate-

ly, and the law, the great rule of right, in every county in the province, executed. The stopping the courts of justice is a grievance which this House must inquire into. Justice must be fully administered through the province, by which the shocking effects which your Excellency apprehended from the people's non-compliance with the Stamp Act will be prevented."

Meanwhile the public agitation continued; the newspapers teemed with controversy. The administration was firm, but patriotism was rampant. The party of the people adopted the policy of embarrassing the government as much as possible. Then came the news of the repeal of the act, and the jubilation of the people to which we have already referred came after.

When the legislature met in May of 1767, James Otis was chosen speaker; but his election was vetoed by the Governor. The House was obliged to submit, which it did in sullen temper, and then chose Thomas Cushing for its presiding officer. The other elections indicated the patriotic purpose of the House.

There was almost a deadlock between the legislative and executive departments. Governor Bernard addressed the representatives in a supercilious and dogmatic manner, which they for their part resented with scant courtesy.

On one occasion they said (the language being Otis's) in a concluding paragraph: "With regard to the rest of your Excellency's speech, we are sorry we are constrained to observe, that the general air and style of it savor much more of an act of free grace and pardon, than of a parli-

amentary address to the two Houses of Assembly; and we most sincerely wish your Excellency had been pleased to reserve it, if needful, for a proclamation."

The state papers on affairs—at least that portion of them emanating from the legislative department—were, up to the year 1769, nearly all prepared by Mr. Otis; but it was generally necessary to tone down the first drafts of his work. For this duty the speaker (Thomas Cushing) and Samuel Adams were generally selected. It was reckoned necessary to put the damper on the fire!

The popular tendency at this time was illustrated in a proposition made by Mr. Otis to open the gallery of the House to such of the people as might wish to hear the debates.

Otis continued his correspondence, a great deal of which was official. His style and spirit suited the temper of the representatives, and they kept him occupied as chairman of a committee to answer messages from the Government, and, indeed, messages from anybody who might assail the patriot party.

In the meantime the animosity between him and the Governor of the province waxed hot. The Governor constantly charged the patriot leader with being an incendiary, and the latter replied in a manner to convict Governor Bernard of despotic usages and a spirit hostile to American liberty.

The next measure adopted by Parliament inimical to the colonies was the act of 1767 imposing duties on glass, paper, painters' colors, and tea, and appointing a commission for the special purpose of collecting the

revenues. The commissioners so appointed were to reside in the colonies.

This measure, hardly less odious than the Stamp Act, was strangely enough resisted with less vehemence. Several of the popular leaders were disposed to counsel moderation. Among these was Otis himself. But nearly all outside of the official circles were united against the new act. They formed associations and signed agreements not to use any of the articles on which the duty was imposed. This was equivalent to making the act of no effect.

In the legislative assembly of 1768, Mr. Otis was appointed with Samuel Adams to prepare an important paper on the state of public affairs. This they did by drawing up a petition which has been regarded as one of the ablest of its kind.

There is some controversy as to who actually wrote this famous paper, but it appears to have been done mostly by Mr. Otis, though the refining hand of Samuel Adams may be clearly seen in the style. The publication of the paper still further strained the relations between Governor Bernard and the representative branch.

Meanwhile, the news of the assembling of the Colonial Congress in New York had produced a sensation in England, and the petition of the Massachusetts legislature added to the temper of the ministry. In May of 1768, Bernard sent to the assembly a requisition that that body should rescind the resolution which they had passed for sending a circular letter to the other colonies.

To this Mr. Otis, acting for the assembly, prepared a re-

ply which, while it was not less severe, was more respectful and concessive than were most of his communications. At the conclusion he says:

“We have now only to inform your Excellency, that this House have voted not to rescind, as required, the resolution of the last House; and that, upon a division on the question, there were ninety-two nays and seventeen yeas.”

In this manner the controversy dragged on through the years 1768-69, but in the summer of the former year an event occurred which roused the people to a high pitch of excitement. Some of the custom-house officers seized a vessel belonging to John Hancock. For this they were assailed by a mob which burned the boat of the collector of customs. The officers fled to the castle. It was for this business that a body of British soldiers was first sent to Boston.

On the 12th of September, 1768, a great meeting was held in Faneuil Hall, but the crowd was such as to make necessary and adjournment to Sewall's Meeting-house. James Otis was moderator of the meeting. The presence of British soldiers, evidently sent to Boston to enforce the decrees of an arbitrary government, was sufficient to bring into play all the elements of patriotism.

The British soldier's coat in the old town was of the same color as the scarf which the picador shakes in the face of the enraged animal! The effect in either case was the same.

At the meeting just mentioned, Mr. Otis presided and spoke. A report of what occurred was written (pre-

sumptively by some enemy of the patriots), and was sent as a report to the British ministry. In this Otis was charged with saying, "In case Great Britain is not disposed to redress our grievances after proper application, the people have nothing more to do, but to gird



Interior of Faneuil Hall, Boston.

the sword on the thigh and shoulder the musket." Doubtless this report was a perversion of the truth.

Other meetings were held, and resolutions were the order of the day. On the 22nd of June, Faneuil Hall was again crowded. James Otis, Thomas Cushing, Samuel Adams, and John Hancock were selected as repre-

representatives to meet Committees of other towns in a convention. At this meeting it was voted that *the people should arm themselves*. The convention met with delegates present from nearly ninety towns. The movement against the ministerial scheme had already become revolutionary.

Meanwhile in 1768, the general assembly was unceremoniously prorogued by Governor Bernard, but in May of the following year, the body was re-convened. On the meeting day the building was surrounded with British troops.

Otis made an address, declaring that free legislation would be impossible in the presence of an armed soldiery. He moved the appointment of a committee to remonstrate with the Governor, and to request the withdrawal of the soldiers. To this the Governor replied evasively that he had not the authority to order the withdrawal of the military. Otis in answer reported that the Governor's reply was according to English law, more impossible than the thing which the Assembly had petitioned for.

The matter resulted in the adjournment of the body to meet at Cambridge, in the chapel of Harvard College. Assembled at that place the legislature was addressed by Otis with impassioned eloquence. The people as well as the legislators were gathered.

"The times are dark and trying," said the speaker. "We may soon be called on in turn to act or to suffer." "You," he continued, "should study and emulate the models of ancient patriotism. To you your country

may one day look for support, and you should recollect that the noblest of all duties is to serve that country, and if necessary to devote your lives in her cause."

The House soon prepared a paper to be sent to the British Ministry denouncing the administration of Governor Bernard and protesting against the further presence of a British soldiery in Boston. On the 27th of June, 1769, the representatives went further and prepared a petition, praying for the removal of Bernard from the government. This they might well do for the king had already recalled him!

The Governor went away in such odor as the breezes of the Old Bay have hardly yet dissipated. He went away, but in the fall added his compliments to the Americans by the publication of sundry letters in which they were traduced and vilified. To this James Otis and Samuel Adams, were appointed a committee to reply. They did so in a pamphlet entitled "An Appeal to the World, or a Vindication of the Town of Boston," etc.

It was in these tumultuous and honorable labors and excitements extending over a period of fully ten years that the intellect of James Otis became overstrained and, at length, warped from its purpose.

We may regard his rational career as ending with the year 1769. In September of this year it was noticed that he had become excitable, and that his natural eccentricity was accented at times to the extent of rendering his conduct irrational.

It was at this time that he published in the Boston "Gazette" what he called *an advertisement*, in which

he placarded the four commissioners of customs, on the ground that they had assailed his character, declaring that they had formed a confederacy of villainy, and warning the officers of the crown to pay no attention to them.

On the evening of the following day, Mr. Otis went into a coffee-house where John Robinson, one of the

*Our fathers were a good people
we have been a free people
and if you will not let
us remain so any longer
we shall be a great people*

*Boston Nov
26th 1768*

*James
Otis*

Fac-simile of an Extract from a letter written by James Otis to Arthur Jones,
Nov. 26, 1768.

commissioners whom he had lampooned, was sitting. On entering the room, Mr. Otis was attacked by Robinson who struck him with his cane. Otis struck back. There was a battle. Those who were present were Robinson's friends. The fight became a *melée*.

A young man named Gridley undertook to assist Otis, but was himself overpowered and pitched out of the house. Mr. Otis was seriously wounded in the head, and was taken to his house, bleeding and exhausted. The principal wound appeared to have been inflicted with a

sword; it was in the nature of a cut, and an empty scabbard was found on the floor of the room in which the altercation occurred.

On the morrow, Boston was aflame with excitement. Otis was seriously injured; in fact he never recovered from the effects of the assault. He brought suit against Robinson, and a jury gave a judgment of *two thousand pounds damages* against the defendant. The latter arose in court with a writing of open confession and apology, and hereupon the spirited and generous Otis refused to avail himself of the verdict.

Could he have thrown off the effects of the injury in like manner, his last years might have been a happier sequel to a useful and patriotic life.

During the sessions of the Assembly, in the years 1770 and 1771, James Otis retained his membership, but the mental disease which afflicted him began to grow worse, and he participated only at intervals (and eccentrically) in the business of legislation.

In May of 1770, a town meeting was held in Boston, and a resolution of thanks was passed to the distinguished representative for his services in the General Assembly. This was on the occasion of his retirement into the country, in the hope of regaining his health. At the close, the resolution declared:

“The town cannot but express their ardent wishes for the recovery of his (Mr. Otis’s) health, and the continuance of those public services, that must long be remembered with gratitude, and distinguish his name among the patriots of America.”

From this time forth the usefulness of James Otis was virtually at an end. In the immortal drama on which the curtain was rising—the drama of Liberty and Independence—he was destined to take no part. The pre-revolutionist in eclipse must give place to the Revolutionist who was rising. John Adams came after, not wholly by his own ambition, but at the call of inexorable History, to take the part and place of the great Forerunner.

What must have been the thoughts and emotions of that Forerunner when the minute men of Massachusetts came firing and charging after the British soldiers in full retreat from Concord Bridge and Lexington? With what convulsion must his mind, in semi-darkness and ruin, have received the news of the still greater deed at Bunker Hill? History is silent as to what the broken Titan thought and said in those heroic days.

The patriot in dim eclipse became at times wholly rational, but with the least excitement his malady would return. In conversation something of his old brilliancy would return in flashes. For the rest, the chimes in that high soul no longer played the music of reason, but gave out only the discords of insanity. He was never reduced to serious delirium or to violent frenzy, but he was an insane man; and under this shadow he walked for the greater part of ten years, during which Independence was declared and the Revolution fought out to a victorious end.

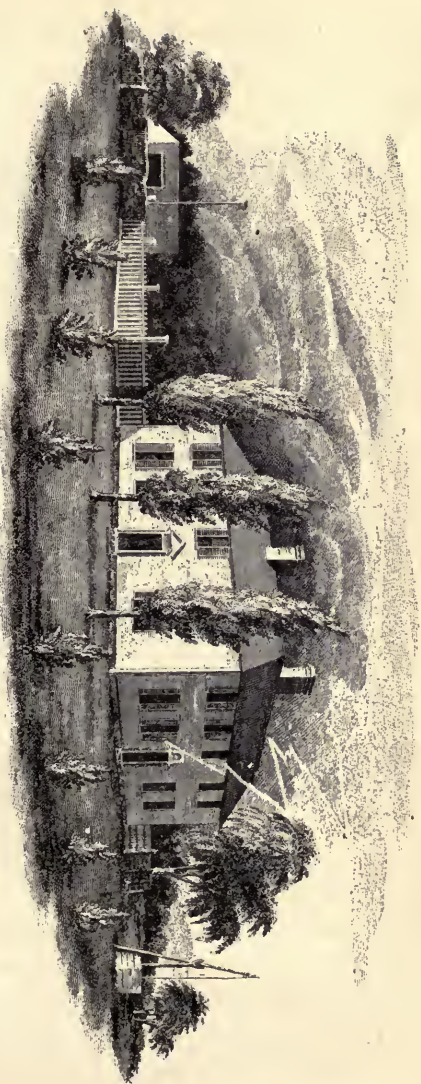
It was in this period of decline and obscurity that James Otis witnessed through the gathering shadows the rise to distinction and fame of many of the patriots

whom he had led in the first campaigns for liberty. John Adams and Hancock were now at the fore battling for independence. Among those who rose to eminence in the immortal eighth decade was Samuel Alleyne Otis, who in 1776 was elected a representative in the great Congress of the Revolution. James did not live to see his brother become speaker of the House, but he witnessed in 1780 his service as a member of the Constitutional Convention of Massachusetts. Afterward, in 1787, he was a commissioner to negotiate a settlement with the participants in Shay's Rebellion. With the organization of the new national government he became Secretary of the Senate of the United States, and served in that capacity until his death, April 22, 1814.

In 1781, Mr. Otis was taken by his friend, Colonel Samuel Osgood, to the home of the latter in Andover. There the enfeebled patriot passed the remainder of his life. He became very obese, and his nervous excitability to an extent subsided.

He was amiable and interesting to his friends. His health was in some measure restored, but his intellectual strength did not return. He thought of going back to Boston, and in one instance he accepted and conducted a case in the court of Common Pleas; but his manner was that of a paretic giant.

The favorable turn in Mr. Otis's condition was at length arrested by an attempt on his part to dine with Governor Hancock. At the dinner he was observed to become first sad and then to waver into mental occultation. He was taken by his brother, Hon. Samuel Al-



House on the Osgood Farm, Andover, where Otis was killed by lightning.
At the time of his death, he was standing in the doorway to the right. His own room was on the left of the door in front.

(From Tudor's "Life of James Otis," published 1823.)

leyne Otis, to Andover. The event convinced the sufferer that the end of his life was not distant.

Strange, strange are the foregleams of the things to come! On one occasion he said to his sister, Mrs. Warren, "I hope when God Almighty in his Providence shall take me out of time into eternity, it will be *by a flash of lightning!*" The tradition goes that he frequently gave expression to this wish. Did the soul foresee the manner of its exit?

A marvelous and tragic end was indeed at hand. On the 23d of May, 1783, only a few months before the Briton left our shores never to return but by the courtesy of the Republic, a thundercloud, such as the season brings in New England, passed over Andover.

James Otis stood against the lintel of the door watching the commotion of the elements. There was a crash of thunder. The lightning, serpent-like, darted from heaven to earth and passed through the body of the patriot! Instantly he was dead.

There was no mark upon him; no contortion left its snarling twist on the placid features of him who had contributed so much of genius and patriotic fire to the freedom and future greatness of his country—so much to the happiness of his countrymen.

On the 24th of the month the body of Mr. Otis was taken to Boston and was placed in modest state in his former home. The funeral on the 25th was conducted by the Brotherhood of Free and Accepted Masons to which Mr. Otis belonged. The sepulture was made, as narrated in the first pages of this monograph, in the Cun-

ningham tomb in the Old Granary Burying Ground. In that tomb, also was laid six years afterwards, the body of Ruth Cunningham Otis, his wife. Out of this brief nar-



Grave of James Otis in the old Granary Burying Ground, Boston.
(From a photograph by Charles Pollock, Boston.)

rative of a great life, let each reader for himself deduce as he may, the inspiration and purpose, without which American citizenship is no better than some other.

Since the first pages of this monograph were written (in March, 1898,) the Sons of the American Revolution have marked the grave of James Otis with a bronze reproduction of their armorial badge, and a small tablet, as seen in the illustration on this page.

- ANECDOTES AND CHARACTERISTICS OF OTIS, ETC.

OTIS AND HIS FELLOW PATRIOTS.

Professor Hosmer draws the following pictures of Otis and his contemporaries:

“The splendid Otis, whose leadership was at first unquestioned, was like the huge cannon on the man-of-war, in Victor Hugo’s story, that had broken from its moorings in the storm, and become a terror to those whom it formerly defended. He was indeed a great gun, from whom in the time of the Stamp Act had been sent the most powerful bolts against unconstitutional oppression. With lashings parted, however, as the storm grew violent he plunged dangerously from side to side, almost sinking the ship, all the more an object to dread from the calibre that had once made him so serviceable. It was a melancholy sight, and yet a great relief, when his friends saw him at last bound hand and foot, and carried into retirement.

“Bowdoin, also, was not firm in health, and though most active and useful in the Council, had thus far done little elsewhere. Hawley, far in the interior, was often absent from the centre in critical times, and somewhat unreliable through a strange moodiness. Cushing was weak. Hancock was hampered by foibles that sometimes quite canceled his merits. Quincy was a brilliant youth, and, like a youth, sometimes fickle. We have seen him ready to temporize, when to falter was destruction, as at the time of the casting over of the tea; again in unwise fervor, he would counsel assassination as a

proper expedient. Warren, too, could rush into extremes of rashness and ferocity, wishing that he might wade to the knees in blood, and had just reached sober, self-reliant manhood when he was taken off.

“John Adams showed only an intermittent zeal in the public cause until the preliminary work was done, and Benjamin Church, half-hearted and venal, early began the double-dealing which was to bring him to a



Joseph Warren.

traitor's end. There was need in this group of a man of sufficient ascendancy, thorough intellect and character, to win deference from all—wise enough to see always the supreme end, to know what each instrument was fit for, and to bring all forces to bear in the right way—a man of consummate adroitness, to sail in torpedo-sown waters without exciting an explosion, though conducting wires of local prejudice, class sensitiveness, and personal foible on every hand led straight down to magazines of wrath

which might shatter the cause in a moment—a man having resources of his own to such an extent that he could supplement from himself what was wanting in others—always awake, though others might want to sleep, always at work though others might be tired—a man devoted, without thought of personal gain or fame, simply and solely to the public cause. Such a man there was, and his name was Samuel Adams.”

OTIS AND ADAMS.

Professor Hosmer thus compares Otis and Adams:

“Otis’ power was so magnetic that a Boston town meeting, upon his mere entering, would break out into shouts and clapping, and if he spoke he produced effects which may be compared with the sway exercised by Chatham, whom as an orator he much resembled. Long after disease had made him utterly untrustworthy, his spell remained. He brought the American cause to the brink of ruin, because the people would follow him, though he was shattered.

“Of this gift Samuel Adams possessed little. He was always in speech, straightforward and sensible, and upon occasion could be impressive, but his endowment was not that of the mouth of gold.

“While Otis was fitful, vacillating and morbid, Samuel Adams was persistent, undeviating, and sanity itself. While Samuel Adams never abated by a hair his opposition to the British policy, James Otis, who at the outset had given the watch-word to the patriots, later, after Parliament had passed the Stamp Act, said:

“It is the duty of all humbly and silently to acquiesce in all the decisions of the supreme legislature. Nine hundred and ninety-nine in a thousand will never entertain the thought but of submission to our sovereign, and to the authority of Parliament in all possible contingencies.’ ”

OTIS AS AN AUTHOR.

In 1762, a pamphlet appeared, bearing the following title: “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.

“Let such, such only, tread this sacred floor,
Who dare to love their country and be poor.
Or good though rich, humane and wise though great,
Jove give but these, we’ve naught to fear from fate.

Boston, printed by Edes and Gill.”

Instead of copious quotations from this patriotic work, we present the following judgment upon its merits by one best qualified to estimate its worth. “How many volumes,” says John Adams, “are concentrated in this little fugitive pamphlet, the production of a few hurried hours, amidst the continual solicitation 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!

“Look over the Declarations 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?"

THE TOWN MEETING.

Another important feature in the unfolding of our free institutions, was the system of town meetings which began to be held as early as 1767.

"The chief arena of James Otis' and Sam Adams' influence," as Governor Hutchinson wrote to Lord Dartmouth, "was the town meeting, that Olympian race-course of the Yankee athlete."

Writing to Samuel Adams in 1790 John Adams, looking back to the effect of these events, says:

"Your Boston town meetings and our Harvard College have set the universe in motion."

One held in October of 1767 was presided over by James Otis, and was called to resist new acts of British aggression on colonial rights. On September 12, 1768, a town meeting was held, which was opened with a prayer by Dr. Cooper. Otis was chosen moderator.

The petition for calling the meeting requested, that inquiry should be made of his Excellency, for "the grounds and reasons of sundry declarations made by him, that three regiments might be daily expected," etc.

A committee was appointed to wait upon the govern-

or, urging him in the present critical state of affairs to issue precepts for a general assembly of the province, to take suitable measures for the preservation of their



Liberty Square, Boston, as it appears at the present time.

rights and privileges; and that he should be requested to favor the town with an immediate answer.

In October several ship-loads of troops arrive.

The storm thickens.

Another town meeting is called, and it is voted that the several ministers of the Gospel be requested to appoint the next Tuesday as a day of fasting and prayer.

The day arrives, and the place of meeting is crowded by committees from sixty-two towns.

They petition the governor to call a General Court. Otis appeared in behalf of the people, under circumstances that strongly attest his heroism.

Cannon were planted at the entrance of the building, and a body of troops were quartered in the representatives' chamber.

After the court was opened, Otis rose, and moved that they should adjourn to Faneuil Hall.

With a significant expression of loathing and scorn, he observed, "that the stench occasioned by the troops in the hall of legislation might prove infectious, and that it was utterly derogatory to the court to administer justice at the points of bayonets and mouths of cannon."

JAMES OTIS AT THE BATTLE OF BUNKER HILL.

In the sketch of the life of James Otis, as presented in Appleton's "Cyclopedia of American Biography," an interesting account is given of the part James Otis played in the noted battle of Bunker Hill, in June, 1775.

The minute men who, hastening to the front, passed by the house of the sister of James Otis, with whom he was living, at Watertown, Mass.

At this time he was harmlessly insane, and did not need special watching.

But, as he saw the patriotic farmers hurrying by and heard of the rumor of the impending conflict, he was suddenly seized with a martial spirit. Without saying a word to a single soul, he slipped away unobserved and

hurried on towards Boston. On the roadside he stopped at a farmhouse and borrowed a musket, there being nothing seemingly in his mental derangement. Throwing the musket upon his shoulder and was soon joined coming from various in" with them, he in that eventful concluded in upon the wearied beyond des- was, he set out for He afterwards pursued his aimless life, as usual had occurred.

manner to suggest Throwing the mus- der he hastened on, by the minute men directions. "Falling took an active part test until darkness combatants. Then, cription, though he home after midnight. sued his sad and though nothing un-



Bunker Hill Monument, Charleston, Mass.

INFLUENCE OF THE BATTLE OF BUNKER HILL.

Two days before the battle of Bunker Hill Washington had been appointed by the Continental Congress Commander in Chief.

The news of the battle was brought. Foreseeing the significance of the result he said, "The liberties of the country are safe."

Four days afterward Thomas Jefferson entered Congress and the next day news was brought of the Charlestown conflict. "This put fire into his ideal statesmanship." Patrick Henry hearing of it said, "I am glad of it; a breach of our affections was needed to rouse the country to action."

Franklin wrote to his English friends: "England has lost her colonies forever."

THE ANCESTORS OF JAMES OTIS.

Carlyle says: "I never knew a clever man who came out of entirely stupid people." James Otis's great qualities "were an inheritance, not an accident, and inheritance from the best blood of old England." Many years ago, when George Ticknor of Boston was a guest of Lady Holland, at the famous Holland House, in London, her ladyship remarked to him, in her not very engaging way:

"I understand, Mr. Ticknor, that Massachusetts was settled by convicts."

"Indeed," said Mr. Ticknor, "I thought I was somewhat familiar with the history of my State, but I was not aware that what you say was the case,"

“But,” he continued, “I do now remember that some of your ladyship’s ancestors settled in Boston, for there is a monument to one of them in King’s Chapel.”

James Otis inherited that sturdy New England pride which puts manhood above dukedoms and coronets.

“A king may make a belted knight,
A marquis, duke and a’ that,
But an honest man’s aboon his might.”

From a race of the true kings of men he was descended, who conquered out of the jaws of the wilderness the priceless inheritance of American privilege and freedom. And while kings at home were trying to crush out the liberties of their subjects, or were dallying with wantons in the palaces built out of the unrequited toil of the long-suffering and downtrodden people, these men of iron were the pioneers of American civilization, at a time, which Holmes so graphically describes:

“When the crows came cawing through the air
To pluck the Pilgrim’s corn,
And bears came snuffing round the door
Whene’er a babe was born;
And rattlesnakes were bigger round
Than the butt of the old ram’s horn
The deacon blew at meeting time,
On every Sabbath morn.”

COL. BARRÉ ON JAMES OTIS.

In the debate on the Boston Port Bill in Parliament, April 15th, 1774, Colonel Barré referred to the ruffianly attack made on Mr. Otis, and his treatment of the injury, in a manner that reflects honor on both of the orators.

“Is this the return you make them?” inquired the British statesman.

“When a commissioner of the customs, aided by a number of ruffians, assaulted the celebrated Mr. Otis, in the midst of the town of Boston, and with the most barbarous violence almost murdered him, did the mob, which is said to rule that town, take vengeance on the perpetrators of this inhuman outrage against a person who is supposed to be their demagogue?”

“No, sir, the law tried them, the law gave heavy damages against them, which the irreparably injured Mr. Otis most generously forgave, upon an acknowledgment of the offence.

“Can you expect any more such instances of magnanimity under the principle of the Bill now proposed?”

THE GENEROSITY OF OTIS.

He was distinguished for generosity to both friends and foes. Governor Hutchinson said of him: “that he never knew fairer or more noble conduct in a speaker, than in Otis; that he always disdained to take advantage of any clerical error, or similar inadvertence, but passed over minor points, and defended his causes solely on their broad and substantial foundations.”

JOHN ADAMS ON OTIS.

But in that contest over the “Writs of Assistance,” there was something nobler exhibited than superiority to mercenary consideration.

“It was,” says the venerable President, John Adams,

“a moral spectacle more affecting to me than any I have since seen upon the stage, to observe a pupil treating his master with all the deference, respect, esteem, and affection of a son to a father, and that without the least affectation; while he baffled and confounded all his authorities, confuted all his arguments, and reduced him to silence !

“The crown, by its agents, accumulated construction upon construction, and inference upon inference, as the giants heaped Pelion upon Ossa; but Otis, like Jupiter, dashed this whole building to pieces, and scattered the pulverized atoms to the four winds; and no judge, lawyer, or crown officer dared to say, why do ye so ?

“He raised such a storm of indignation, that even Hutchinson, who had been appointed on purpose to sanction this writ, dared not utter a word in its favor, and Mr. Gridley himself seemed to me to exult inwardly at the glory and triumph of his pupil.”

OTIS COMPARED WITH RANDOLPH.

“The wit exemplified by Mr. Otis in debate,” says Dr. Magoon, “was often keen but never malignant, as in John Randolph. The attacks of the latter were often fierce and virulent, not unfrequently in an inverse proportion to the necessity of the case.

“He would yield himself up to a blind and passionate obstinacy, and lacerate his victims for no apparent reason but the mere pleasure of inflicting pangs.

“In this respect, the orator of Roanoke resembled the Sicilian tyrant whose taste for cruelty led him to seek

recreation in putting insects to the torture. If such men cannot strike strong blows, they know how to fight with poisonous weapons; thus by their malignity, rather than by their honorable skill, they can bring the noblest antagonist to the ground.

“But Mr. Otis pursued more dignified game and with a loftier purpose.

“He indeed possessed a Swiftian gift of sarcasm, but, unlike the Dean of St. Patrick’s, and the forensic gladiator alluded to above, he never employed it in a spirit of hatred and contempt towards the mass of mankind.

“Such persons should remember the words of Colton, that, ‘Strong and sharp as our wit may be, it is not so strong as the memory of fools, nor so keen as their resentment; he that has strength of mind to forgive, is by no means weak enough to forget; and it is much more easy to do a cruel thing than to say a severe one.’”

ORATORICAL POWER.

Many of the most effective orators, of all ages, have not been most successful in long and formal efforts. Nor have they always been close and ready debaters. “Sudden bursts which seemed to be the effect of inspiration—short sentences which came like lightning, dazzling, burning, striking down everything before them—sentences which, spoken at critical moments, decided the fate of great questions—sentences which at once became proverbs—sentences which everybody still knows by heart”—in these chiefly lay the oratorical power of Mirabeau and Chatham, Patrick Henry and James Otis.

—*E. L. Magoon.*

THE ELOQUENCE OF OTIS.

Otis was naturally elevated in thought, and dwelt with greatest delight in the calm contemplation of the lofty principles which should govern political and moral conduct.

And yet he was keenly susceptible to excitement. His intellect explored the wilderness of the universe only to increase the discontent of those noble aspirations of his soul which were never at rest.

In early manhood he was a close student, but as he advanced in age he became more and more absorbed in public action.

As ominous storms threatened the common weal, he found less delight in his library than in the stern strife of the forum.

As he prognosticated the coming tempest and comprehended its fearful issue, he became transformed in aspect like one inspired. His appearance in public always commanded prompt and profound attention; he both awed and delighted the multitudes whom his bold wisdom so opportunely fortified.

"Old South," the "Old Court House," and the "Cradle of Liberty," in Boston, were familiar with his eloquence, that resounded like a cheerful clarion in "days that tried men's souls." It was then that his great heart and fervid intellect wrought with disinterested and noble zeal; his action became vehement, and his eyes flashed with unutterable fire; his voice, distinct, melodious, swelling, and increasing in height and depth with each new and bolder sentiment, filled, as with the

palpable presence of a deity, the shaking walls. The listeners became rapt and impassioned like the speaker, till their very breath forsook them.

He poured forth a "flood of argument and passion" which achieved the sublimest earthly good, and happily exemplified the description which Percival has given of indignant patriotism expressed in eloquence:

"Its words
Are few, but deep and solemn; and they break
Fresh from the fount of feeling, and are full
Of all that passion, which, on Carmel, fired
The holy prophet, when his lips were coals,
The language winged with terror, as when bolts
Leap from the brooding tempest, armed with wrath,
Commissioned to affright us, and destroy."—*E. L. Magoon.*

OTIS COMPARED WITH AMERICAN ORATORS.

"His eloquence, like that of his distinguished successors, was marked by a striking individuality.

"It did not partake largely of the placid firmness of Samuel Adams; or of the intense brilliancy and exquisite taste of the younger Quincy; or the subdued and elaborate beauty of Lee; or the philosophical depth of John Adams; or the rugged and overwhelming energy of Patrick Henry; though he, most of all Americans, resembled the latter."—*E. L. Magoon.*

OTIS COMPARED WITH ENGLISH ORATORS.

"Compared with English orators," Dr. Magoon says, "our great countryman was not unlike Sheridan in natural endowment.

"Like him, he was unequalled in impassioned appeals to the general heart of mankind.

“He swayed all by his electric fire; charmed the timid, and inspired the weak; subdued the haughty, and enthralled the prejudiced.

“He traversed the field of argument and invective as a Scythian warrior scours the plain, shooting most deadly arrows when at the greatest speed.

“He rushed into forensic battle, fearless of all consequences; and as the ancient war-chariot would sometimes set its axle on fire by the rapidity of its own movement, so would the ardent soul of Otis become ignited and fulminate with thought, as he swept irresistibly to the goal.

“When aroused by some great crisis, his eloquent words were like bolts of granite heated in a volcano, and shot forth with unerring aim, crashing where they fell.”

PHYSICAL APPEARANCE.

In respect to physical ability, Otis was happily endowed. One who knew him well has recorded, that “he was finely formed, and had an intelligent countenance: his eye, voice, and manner were very impressive.

“The elevation of his mind, and the known integrity of his purposes, enabled him to speak with decision and dignity, and commanded the respect as well as the admiration of his audience.

“His eloquence showed but little imagination, yet it was instinct with the fire of passion.”

“It may be not unjustly said of Otis, as of Judge Marshall, that he was one of those rare beings that seem to be sent among men from time to time, to keep alive our faith in humanity.

“He had a wonderful power over the popular feelings, but he employed it only for great public benefits. He seems to have said to himself, in the language of the great master of the maxims of life and conduct:

“This above all,—to thine own self be true,
And it must follow, as the night the day,
Thou canst not then be false to any man.”

PORTRAIT OF OTIS.

The portrait of James Otis, Jr., published as a frontispiece to this sketch, is from the oil-painting loaned to the Bostonian Society, by Harrison Gray Otis, of Winthrop, Massachusetts. The painting from which it is taken, now hanging in the Old State House of Boston, is a reproduction of the original portrait by I. Blackburn, to whom Mr. Otis sat for his portrait in 1755. The original in possession of Mrs. Rogers, a descendant of James Otis, may be seen at her residence, No. 8 Otis Place, Boston. But the original is not so well adapted as is the copy to photographic reproduction. The two portraits are identical in feature and character, but the original having a light background offends the camera.

THE SOURCE AND OCCASION OF THE WAR OF THE REVOLUTION.

“The question is, perhaps more curious than profitable, that relates to the source and occasion of the first of that series of events which produced the war of the Revolution. Men have often asked, what was its original cause, and who struck the first blow? This inquiry was well answered by President Jefferson, in a letter to

Dr. Waterhouse of Cambridge, written March 3d, 1818.

“I suppose it would be difficult to trace our Revolution to its first embryo. We do not know how long it was hatching in the British cabinet, before they ventured to make the first of the experiments which were to develop it in the end, and to produce complete parliamentary supremacy.

“Those you mention in Massachusetts as preceding the Stamp-Act might be the first visible symptoms of that design. The proposition of that Act, in 1764, was the first here. Your opposition, therefore, preceded ours, as occasion was sooner given there than here, and the truth, I suppose, is, that the opposition, in every colony, began whenever the encroachment was presented to it.

“This question of priority is as the inquiry would be, who first of the three hundred Spartans offered his name to Leonidas. I shall be happy to see justice done to the merits of all.”

“In the primitive opposition made by Otis to the arbitrary acts of Trade, aided by the Writs of Assistance, he announced two maxims which lay at the foundation of all the subsequent war; one was, that ‘taxation without representation was tyranny,’ the other, ‘that expenditures of public money without appropriations by the representatives of the people, were arbitrary, and therefore unconstitutional.’”

“This early and acute sagacity of our statesman, led Burke finely to describe the political feeling in America as follows;

“In other countries, the people, more simple, of a less mercurial cast, judge of an ill principle in government, only by an actual grievance; here they anticipate the evil, and judge of the pressure of the grievance, by the badness of the principle.

“They augur misgovernment at a distance; and snuff the approach of tyranny in every tainted breeze.”—*E. L. Magoon.*

STAMPS AND THE STAMP ACT.

During Robert Walpole's administration [1732], a stamp duty was proposed. He said “I will leave the taxation of America to some of my successors, who have more courage than I have.”



Stamp used under the Stamp Act.

Sir William Keith, governor of Pennsylvania, proposed a tax in 1739. Franklin thought it just, when a delegate in the Colonial Congress at Albany, in 1754. But when it was proposed to Pitt in 1759 the great English statesman said: “I will never burn

my fingers with an American stamp act.”

THE STAMPS.

The stamps were upon blue paper, and were to be attached to every piece of paper or parchment, on which a legal instrument was written. For these stamps the Government charged specific prices, for example, for a common property deed, one shilling and sixpence.

THE MINUTE-MAN OF THE REVOLUTION.

The Minute-man of the Revolution! He was the old, the middle-aged, and the young. He was Capt. Miles, of Concord, who said that he went to battle as he went to church. He was Capt. Davis, of Acton, who reproved his men for jesting on the march. He was Deacon Josiah Haynes, of Sudbury, 80 years old, who marched with his company to the South Bridge at Concord, then joined in the hot pursuit to Lexington, and fell as gloriously as Warren at Bunker Hill. He was James Hayward, of Acton, 22 years old, foremost in that deadly race from Concord to Charlestown, who raised his piece at the same moment with a British soldier, each exclaiming, "You are a dead man!" The Briton dropped, shot through the heart.

James Hayward fell mortally wounded. "Father," he said, "I started with forty balls; I have three left. I never did such a day's work before. Tell mother not to mourn too much, and tell her whom I love more than my mother, that I am not sorry I turned out."—*George W. Curtis.*

THE BOSTON COMMON SCHOOLS.

The Boston Common Schools were the pride of the town. They were most jealously guarded, and were opened each day with public prayer.

They were the nurseries of a true democracy. In them the men who played the most important part in the Revolutionary period received their early education.

The Adamses, Chancey, Cooper, Cushing, Hancock,

Mayhew, Warren, and the rest breathed their bracing atmosphere.

ENGLAND AND AMERICA.

I have already dwelt on the significance of the way in which the Pilgrim Fathers, driven out of England, begin this compact, with which they begin their life in this new world, with warm professions of allegiance to England's King.

Old England, whose King and bishops drove them out, is proud of them to-day, and counts them as truly her children as Shakespeare and Milton and Vane.

As the American walks the corridors and halls of the Parliament House at Westminster, he pays no great heed to the painted kings upon the painted windows, and cares little for the gilded throne in the gilded House of Lords. The Speaker's chair in the Commons does not stir him most, nor the white form of Hampden that stands silent at the door; but his heart beats fastest where, among great scenes from English triumphs of the days of Puritanism and the revolution, he sees the departure of the Pilgrim Fathers to found New England.

England will not let that scene go as a part of American history only, but claims it now as one of the proudest scenes in her own history, too.

It is a bud of promise, I said, when I first saw it there. Shall not its full unfolding be some great reunion of the English race, a prelude to the federation of the world?

Let that picture there in the Parliament House at Westminster stay always in your mind, to remind you of the England in you. Let the picture of the signing

of the compact on the "*Mayflower*" stay with it, to remind you of progress and greater freedom. That, I take it, is what America—New England, now tempered by New Germany, New Ireland, New France—that, I take it, is what America stands for.—*Edwin D. Mead.*

THE UNIVERSITIES AND THE MEN OF THE REVOLUTION.

You may perhaps remember how Wendell Phillips, in his great Harvard address on "The Scholar and the Republic" reproached some men of learning for their conservatism and timidity, their backwardness in reform. And it is true that conservatism and timidity are never so hateful and harmful as in the scholar. "Be bold, be bold, and evermore be bold," those words which Emerson liked to quote, are words which should ever ring in the scholar's ear.

But you must remember that Roger Williams and Sir Harry Vane, the very men whom Wendell Phillips named as "two men deepest in thought and bravest in speech of all who spoke English in their day," came, the one from Cambridge, the other from Oxford; and that Sam Adams and Jefferson, the two men whom he named as preeminent, in the early days of the republic, for their trust in the people, were the sons of Harvard and William and Mary. John Adams and John Hancock and James Otis and Joseph Warren, the great Boston leaders in the Revolution, were all Harvard men, like Samuel Adams; and you will remember how many of the great Virginians were, like Jefferson, sons of William and Mary.

And never was a revolution so completely led by scholars as the great Puritan Revolution which planted New England and established the English commonwealth.

No. Scholars have often enough been cowards and trimmers.

But from the days when Moses, learned in all the wisdom of the Egyptians, brought his people up out of bondage, and Paul, who had sat at the feet of Gamaliel, preached Christ, and Wyclif and Luther preached Reformation, to the time when Eliot and Hampden and Pym and Cromwell and Milton and Vane, all scholars of Oxford and Cambridge, worked for English commonwealth, to the time of Jefferson and Samuel Adams and the time of Emerson and Sumner and Gladstone, scholars have been leaders and heroes too.—*Edwin D. Mead.*

EARL PERCY AND YANKEE DOODLE.

Earl Percy was the son of the Duke of Northumberland. When he was marching out of Boston, his band struck up the tune of Yankee Doodle, in derision.

He saw a boy in Roxbury making himself very merry as he passed.

Percy inquired why he was so merry.

“To think,” said the lad, “how you will dance by and by to Chevy Chase.”

Percy was much influenced by presentiments, and the words of the boy made him moody. Percy was a lineal descendant of the Earl Percy who was slain in the battle of Chevy Chase, and he felt all day as if some great calamity might befall him.

STORY OF JAMES OTIS.

FOR A SCHOOL OR CLUB PROGRAMME.

as condensed from

Each numbered paragraph is to be given to a pupil or member to read, or to recite in a clear, distinct tone.

If the school or club is small, each person may take three or four paragraphs, but should not be required to recite them in succession.

1. James Otis was born in West Barnstable, near the center of Massachusetts, February 5, 1725.

2. His ancestors were of English descent. The founder of the family in America, John Otis, came from Hingham, in Norfolk, England, and settled in Hingham, Massachusetts, in the year 1635.



Alleyne House, Plymouth, where Otis's Mother was born. The boat marks the spot where the "Mayflower" was anchored.

(From "Tudor's Life of James Otis.")

3. His grandson, John Otis, was born in 1635. He removed from Hingham to Barnstable, where he became a prominent man, and held several important positions. For eighteen years he was Colonel of Militia, for twenty years Representative, for twenty-one years member of the Council, for thirteen years Chief Justice of common pleas, and Judge of Probate.

4. His two sons, John and James, became distinguished in public life. James, the father of the subject of this sketch, was an eminent

lawyer. He, like his father, became Colonel of Militia, Chief Justice of common pleas, and Judge of Probate. *James Sr. was an emine. lawyer.*

2. 5. James Otis, Jr. ~~thus~~ ^{by inheritance}, derived his legal bent and love for political life.

6. His mother's name was Mary Allyne, or Alleyne, of Wethersfield, Conn., daughter of Joseph Allyne, of Plymouth. She was connected with the founders of Plymouth colony, who arrived in the Mayflower in 1620.

7. James was the oldest of thirteen children, several of whom died in infancy. Others lived to attain distinction.

3. 8. He was fitted for College by the Rev. Jonathan Russell of Barnstable, and was so industrious in his studies that he was ready in his fifteenth year to enter as a freshman at Harvard in June, 1739.

9. There is grave reason for believing that his excessive devotion to study at this early period, had much to do with his nervous and excitable condition in succeeding years.

10. "Make haste slowly" is the translation of a Latin motto, which parents and teachers ought to observe in the education of children.

11. Far better is it for the student to take time in making a thorough preparation for the great work of life, than to rush through his preparatory course at the great risk of health and strength. Let him aim ever be to present "a sound mind in a sound body."

4. 12. James Otis was graduated from college in 1743, after completing a four years successful course.

5. 13. After graduation he wisely gave nearly two years to the pursuits of general literature and science before entering upon the law.

Fond of the best poets
14. In this, he set a good example to the young men of the present day, who are so strongly tempted to enter at once upon professional life, without laying a broad and deep foundation for future usefulness.

15. ~~James Otis was very fond of the best poets, and "in the zealous emulation of their beauties," says Dr. Magoon, "he energized his spirit and power of expression.~~

16. "He did not merely read over the finest passages—he pondered them—he fused them into his own soul, and reproduced their charms with an energy all his own."

6. 17. In 1745 he entered the law office of Jeremiah Gridley, in Boston, who was then one of the most distinguished lawyers in the country.

18. ~~He began the practice of law in Plymouth, in 1748, but soon found that he was "cabined, cribbed and confined" in the opportunity to rise in such a small place.~~

7. 19. In 1750 he removed to Boston, and there finding full scope for his powers, soon rose to the foremost rank in his profession.

(20) He justly won the high place so generally accorded him, by his learning, his integrity, and his marvelous eloquence.

21. In acting successfully as counsel for the three men who were accused of piracy in Halifax, he received a well earned fee, which was the largest that had ever been paid to a Massachusetts lawyer.

(22) Like James A. Garfield, he kept up a lively interest in classical studies during his entire professional career.

(23) James Otis married Miss Ruth Cunningham, daughter of a Boston merchant, early in 1755.

24. The marriage was not in all respects a happy one, partly on account of political differences. While he became an ardent patriot, she remained a staunch loyalist until her death on Nov. 15, 1789.

25. Another reason for the want of complete domestic felicity was the peculiar character of his genius, which, so often glowing, excitable and irregular, must have frequently demanded a home forbearance almost miraculous.

26. The elder daughter, Elizabeth, married a Captain Brown of the British army, and ended her days in England.

27. The younger daughter, Mary, married Benjamin, the eldest son of the distinguished General Lincoln.

(28) In 1761, when he was thirty-six years of age, his great political career began, by his determined opposition to the "Writs of Assistance."

29. He said with an eloquence that thrilled every heart, "A man's house is his castle; and while he is quiet, he is as well guarded as a prince in his castle. This Writ, if it should be declared legal, would totally annihilate this privilege."

30. "I am determined to sacrifice estate, ease, health, applause and even life, to the sacred calls of my country in opposition to a kind of power, the exercise of which cost one king his head and another his throne."

(31) In 1762 he published a pamphlet entitled, "The Rights of the Colonies Vindicated," which attracted great attention in England for its finished diction and masterly arguments.

(32) In this production he firmly took the unassailable position, that in all questions relating to the expenditure of public money, the rights of a Colonial Legislature were as sacred as the rights of the House of Commons. *No taxation without representation.*

33. Some of the Parliamentary leaders in England spoke of the work with contempt. Lord Mansfield, the great English legal luminary, who had carefully read it, rebuked them for their attitude towards it.

34. But they rejoined, as quoted by Bancroft, "The man is mad!" "What then?" answered Mansfield. "One mad man often makes many. Massaniello was mad—nobody doubted it—yet for all that he overturned the government of Naples."

4 35. In June, 1765, Mr. Otis proposed the calling of a congress of delegates from all the colonies to consider the Stamp Act.

5 36. In that famous Congress which met in October, 1765, in New York, he was one of the delegates, and was appointed on the committee to prepare an address to the Commons of England.

6 37. In 1767 he was elected Speaker of the Massachusetts Assembly. Governor Bernard took a decidedly negative position against the fiery orator, whom he feared as much as he did the intrepid Sam Adams.

7 38. But Bernard could not put a padlock upon the lips of Otis. When the king, who was greatly offended at the Circular Letter to the colonies, which requested them to unite in measures for redress, demanded of Bernard to dismiss the Assembly unless it should rescind its action, Otis made a flaming speech:

39. His adversaries said, "It was the most violent, abusive and treasonable declaration that perhaps was ever uttered."

10 40. In the debate which ensued upon this royal order, Otis said: "We are asked to rescind, are we? Let Great Britain rescind her measures, or the colonies are lost to her forever."

11 41. Otis carried the House triumphantly with him, and it refused to rescind by a vote of ninety-two to seventeen.

12 42. In the summer of 1769 he attacked some of the revenue officers in an article in "The Boston Gazette." A few evenings afterwards, while sitting in the British coffee-house in Boston, he was savagely assaulted by a man named Robinson, who struck him on the head with a heavy cane or sword.

13 43. The severe wound which was produced so greatly aggravated the mental disease which had before been somewhat apparent, that his reason rapidly forsook him.

44. Otis obtained a judgment of £2,000 against Robinson for the attack, but when the penitent officer made a written apology for his irreparable offence, the sufferer refused to take a penny.

15 45. In 1771 he was elected to the legislature, and sometimes afterward appeared in court and in the town meeting, but found himself unable to take part in public business.

16 46. In June, 1775, while living in a state of harmless insanity with his sister, Mercy Warren, at Watertown, Mass., he heard, according to Appleton's "Cyclopedia of American Biography," the rumor of battle. On the 17th he slipped away unobserved, "borrowed a musket from some farmhouse by the roadside, and joined the minute men who were marching to the aid of the troops on Bunker Hill."

17 47. "He took an active part in that battle, and after it was over made his way home again after midnight."

18 48. The last years of his life were spent at the residence of

Mr. Osgood in Andover. For a brief season it seemed as though his reason was restored. He even undertook a case in the Court of Common Pleas in Boston, but found himself unequal to the exertion demanded of him.

49. He had been persuaded to dine with Governor Hancock and some other friends. "But the presence of his former friends and the revived memories of previous events, gave a great shock to his broken mind." He was persuaded to go back at once to the residence of Mr. Osgood.

50. After his mind had become unsettled he said to Mrs. Warren, "My dear sister, I hope, when God Almighty in his righteous providence shall take me out of time into eternity, that it will be by a flash of lightning," and this wish he often repeated.

51. Six weeks exactly after his return, on May 23, 1783, while standing in the side doorway during a thunder-shower, with his cane in his hand, and telling the assembled family a story, he was struck by lightning and instantly killed. Not one of the seven or eight persons in the room was injured. "No mark of any kind could be found on Otis, nor was there the slightest change or convulsion on his features."

52. His remains were brought to Boston and interred in the Granary Burying Ground with every mark of respect, a great number of the citizens attending his funeral.

53. James Otis sowed the seeds of liberty in this new world without living to see the harvest, and probably without ever dreaming what magnificent crops would be produced.

54. When the usurpations of un-English parliamentarians and their allies at home, became as burdensome, as they were unjust, he defended his countrymen, in whose veins flowed the best of English blood, with an eloquence whose ultimate influence transcended his own sublime aspirations.

55. He taugt, in the ominous words, which King James's first House of Commons addressed to the House of Lords, immediately after the monarch had been lecturing them on his own prerogative, that "*There may be a people without a king, but there can be no king without a people.*"

56. "Fortunately for civil liberty in England and America, in all countries and in all times," as Edward Everett Hale says, "none of the Stuarts ever learned in time what this ominous sentence means—not James I, the most foolish of them; nor Charles I, the most false; nor Charles II, the most worthless; nor James II, the most obstinate."

57. It could be said of Otis as Coleridge said of O'Connell, "See how triumphant in debate and action he is. And why? Because he asserts a broad principle, acts up to it, rests his body upon it, and has faith in it."

PROGRAMME FOR A JAMES OTIS EVENING.

1. Instrumental Music.
2. Vocal Music—"Remember the Maine."
3. Essay—"The True Relation of England as a Nation to the Colonies."
4. Vocal or Instrumental Music.
5. Essay—"Writs of Assistance, and Otis' Relation to Them."
6. Music.
7. A Stereopticon Lecture, illustrating the Famous Buildings and noted features of Boston—The Old North Church, The Old South, Copp's Hill, Bunker Hill, North Square, House of Paul Revere, Site of the Old Dragon Inn, The Old State House, Faneuil Hall, etc.
8. Singing—"America."

 QUESTIONS FOR REVIEW.

Where is the Granary Burying Ground? Why so named? What distinguishes it? Can you give the names of some eminent persons buried there? In what tomb was James Otis interred? What interesting particular was noted when his body was disinterred?

What names are given to the pre-revolutionists, the revolutionists, and the post-revolutionists?

Who is assigned the first place among the protagonists of freedom? Who the second? What is the remarkable thing about the lives of many great men? Will you expand the thought?

When and where was James Otis born? What offices did he fill? When was James Otis, Jr., born? What did he inherit from his father and grandfather? What were transmitted to other members of the family? Give the name of one of these members and her peculiar gifts. What was the name of one of the brothers, and what is said of him?

By whom was James Otis prepared for College? When did he enter College? What is the tradition concerning him? What is said of his College course? What of his excitable temperament? What anecdote is recorded of him? When, and under what distinguished lawyer did he begin his legal studies? What is said of his preceptor?

When and where did he begin to practice law? What are some of the incidents of his early legal career? What is said of the defense by Otis of citizens in connection with the anniversary of the Gunpowder Plot? What is the History of the Gunpowder Plot? When was the first period of his Boston practice? What is said of the non-preservation of the legal pleas and addresses of James Otis? What does tradition say of him as an orator?

When and whom did Otis marry? What is said of the Cunningham family? What is said of Mrs. Otis? Who comprised the fami-

ly of Mr. and Mrs. Otis? What is said of the marriage of the elder daughter? What of the younger daughter?

When was the second period in James Otis's life? What is said of him as a rising man? What is said of his scholastic and literary pursuits, etc.? What works did he compose? What did James Otis say about the bad literary tastes of the boys of his time?

Of what is every man the joint product? What were the conditions under which the colonial settlements were formed? What were the feelings of the colonists towards England?

What specific conditions in the development of the colonies may be noted? What were the immediate and forceful causes towards revolution? What is said of the Navigation Act? of the Importation Act? What kind of a question was that at issue? Why?

What is said of the seaboard towns? of the traffic with the West Indies? What period did the epoch of evasion cover? What is said of the iron and steel industry? of ship building?

What did Hutchinson say of his own appointment? What were some of the personal forces at work? What is said of Hutchinson and others? What slander of James Otis was current? In what language was the case regarding the Writs of Assistance made up? What is said of the trial of the case? Who was one of the eminent spectators? What was the relation of Otis to it?

What did Chief Justice Hutchinson advise in the case of the Writs of Assistance? What is the story narrated of Otis regarding his want of self-control?

What is said of the controversy between Hutchinson and Otis? What resolution did Otis offer in 1762? What is said of his pamphlet on "The Vindication of the Conduct of the House of Representatives," etc.? What is said of the Treaty of Paris? What of the feelings of Americans towards the mother country? What of the utterances of Otis?

What did the Americans claim? What was the reply of Parliament? What is said of the Sugar Act? What of Otis' relations to Lieut.-Governor Hutchinson? Of his relations to the Sugar Act and Stamp Act? Of his relation to an Intercolonial conference? What was Franklin's opinion of this conference? What is the substance of Mr. Otis' letter to the provincial agent? Of Lord Mansfield's view of it?

SUBJECTS FOR SPECIAL STUDY.

1. *The French and Indian War.*
2. *James Otis as an Orator.*
3. *The English Colonies in America.*
4. *The Influence of College Men in Public Life.*
5. *How the American Colonies Grew Together.*
6. *The Commercial Causes of the Revolution.*
7. *The Political Causes of the Revolution.*
8. *Otis Compared with Samuel Adams.*
9. *The Repeal of the Stamp Act.*

CHRONOLOGICAL TABLE IN THE LIFE OF JAMES OTIS.

- 1725 Born in West Barnstable, Massachusetts, Feb. 5. *ancestors of*
- 1739 Entered Harvard College, June. *at age of 15*
- 1743 Was graduated from Harvard. *orig. descen*
- 1745 Begins the study of law. *after studying sub for 2 years*
- 1748 Begins the practice of law at Plymouth, Massachusetts.
- 1750 Removes to Boston.
- 1755 Marries Miss Ruth Cunningham.
- 1760 Publishes "Rudiments of Latin Prosody."
- 1761 Opposes the "Writs of Assistance."
- 1762 Publishes "The Rights of the Colonies Vindicated."
- 1765 Moves resolution for Congress of Delegates to consider "The Stamp Act," June.
- Attends the Congress called to consider "The Stamp Act" in New York, and appointed on the committee to prepare address to Parliament, October.
- 1767 Elected Speaker of the Massachusetts Assembly.
- 1769 Attacked and severely injured by Robinson. *Political career*
- 1771 Elected to the legislature of Massachusetts.
- 1775 Participates in the Battle of Bunker Hill, June 17.
- 1778 Pleads case before court in Boston.
- 1783 Killed by stroke of lightning at Andover, Mass., May 23.

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