THE

RECENT CONTEST

IN

RHODE ISLAND:

AN

ARTICLE

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1. *An Address to the People of Rhode Island, delivered in Newport, May* 3, 1843, *in Presence of the General Assembly, on Occasion of the Change in the Civil Government of Rhode Island.* By WILLIAM G. GODDARD. Providence : 1843. 8vo. pp. 80.
2. *A Concise History of the Efforts to obtain an Extension of Suffrage in Rhode Island, from the Year* 1811 *to* 1842. By JACOB FRIEZE. Providence : 1842. 12mo. pp. 171.
3. *The Affairs of Rhode Island : a Discourse delivered in Providence, May* 22, 1842. By FRANCIS WAYLAND. Providence : 1842. 8vo. pp. 32.
4. *Charge of the Honorable Chief Justice Durfee to the Grand Jury, at the March Term of the Supreme Judicial Court at Bristol, R. I.* 1842. 8vo. pp. 16.
5. *A Review of Dr. Wayland's Discourse on the Affairs of Rhode Island; a Vindication of the Sovereignty of the People, and a Refutation of the Doctrines and Doctors of Despotism.* By A MEMBER OF THE BOSTON BAR. Boston : B. B. Mussey. 1842. 8vo. pp. 30.
6. *An Address to the People of Rhode Island on the approaching Election.* By JOHN WHIPPLE. Providence : 1843. 8vo. pp. 16.
7. *Considerations on the Questions of the Adoption of a Constitution and Extension of Suffrage in Rhode Island.* By ELISHA R. POTTER. Boston : Thomas H. Webb & Co. 1842. 8vo. pp. 64.

8. *A Reply to the Letter of the Honorable Marcus Morton, late Governor of Massachusetts, on the Rhode Island Question.* By One of the Rhode Island People. Providence: 1842. 8vo. pp. 32.
9. *The Close of the late Rebellion in Rhode Island:* an Extract from a Letter by a Massachusetts Man, resident in Providence. Second Edition. Providence: B. Cranston & Co. 1842. 8vo. pp. 16.
10. *A Letter to the Hon. Samuel W. King, late Governor of the State of Rhode Island.* By Benjamin Cowell. Second Edition, with an Appendix. 1842.

The disturbances in Rhode Island are ended. The new form of civil government, the establishment of which created a revolutionary scene of the most exciting character, actually kindling a civil war within the limits of the State, and menacing the tranquillity of the Union, has gone quietly into operation, hardly a show of opposition being maintained against it. The friends of law and order, as they styled themselves, have achieved a signal victory, and they have not made an ungenerous use of it towards their vanquished opponents. They have wisely tempered justice with mercy, and not allowed the angry passions, which were somewhat stifled by defeat, to be again exasperated by privation and punishment. These passions, therefore, have in a great measure subsided, although a bitter recollection is left in the minds of many, which is kept alive by the evident exultation of the triumphant party. The fire has burned out, though the ashes are not yet cold.

It is a good time, then, to take a calm historical view of the matter, and to extract from it whatever lessons of political wisdom it may be calculated to afford. The question which lies at the bottom of the controversy is one of absorbing interest for every inhabitant of this country, and for every student of the nature and effects of a free government. It is of a speculative character, so far as it involves the problem respecting the origin and rightful existence of every form of civil polity; and it is practical, so far as the changeable nature of our political institutions allows it to come up from time to time, and to be discussed with especial reference to proposed essential modifications of the fundamental laws of the States. The recent occurrences in Rhode Island afford a precedent and an illustration to be used in all future controversies of the like character. The decision in this case must exert an important influence on all future decisions of similar questions. It is well, therefore, to consider it now, when the excitement immediately attending the affair has ceased, and before the points at issue are obscured, and the discussion perplexed, by the passions aroused by another incipient revolution in State politics.

The question has little bearing on the present strife of parties in the United States. Whigs and Democrats were arrayed indifferently on either side of the contest in Rhode Island, and in the eagerness with which they engaged in this local warfare, they seemed to forget or to spurn the ties which bound them to the two great parties that divided the whole country. The civil war severed all attachments to parties in national politics, just as, in many cases, it ruptured all family ties, and arrayed brother against brother, and father against son. Not till a comparatively late period in the struggle, did the managers of the old parties in the other States attempt to lay hold of this local contest, and to convert it into what is now usually termed, in the jargon of the day, "political capital" for their own purposes. With this attempted application and management of the dispute, we have nothing to do or to say. The question does not concern a tariff, or a bank, or internal improvements, or the distribution of the public lands. It relates solely to the extension of the right of suffrage, the duty of obedience to existing forms of government, the stability of our political institutions, and the right of revolution. We have a right to consider it, therefore, without abandoning that neutral position in respect to the politics of the day, which this Journal has always studiously maintained.

When the connexion between Great Britain and her American Colonies was broken by the Declaration of Independence, the people of this country did not at once abandon all their civil institutions, and fall back into a state of nature, there to begin the process of forming a government anew and from the very foundations of social life. They adhered closely to their old usages and institutions, their attachment to them appearing from the very fact, that it was

only the violation of these ancient forms and privileges by the arbitrary conduct of the British ministry, which produced the separation from England. The people availed themselves of their newly acquired freedom, not to pull down their old houses, and build new ones, but to restore and repair the ancient homestead. The Colonies retained their independent position with respect to each other, the old boundary lines being in every case preserved. The only difference was, that as they were formerly united only by the tie of common allegiance, so they were now held together only by concert and agreement upon measures for mutual defence. New England maintained her primitive divisions into townships, and the established forms of transacting business in them, through the primary assemblies of the people. The inhabitants of the Southern Colonies preserved their old county lines, their parishes, and their more centralized forms of civil administration. Over the whole country, the great body of the common law was preserved intact, merely the unnecessary adjuncts being cut away, by casting off allegiance to the crown, and no longer acknowledging the supremacy of parliament. The courts of law remained open, and the general organization of the judiciary was left undisturbed.

In those Colonies to which the crown had not expressly granted a charter of liberties, or to which the grant was so narrow, that the local government was constantly checked and controlled by English authority, and the administration of affairs was made quite dependent on the action of the English ministry, the dissolution of the union with Great Britain created a necessity of organizing the government anew, so that it might be administered by itself. A new establishment was needed for the exercise of the new powers acquired by the assumption of independence. The necessity was perceived, and measures were promptly taken to meet it. While the war still raged, and the issue of it was yet uncertain, while the smoke of battle still hung over the plains, and the cannon thundered in the distance, the people went calmly to work to appoint delegates, to hold conventions, and to form and establish new constitutions of government. Never was manifested a more sublime confidence in the ultimate triumph of a just cause. The people never doubted the

issue of the struggle. While every limb was yet braced and every muscle strained in the contest, they quietly made preparations for the state of things that was to ensue, when Great Britain should acknowledge her defeat, and the Americans should take their stand among the independent nations of the earth. Peace was not declared till 1783; New Hampshire formed a constitution in 1775; New Jersey, South Carolina, Virginia, Pennsylvania, Delaware, Maryland, and North Carolina, in 1776, the first three before the date of the Declaration of Independence; Georgia and New York, in 1777; Massachusetts, in 1780. The forms of government thus established were not arbitrary and novel, created by mere speculation, and dependent for success on future experiment. *They were founded on existing institutions;* they recognized preëxistent rights; they authorized ancient customs. They supplied omissions, it is true; but they made no unnecessary innovations. They were the old forms of polity, adopted by the first settlers on this continent, with such modifications only as were rendered necessary by the transition from a state of partial, to one of perfect, independence. They were not made by philosophers and theorists, but by practical men.

It would not be a difficult task to analyze the constitutions first established by each of the thirteen Colonies, especially those of New England, and to trace almost every important enactment in them to provisions in the old charters, or to privileges tacitly granted by the crown, or to customs founded on long prescription. We shall have occasion hereafter to consider more particularly the doctrines and the practice of the men of the American Revolution. Our only purpose here is to point out the unanimity of opinion and conduct, in this respect, of all the Colonies at the time when they emancipated themselves from British rule; — to show, that while some adopted what we are accustomed to consider as "new" constitutions, and some did not, all adhered, with greater or less fidelity, *as the case required*, to the forms and institutions with which they were familiar from long experiment, and which were endeared to them by old associations. We can characterize their practice in a word, by saying, that it was the very *opposite* of that of the French theorists, who, from 1789 till 1800, successively formed and annihilated

merely speculative constitutions, with such marvellous rapidity, for their unhappy and distracted country.

It was the good fortune of Connecticut and Rhode Island, that, for a long period before the Revolution, even from the time of their first settlement, they had enjoyed essentially republican forms of government. They obtained charters from the crown, respectively in 1662 and the following year, which, in fact, with merely nominal reservations, empowered the people to govern themselves. Chalmers, a royalist writer of the Revolutionary period, objects to these charters as establishing "a mere democracy, or rule of the people." Governor Bernard, in his private correspondence with the British ministry,* speaks of "the two republics of Rhode Island and Connecticut," and says there will be no security for the prerogative in the other Colonies, so long as these two "democratic governments" are allowed to exist. That such language was properly applied to them appears on the very face of the charters, which, in truth, authorized the people *to choose all their own officers, and enact all their own laws.* "The laws of these States," says Grahame, the able and impartial historian of America, "were not subject to the negative, nor the judgment of their tribunals to the review, of the king." Nay, "so perfectly democratic were their constitutions, that in neither of them was the governor suffered to exercise a negative on the resolutions of the Assembly." These were the great privileges they enjoyed, and which distinguished them above every other Colony in America. There was no necessity, therefore, for amending or abrogating the charters, when the union with England was dissolved. The merely formal limitations of the power of the Colonists, — the provision, for instance, that their laws and ordinances should be "not contrary and repugnant unto,† but as near as may be agreeable to, the laws of this our realm of England," — then expired of themselves,

* *Manuscript Records of the Board of Trade*, from copies obtained by a friend, which he has kindly allowed us to examine.

† "There were no regular means of ascertaining this conformity, these States not being obliged, like Massachusetts, to transmit their laws to England. On a complaint from an inhabitant of Connecticut, aggrieved by the operation of a particular law, it was declared by the king in council, 'that their law concerning dividing land inheritance of an intestate was contrary to the law of England and void'; but the Colony paid no regard to this declaration." *Grahame*, I. 421.

and from the necessity of the case. After the Revolution, the people continued, as they had done before, to "admit freemen, choose officers, make laws and ordinances, array the martial force of the Colony for the common defence, enforce martial law, and exercise other important powers and prerogatives."* In so doing, they conformed to the practice of all the other Colonies at the same epoch, by adhering as closely as possible to their ancient rights, usages, and institutions. They preserved both the substance and the form of the constituted body politic throughout the convulsions of the Revolutionary period. During that storm, they did not sink or abandon the ship; they only deposed the commander, and changed the flag.

Although these charters were granted by Charles the Second, they derived their whole force and efficacy within the Colonies themselves from the formal and voluntary acceptance of them by the people. They were not imposed upon the Colonists, but were solicited by them; they were granted, or allowed, and not enacted, by the sovereign power. The drafts were made by the Colonial agents, acting under the instructions of their constituents; they were sanctioned by the monarch at their solicitation. After the Revolution in 1660, the people of Rhode Island thought their old charter, procured by Roger Williams in 1643, having been obtained from the parliament under the Commonwealth, would not be respected by the king; and they therefore appointed Mr. John Clarke, who was then in England, to be their agent "for the preservation of their *chartered rights and privileges.*" He succeeded in his mission, and a new instrument was granted by the king. This new charter of Rhode Island was received in November, 1663, by the Court of Commissioners at Newport, "at a very great meeting and assembly of the freemen of the Colony." It was then accepted, ratified, and made the fundamental law of Rhode Island and the Providence Plantations. "Thanks to the King, thanks to Lord Chancellor Clarendon, and thanks and a gratuity of one hundred pounds to Mr. Clarke, their agent, were *unanimously voted.*" A more expressive and striking scene of a people forming a government for themselves, and making it binding on them-

* The language is that of Judge Story, who thus enumerates the powers which the people of Rhode Island exercised under the charter. *Commentaries on the Constitution.* Abridged edition. p. 38.

selves and their posterity, was never witnessed. The next day after the charter was received, the old government surrendered to the new.

Of course, the fundamental law of the body politic, thus formed and solemnly ratified, was to continue until abrogated by the same power which created it. This power was a formal vote of the freemen of the Colony, at a meeting legally called and authorized. The government and the charter ratified by that vote *did* continue, till it became the oldest constitutional charter in the world. "This charter of government," says Mr. Bancroft, writing in 1836, "constituting, as it then seemed, a pure democracy, and establishing a political system which few besides the Rhode Islanders themselves believed to be practicable, is still in existence;" and "nowhere in the world have life, liberty, and property been safer than in Rhode Island." During the reign of James the Second, and the arbitrary rule of Sir Edmund Andros, it was suspended, but not abrogated, nor forfeited. After the revolution of 1688, the Colony resumed it, and continued to maintain and exercise its powers down to a very recent period. Even the crown lawyers and the other favorers of the prerogative, who were then numerous and active, who succeeded at this time in destroying the old charter of Massachusetts, and who hated the "democratic governments" of Rhode Island and Connecticut, could not, on the ground of the acts of James and the change in the dynasty at home, destroy these charters, or prevent them from continuing in effect.

If the revolution of 1688 did not annul the charters, so neither did the revolution of 1776. At both periods, there was a change of the sovereign power in the state; at the former, it was transferred, contrary to custom and the usual course of law, from one person to another; at the latter, it was taken away from an individual, and vested in the state itself; that is, in the constituted body politic, — "the people." George the Third forfeited his power in America in the same way in which James the Second lost his throne in England, — by arbitrary and oppressive acts, done in violation of law. But the constitution and the charter survived both these shocks. The Bill of Rights adopted in the former case embodies nearly the same essential principles as our own Declaration of Independence. It recognized the

power of the state to change its sovereign, without being obliged at the same time to destroy itself, or to resolve the body politic into its primitive elements, and to begin the work of forming society and government anew. In England, the monarch was dethroned, or — in the more gentle but lying phrase of the day — he had "abdicated"; and parliament assumed the power to absolve Englishmen from the duty of allegiance to him, and to confer the crown upon William and Mary. They did not go about forming a new constitution, and organizing a new government. Their work was not destructive, but conservative. They did not need even to reaffirm preëxistent statutes and principles, except those few the authority of which had been marred or violated by the arbitrary conduct of the Stuarts, and which were therefore specified, and enacted over again, as it were, in the Bill of Rights. Their silence about new forms proved that they recognized the old, which, having once been formally established, were to continue to exist until they should be as formally abrogated. Therefore, the constitution at home and the charters in the Colonies — those of them, at least, which had not been positively annulled by the decree of a court of law — continued to exist and to preserve their binding force; and neither Jacobites, crown lawyers, nor patriots questioned their legal authority.

The case was precisely the same at the time of the American Revolution. The people of Rhode Island and Connecticut did not annul their charters at this period, for they were attached to these instruments, which had been the guardians of their liberties and their rights for more than a century, and had made them the envy of the surrounding Colonies. They did not enact or accept them over again, for such an act would have implied, that these instruments had possessed no rightful force or legal efficacy for the past. The Colonies became independent States just as children become men; they did not forfeit their birthright because they had attained their majority. Under these charters, Rhode Island and Connecticut became parties to the Declaration of Independence. This new deed of their liberties, the "Magna Charta" of America, was signed by delegates appointed to Congress, in behalf of these Colonies, by the General Assemblies therein, legally constituted, according to old usage. These delegates, by signing the Declaration,

did not destroy or annul their respective governments at home. Such an act would have been suicidal, for their own authority as delegates was derived from these governments. They were not chosen for such a purpose, nor were they subsequently empowered to effect it. They were appointed to consult with the delegates from the other Colonies for the common welfare, and if need were, to throw off a foreign yoke ; but not to cancel the safeguards of their domestic liberties, and the fundamental laws of the bodies politic whom they represented.

Under these charters, also, Rhode Island and Connecticut became parties to the Confederation of 1778. They entered into this league, not as mere aggregations of individuals, bound together by no tie but the interests of the moment ; but as sovereign States, legally constituted, formally governed, and acting by their appointed representatives. Under the same charters, also, the legislatures of these States called conventions of the people, who accepted the Federal Constitution of 1787, and thus became members of our present union. A new law was thus ratified in the same manner as the charters had been, — by conventions legally called and empowered to represent the whole people. This new law, in a certain sense, acted over the old governments of the several States, without displacing or destroying them. When Rhode Island signified her adherence to the Constitution in 1790, she received from the other parties to that instrument the guaranty of " a republican form of government," and an assurance of protection " against invasion and against domestic violence." Of course, those other parties, by admitting this State into the union, recognized her form of polity and her civil administration, as then established, as " a republican government." Otherwise, they were bound by this guaranty instantly to fit out troops, or adopt other measures, to create or restore the republicanism of that government.

Under the charters thus ratified and confirmed, not only by the people of Rhode Island and Connecticut, but by the authorities of the whole union, these two States continued to exist and to be governed for a long period. Connecticut retained her charter till 1818, when some changes being required by the voice of the people, legal measures were taken in due form, under the authority of the legislature, and in conformity to the practice in other States, to form a new

constitution, which was accepted and ratified by the people, and went peaceably into effect. Rhode Island retained hers till 1843, when, in the same manner, she formed and adopted a new constitution, which is now in operation. It is to the history of the contest which preceded this alteration in her form of government, that we are now to direct our attention.

But before we attempt to give a brief sketch of these occurrences, it is necessary to consider what was the law and the practice upon that point under the old government, on which the whole controversy turned ; we mean the right of suffrage.* When Roger Williams and his associates formed a settlement at Providence, in 1636, they incorporated themselves into a " town fellowship." The earliest records of their proceedings, which are now extant, contain the following entry, under the date of August 20th, 1637.

" We, whose names are here under, desirous to inhabit the town of Providence, do promise to subject ourselves in active and passive obedience to all such orders and agreements as shall be made for public good of the body in an orderly way, by the major consent of the present inhabitants, *masters of families*, incorporated together into a town fellowship, *and others whom they shall admit* unto them, only in civil things."

The last clause, " only in civil things," marks the steadfast attachment of Roger Williams and his associates to the principles of religious liberty and the freedom of conscience. William Coddington and his company formed another settlement on the island of Rhode Island in 1637 – 8, and agreed to the following compact.

" We, whose names are underwritten, do swear solemnly, in the presence of Jehovah, to *incorporate ourselves into a body politic*, and, as He shall help us, will submit our persons, our lives, and estates unto our Lord Jesus Christ, the King of kings and Lord of lords, and to all those most perfect and absolute laws of His, given us in his holy word of truth, to be guided and judged thereby."

* We are indebted for many of the facts which follow, relating to the early history of Rhode Island, to an excellent memorial, respecting the suffrage question, addressed to the General Assembly early in 1842, and soon afterwards published in a pamphlet of twenty-four pages. It has no signature, but was written, we believe, by Judge Pitman, and bears for title only the following inscription : " To the Members of the General Assembly of Rhode Island." We are also under considerable obligation for historical facts to an admirable pamphlet on the same subject, the title of which is placed at the head of this article, written by Mr. Elisha R. Potter, now a member of the House of Representatives of the United States.

This company declared, in 1641–2, that their government was "a democracie, or popular government," and that the power to make laws, and depute ministers to execute them, was "in the *body of freemen*, orderly assembled, or a major part of them." They admitted to the elective franchise from time to time such other persons as came to join them, and "*upon orderly presentation were found meet for the service of the body, and no just exception against them.*" None but those regularly admitted were allowed to take part in the affairs of government, although it appears, from the separate lists kept of the freemen and the inhabitants, that many of the latter were not admitted. The two settlements, at Providence and on the island, were united into one, in 1643, under the first charter; and in 1647, they admitted into their company a third settlement, which had been formed at Warwick five years before. Thus it appears, that there were originally three distinct settlements in this State, entirely independent of each other. The charter obtained in 1663 required, that the General Assembly should be composed of the Governor, Deputy Governor, the Assistants, and "such of the freemen of the said Company as shall be so as aforesaid elected or deputed;" and it authorized the Assembly "to choose, nominate, and appoint such and so many other persons as they shall think fit, and shall be willing to accept the same, to be free of the said company and body politic, and them into the same to admit."

It seems, therefore, that the charter confined the right of suffrage to the "freemen" of the Company, as was formerly the case in Massachusetts; but the power rested entirely with the General Assembly to determine what qualifications should be required of a freeman. In other words, any person might be admitted free of the Company by those who were freemen, or voters, already. In 1665, the General Assembly, in pursuance of the authority thus granted to them, declared, "that all men *of competent estates*," and possessing "sufficient testimony of their fitness and qualifications as shall by the General Assembly be deemed satisfactory," should be admitted as freemen, and that no others should enjoy the like privilege. There was no need of requiring the ownership of real estate as a qualification, for, at that period, nearly all the permanent inhabitants of the Colony were freeholders. By an act passed in February, 1723–4, the voter was required to possess real estate valued at £100, or that would rent for forty shillings *per annum*, or to be the eldest son of such a voter. In 1729, a law was passed, requiring that the freehold qualification should be of the value of £200, or £10 annual rent. Sixteen years afterwards, freemen were required to have freeholds of the value of £400, or £20 annual rent, "being their own real estate, or to be the eldest son of such a freeholder." In August, 1760, the value of the estate was required to be at least £40, lawful money, or forty shillings rent. In 1798, it was established at $134, or seven dollars a year; and at this rate it remained till the adoption of the new constitution, in 1843.

"All these seeming inconsistencies," says Mr. Potter, "are easily explained by recurring to the history of the emission of paper money made by the Colonies. The qualifications of 1723–4, 1729–30, and 1746, are in old tenor, so called, the value of which was constantly depreciating. The qualification of 1760 is in lawful money, and, in 1798, was merely changed into dollars, at six shillings to a dollar."

The limitation of the right of suffrage to freeholders and the eldest sons of freeholders was but one of the grievances which produced the recent contest in Rhode Island. Another cause of complaint was the inequality of representation in the lower House of Assembly. The charter determined the number of representatives of the several towns by an arbitrary rule, without reference to future increase of population, or change of circumstances. The apportionment was probably correct in principle when it was adopted; but being continued without change for one hundred and seventy years, it became very unequal. Newport, which was the chief town in 1660, had four representatives; Providence, then a place of small importance, had but two; Warwick and Portsmouth had four each, and every other town two. But in 1824, the population of Providence was more than double that of Newport. Several towns which were entitled to only two representatives each, had twice as many inhabitants as Portsmouth, which sent four. The county of Providence, which included ten towns out of the thirty-one in the State, and had three fifths of the entire popula-

tion, sent twenty-two representatives, while the other counties sent fifty. The upper House of Assembly, consisting of the Governor, Lieutenant-Governor, and ten Senators, was chosen annually by "general ticket," and therefore equally represented the opinions of the majority of the voters.

The history of the several attempts to redress these grievances by a change in the fundamental laws of the State may be divided, for convenience, into three periods. The first extends from the adoption of the Federal Constitution by Rhode Island, in 1790, to the year 1824. The second, beginning in 1824, comes down to the publication of what was usually called the "Landholders' Constitution," in February, 1842. The third period embraces the events which occurred subsequently to the date last mentioned, and ends with the establishment of the new government in May, 1843.

During the first period, the people appeared satisfied with the existing form of government and the established laws, and no anxiety was expressed for a change. A motion was made in the House of Representatives, in 1799, to call a convention for the purpose of framing a constitution, one delegate to be allowed to every thousand inhabitants in a town. The motion prevailed by a small majority, but the bill was probably lost in the Senate, as we hear nothing of the project afterwards. In 1811, when there was an active political contest in the State, and the Democratic and Federal parties successively obtained the control of the government during the same year, a bill was prepared for the extension of suffrage, and it passed the Senate ; but it was defeated in the other House, or was never presented there, and the scheme was not revived. In 1819, and the three following years, Mr. Dorr affirms, that the subject of a new constitution was again agitated, with a view to removing the inequalities of suffrage and representation ; but we find no evidence of the fact, and the movement, therefore, could not have been a general one.

During this period of more than thirty years, the people appeared to be well contented with their existing institutions. They were even strongly attached to the charter and the laws, that were now hallowed by so many old associations ; under which their ancestors had enjoyed the largest liberty, while nominally subject to a foreign monarch ; which had guided them through the storms of the Revolution, and made them members of the great federative republic ; which had kept their fathers' feet from stumbling, and had been a shield to them in their own years of infancy and childhood. The inequality in the representation of the towns was not yet very marked, and even where it was most apparent, it was not felt as a practical grievance. The towns were few in number, and the opposite extremities of this little State being hardly fifty miles apart, a contrariety or even a division of interests could not exist between the several communities inhabiting different portions of it, and unequal legislation was consequently impossible. The people were mostly engaged in agricultural pursuits, and owned the lands which they cultivated. A great majority of them, therefore, were freeholders, or belonged to families the heads of which were freeholders. The right of suffrage seemed to be in the proper hands, when it was vested in the owners of the soil and the heads of the families that formed the major part of the population.

But during the second period, some remarkable changes took place in the character of the population, and corresponding alterations in the fundamental laws at last appeared inevitable. Manufactures were introduced, and the inhabitants of some towns, which enjoyed facilities for this branch of industry, increased with astonishing rapidity. A division of interests was created between the different portions of the State by this variety of employment, and the more populous towns, the growth of which had been fostered by the new direction of labor and capital, became uneasy at observing the advantage which their agricultural neighbours possessed in the control of the Assembly. A larger amount of capital, moreover, was vested in personal estate. Some men of large fortunes owned not a foot of ground, and, consequently, had not the right to vote. It was very natural, that they should be jealous of the small farmers, who had now almost the entire management of the politics of the State. Then a loose and shifting population, composed of laborers in search of employment, was introduced into some towns by the growth of manufactures, and though they had no hold upon the State, and could hardly be considered as permanent residents in it, they were unwilling to live without the political influence which they had enjoyed in their former homes.

While such causes were at work to produce discontent with the existing laws, it is much to be regretted, that the freeholders did not soon perceive the necessity of granting a moderate extension of the right of suffrage. The constitution under the charter had worked well ; but a new state of things was growing up under it, and republican institutions must be flexible enough to adapt themselves to the changing circumstances of the times. Seasonable reforms prevent sweeping ones. "A froward retention of custom," says Lord Bacon, "is as turbulent a thing as an innovation. It were good, therefore, that men in their innovations would follow the example of time itself, which indeed innovateth greatly, but quietly, and by degrees scarce to be perceived." A reasonable and judicious reduction of the qualifications required of a voter, if offered early in the period we are now considering, would have been satisfactory to the people, would have robbed the Suffrage party of any pretence or excuse for their illegal movements, and would have obviated the necessity of a more radical change, effected a few years later, amidst the tempests of a revolution. We do not say, that the Assembly should have made this concession *as a matter of right*. There was no *right* in the case, as will be hereafter demonstrated. But reform had become *expedient*, and it was unwise to withstand it so long. The excuse for the dilatory action of the freemen is to be found in the repose and apparent indifference of the people of the State respecting the whole subject. Agitation on the topic was long deferred, but it came at last like a whirlwind, and had wellnigh made wreck of the government and the laws. A deceitful calm preceded the movement. Petitions on this matter to the Assembly were few and far between, and it was but seldom discussed in the public journals. But the demagogues were at work, and the day of contest was at hand.

A convention was called by the General Assembly in 1824, for the purpose of forming a written constitution. The delegates were chosen by the freemen, or qualified voters. They came together in June, and completed their work in little more than a week. The constitution, which they devised, was adapted only to remedy the inequality in the representation of the towns, the qualifications for suffrage being retained as they were before, except that the right of

voting was taken away from the eldest sons of the freeholders. A clause was proposed to allow those who were not landholders to vote ; but it was supported only by three delegates, and therefore was not inserted in the draft of the constitution. The representation was made nearly equal, no town being allowed less than two, nor more than seven representatives, the number being varied between these limits according to the population. This constitution was submitted to the qualified voters, and was rejected by a majority of more than fifteen hundred, owing chiefly, as was supposed, to the jealousy which the other towns entertained of the city of Providence, the influence of which in the Assembly would have been much increased, had the proposed instrument been adopted. The whole vote was a very small one, being less than five thousand, when the whole number of voters in the State was at least eight thousand. This fact seems to show, that there was but little excitement on the subject, and that the people generally did not desire a change.

The matter was not allowed to rest, however, and a new interest in it being awakened in the city of Providence, in 1829, several petitions and memorials respecting an extension of the right of suffrage were presented to the General Assembly. They were referred to a Committee, and, in the June session of that year, a very able report upon them was made, written, we believe, by the late Mr. Hazard. The question in respect both to right and policy was thoroughly discussed, and it was strenuously denied, that the proposed change was either equitable or proper. This report was accepted, and the petitioners had leave to withdraw.

We hear nothing more of any formal action on the subject till 1834, though the topic was discussed from time to time during the interval, especially by those citizens of Providence who were not freeholders. Hitherto, the agitation had been entirely confined to this class of persons, the expediency of a change finding but few advocates among the freemen. But several members of the bar now united themselves to the party, improved its organization, and gave more method and respectability to its proceedings. Among these persons was Thomas W. Dorr, who was afterwards to act a very distinguished part in the matter. Under their guidance, the party determined to call a State convention, to

draw up the outlines of a constitution, lay them before the people, and then attempt to support them at the polls. The convention met, and recommended certain provisions in regard to the ratio of representation and the elective franchise. These were designed only to act upon public opinion, the whole proceedings being informal, as the convention was not authorized by the legal authorities. The desired effect was not produced, no decided impression being made upon the freeholders, and the party could never muster more than seven hundred votes out of eight thousand. In 1838, after a resolute struggle of four years, this "Constitutional party," as it was then termed, became extinct, after the members of it had given great moral power to the cause which they advocated, though they had produced hardly a perceptible effect on the opinions of the freemen.

Meantime, the General Assembly were not idle. They called another convention, in 1834, to amend the charter; but when Mr. Dorr, who was then a member of the House, proposed as an amendment, that all resident inhabitants of the State, who had paid a tax on real or personal estate valued at $ 134, should be allowed to vote in the choice of delegates, the proposition was defeated by a vote of fifty-eight to four. The convention met, but several towns were not represented in it, and the members who were present probably did not intend to accomplish any thing. Before the draft of a constitution was completed, the body adjourned for want of a quorum, and never came together again.

No other decided movement was made till 1840. A very small minority in the House of Representatives made a motion, from time to time, to amend the charter, or to extend the elective franchise; but after very little debate, it was invariably voted down. Petitions on the subject were occasionally presented, but copies of them were not preserved, and it is, therefore, impossible to tell how numerous were the signers. It is not likely, that the number was great. The State was agitated by the discussion of national politics, the subject of a tariff, or the choice of a President, — and the attention of the inhabitants was thus diverted from their local concerns. Many persons, who were in favor of an extension of suffrage, refused to manifest their opinions at the polls, lest they should disturb the organization or the movements of the national party to which they belonged. This

reluctance to act showed that they felt no deep and abiding interest in the subject; otherwise, they would not have been diverted from it by the contests of parties, the issue of which could not materially affect their immediate interests. We repeat it, then, the restrictions on the elective franchise and the unequal representation of the towns were not felt as practical grievances. The operation of the laws was equal, taxes were moderate, justice was impartially administered, and no person had any direct cause of complaint. He might murmur because he was not allowed to govern others; but he could not assert, that he was ill governed himself. He felt a more lively interest, therefore, in the contest between the friends of General Harrison and Mr. Van Buren, than in the amendment of the constitution of his own State.

But after the great contest for the Presidency, in 1840, was ended, the agitation about the right of suffrage in Rhode Island revived at once, and almost immediately assumed a threatening aspect. A "Suffrage Association" was formed at Providence, composed mostly of persons who were not owners of real estate, and the whole machinery of discussion and turmoil was put in motion. Frequent meetings were held at the Town Hall, angry and exciting speeches were delivered, badges denoting membership were worn in public, processions displaying banners and accompanied with music marched through the streets, and every artifice was used to swell their apparent numbers and terrify their opponents. A person ignorant of the history of the case might have supposed, that some new question had arisen, some wrong suddenly discovered, or injury lately done, instead of thinking that the whole excitement depended on a question quite as old as the first settlement of the Colony. Other associations, auxiliary to the parent body, were formed in different parts of the State; and lecturers were sent from Providence to the several towns, to make addresses to the people, and kindle their passions in support of the cause. The party avowed their determination to form a new constitution and government, without the aid of the legislature or the other constituted authorities, and to support their measures by force, or by an appeal to the legal tribunals, on the ground that the people were sovereign, and had a right to act for themselves, without regard to usages or laws.

Before we trace their proceedings further, it will be well

to consider separately the action of the established government down to the end of the period with which we are now concerned. The General Assembly came together in January, 1841, when petitions were presented to it, signed by less than six hundred persons, praying for the abrogation of the charter, an extension of the right of suffrage, and a more equal representation of the towns. This brought up the whole subject for discussion, and it was finally resolved, that delegates should be chosen for a new convention, to be held at Providence on the first Monday of November, 1841, with full powers to frame a new constitution. At the June session of the legislature, resolutions were adopted to allow the towns to be represented in the proposed convention by a number of delegates proportioned to their population, but restricting the choice of the delegates to the freemen, or qualified voters.

The convention met at the appointed time, and on the question of suffrage, at once decided to admit persons to vote who were not freeholders. But they found it difficult to determine how large an amount of personal property should be considered as a qualification for the elective franchise, and they finally adjourned to February 14th, 1842, in order to ascertain more fully the wishes of their constituents on this important point. When they met again, they soon completed the draft of a constitution, which gave the right of suffrage to "every white male native citizen of the United States," of the age of twenty-one years, who had resided in the State for two years, and in the town or city six months. In respect to the natives of foreign countries, who had been naturalized in the United States, the freehold qualification was retained. The Representatives were distributed among the towns quite equitably on the basis of the population. To make the list of concessions complete, it was determined, both by the convention and the General Assembly, that "all persons who shall be qualified to vote under the provisions of [this] Constitution, shall be qualified to vote upon the question of the adoption of said Constitution." It was to be submitted to the people, for ratification or rejection, on the 21st, 22d, and 23d days of March, 1842.

It must be admitted, that this instrument, commonly called the "Landholders' Constitution," was as bountiful a concession to popular rights as any party could reasonably desire, and that it established a frame of government as liberal as any which existed in any State in the union. In respect to the elective franchise, the ratio of representation, and the mode proposed for its adoption, it granted all that had been claimed by any party or individual, down to the commencement of 1840. Its adoption would have remedied all existing difficulties, and would have insured the peace and prosperity of the State for a long period to come.

We return to the history of the proceedings of the Suffrage associations during the year 1841. On the 5th of May, they held at Newport what is called, in the political jargon of the day, a "mass" convention, — meaning, we suppose, a meeting of the "masses" of the people. How many were present at it, we are not informed; but those who did come passed many resolutions, and made many speeches, but adopted no definitive measures. They held an adjourned meeting at Providence, on the 5th of July, when they resolved by their own sovereign authority, without any sanction of law or usage, and without having been even nominally appointed or delegated by the towns to perform such an act, "that a convention of the people at large should be called for the formation of a *republican* constitution." They recommended, that all the towns should choose delegates, in the proportion of one to every thousand inhabitants, to meet at Providence on the 4th of October, "for the purpose aforesaid."* Meetings were held, in pursuance of this notice, "in *nearly all* the towns of the State," of course, without any legal formalities, any person taking a part in them, and casting a vote, who saw fit. The whole number of these nominal votes is not known, there being no record of the proceedings; but it was said to be about 7,000, the whole population of the State being rather more than 108,000. "A large majority" of the delegates thus chosen met in convention, and after one adjournment, completed the draft of a constitution, which they determined to submit "to the people" for adoption on the 27th, 28th, and 29th days of December. The convention likewise assumed the power to determine who should be allowed to vote for or against their constitution. The voters were required to be Ameri-

* We are indebted for most of these facts and citations to "Governor Dorr's inaugural message to his legislature, on the 5th of May, 1842."

can citizens, twenty-one years of age, and having their domicile in the State, "but without any limitation of sex, color, place of nativity, or any fixed period of residence whatever."* Of course, no fault could be found with such a right of suffrage on the score of illiberality.

In the constitution itself, which was commonly called the "People's Constitution," the elective franchise was a little more restricted. The right of voting was given to "every white male citizen of the United States, of the age of twenty-one years, who has resided in this State for one year, and in the town where he votes six months." With the exception of requiring one year's residence, instead of two, and admitting naturalized citizens to vote without a freehold qualification, this provision coincided with the corresponding one in the "Landholder's Constitution." These two exceptions are evidently of slight importance, and in nearly every other important particular, the two instruments were alike. Open meetings were to be held in the several towns, on the three specified days in December, to receive the votes of those who came personally to accept or reject the "People's Constitution"; and those who, "*from sickness or other causes*, may be unable to attend and vote," were requested to write their names on the back of a ticket, cause it to be certified by the signature of another person, and send it to the meeting on either of the three days next succeeding the three days already mentioned. The business of receiving votes was extended in this anomalous way through a whole week.

During the first three days, about 9,000 votes were collected from the hands of the voters themselves, though with how much caution the pretensions of such voters were scrutinized in these informal and illegal meetings, we are left to imagine. During the remaining three days, through the privilege of going about to the citizens' houses and obtaining their votes, the *names* of about 5,000 more were handed in, making an aggregate of 14,000. As the adult white male population of the State was supposed to be about 22,000, the friends of extended suffrage at once declared, that their constitution was supported by the votes of more than three fifths of the people. That the grossest frauds were practised in order to obtain this nominal majority cannot be doubted, whether we consider the extravagant and unprecedented character of the plan for obtaining and counting the votes, the entire absence of legal guards and checks, and the fact that, on subsequent trials, under an elective franchise equally liberal, when the party used every effort to bring out their entire strength, for the undisputed control of the State was the prize at issue, they were never able to muster much more than half of the number which they claimed on this occasion. There was a show of fairness at the time, caused by offering all their votes, each of which was indorsed with the name of the person presenting it, for examination to the General Assembly; but that body, of course, took no notice of the proposal, as it did not recognize the legality of any part of the proceedings. "The People's convention," also, authorized the secretaries to copy the registry of the voters or the votes themselves, for the use of any person who applied for them. But when individuals began to take advantage of this permission, the "Suffrage Association" of Providence actually undertook to overrule the order of the convention, countermanded this authority, and prevented the issue of any more copies.

* Potter's *Considerations on the Rhode Island Question*, p. 19.

To give some idea of the gross character of the frauds which were practised, we extract a passage from Mr. Potter's pamphlet.

"In the town of Newport, they have long been charged with committing the greatest frauds, and the reason they have never attempted to disprove these charges is, probably, because they could not be refuted. They claimed to have obtained 1,207 votes for the people's constitution, of whom they say 317 were freemen.

"In making up the whole number of 1,207, they took the names of the soldiers at the United States fort, of the people at work for the government at Fort Adams, and of people who had been, for a long time, gone to sea, or absent from the State. And, from an actual and careful examination of the list of their voters, it is estimated by a person, who is probably better qualified to judge than any other man in that town, that not more than 750, at most, out of the 1,207, were qualified to vote even upon the very liberal terms of the people's constitution, which admitted foreigners to vote for it, and required no specific period of residence. And when, only three months afterwards, in March, 1842, the vote was taken upon the legal constitution, and every

person, who had resided in the State two years, was admitted to vote, and only foreigners and the transient population excluded, the people's party, notwithstanding they brought every man to the polls, could only obtain 361 votes against it. Here is a falling off from 1,207, when they took the vote in their own way, to 361, when it was taken in legal town meeting, where the votes were challenged, and the transient population excluded. And both parties together, at this same town meeting, could only obtain 1,091 votes, while the people's party claimed to have obtained for theirs, 1,207 votes.

"Again: they claim to have obtained, in Newport, 317 freemen for the people's constitution. The same gentleman, before referred to, who personally knows almost every freeman in the town, estimates that, at least, ninety of these were no freemen at all. And, of the others, a great number voted merely as an expression of opinion, and some for party purposes. How else, if there was no fraud, can it be accounted for, that, in the legal town meeting, where the very same freemen voted, subject, however, to a legal scrutiny, this vote fell off from 317 to 102, and that both parties together could only obtain 475. At the town meeting in December, the people's party had all their own way. The other was conducted according to law, although the same people voted, and every effort was made on both sides.

"Such frauds as these would be most likely to be committed in the cities and large manufacturing towns, such as Newport, Providence, Smithfield, Cumberland, Warwick, &c. In a great many of the country towns, the vote was probably very fairly conducted." — pp. 58, 59.

We have now come to the third period that we indicated, and the whole State seems to present "the confusion of king Agramant's camp." There are the government and the General Assembly, legally organized under the charter, exercising an authority which had not before been questioned for two hundred years, and firmly supported, for the time being, by the whole body of the freeholders, and a large portion of the other well informed and respectable inhabitants. There is the "People's Constitution," alleged to be sanctioned and adopted by a great majority of the entire population, and only waiting the short time appointed by its friends to be put in operation, and to claim absolute sovereignty in the State. There is the "Landholders' Constitution," abiding a verdict of approval or rejection, to be rendered in a few weeks by the whole body of voters empowered to act

under its provisions. If the true issue could have been presented at this time between the friends and the opponents of the illegal measures adopted by the Suffrage party, there is no question that this "Landholders' Constitution" would have been adopted by a considerable majority. But unluckily, many of the freeholders were so fanatically attached to the charter, that they resisted every attempt to place the government upon a new basis; and when the day of voting came, they either stayed away from the polls, or threw their votes against the new constitution, without reflecting, that such conduct in fact strengthened the hands of their greatest opponents. The Suffrage party, also, exerted themselves strenuously against it, and the consequence was, that the new instrument was defeated, though by a small majority. The numbers were 8,689 to 8,013. At least one thousand freeholders voted against it, for the reason we have just stated, and this number, being deducted from the larger vote, reduces it to a minority; and thus it is conclusively shown, even without reckoning the freemen who stayed away from the polls on the same grounds which induced many of their fellows to cast a negative vote, that the major part of the people, reckoned under a most liberal elective franchise, were opposed to what was facetiously denominated the "People's Constitution."

The result of this trial also established another curious fact; that the same party which boasted of obtaining a vote of 14,000 in December, when there were no checks or legal restrictions established at their informal assemblies, and consequently every person who pleased voted for himself or brought in a vote by proxy, when they came to another trial, only three months afterwards, under a law nearly or quite as liberal in determining the qualifications of the voters, but guarded by proper formalities, could not muster but about 7,600 votes. And we may mention here, that at several subsequent elections, when the same faction exerted their whole strength, they could throw but little more than 7,000 votes, which is about one third of what might be cast in the State under the present liberal constitution. It is now demonstrated, therefore, — what was believed from the outset, — that the friends of the *soidisant* "People's Constitution" never constituted more than one third of the people of the State.

The legal government was now still in the hands of the authorities established under the charter, and it was blindly and furiously opposed by a faction, that had just rejected a constitution *granting all that they had at first asked*, and who were now determined to establish by force an instrument of their own making, confessedly formed, "not only without the law, but against the law." Their conduct was as violent as their principles were unfounded and absurd. Flags were hung up in the streets of Providence and other places, bearing the motto, "The constitution is established, and it must be maintained." Meetings were held, and exciting speeches made, denouncing the government and the laws, and exhorting the members of the party to be ready with arms in their hands for a bloody contest in support of their principles. The flame was now fanned by the efforts of politicians in other States, eager to turn this excitement to their own advantage, and careless about the issue of a conflagration which seemed too distant to menace the buildings that sheltered *them*. The agitation was at its height. Families were divided, and brothers, fathers, and sons were arrayed on opposite sides. In short, a revolution was in progress; and for what? Because the insurgent party refused to accept, in legal form, from the hands of the constituted authorities, all that they demanded as their due; but were resolved to establish their claims in their own right, or by their own authority; and, if necessary, to vindicate their pretensions by an armed force, and all the atrocities of a civil war.

The alarm was now general throughout the State, though the focus of agitation was in Providence, where the opponents of the government mustered in greatest force, and were supported by deputations from the laboring population of the manufacturing villages in the neighbourhood, and along the course of the Blackstone. In the agricultural towns, the people, who were chiefly small farmers, were tranquil, and were strongly attached to the existing government. But they had friends and relatives in the city, and they knew not what might be the issue of the struggle, or how soon they might be subjected to a government created by a faction, and established by violence. The General Assembly was firm, and, at an extra session called in March, taking into view the resolutions already passed by the Suffrage party,

"That they will support their Constitution by all necessary means, and repel force by force," empowered the Governor to issue a proclamation, warning all good citizens against these illegal proceedings; and they authorized him "to adopt such measures as in his opinion may be necessary, during the recess of the legislature, to execute the laws, and preserve the State against domestic violence." They also passed the law called, in the vulgar phrase of their opponents, the "Algerine Act," making it a high offence, punishable by fine and imprisonment, for any persons to act as officers in illegal town meetings, called for pretended elections, or to signify that they would accept office under such elections; and declaring further, that if any persons should attempt to exercise any legislative, executive, or ministerial functions of office in the State, by virtue of such pretended elections, or should assemble for the purpose of exercising such functions, they should be deemed guilty of treason, and be punished by imprisonment for life. It was also provided in the act, that the trials might be held in any part of the State, without regard to the county wherein the offence was committed.

Notwithstanding the terrors of this law, elections under the "People's Constitution" were held at the appointed time, on the 18th of April, in every town in the State, under such forms as the party saw fit to observe. It was rather difficult to find persons willing to serve, as many declined the dangerous honor. But the vacancies on the nomination list were filled as fast as they were created, and eventually, Thomas W. Dorr was chosen governor, all the executive offices were filled, a full Senate was chosen, and the great part of a House of Representatives. Less than 6,500 votes were cast on this occasion; while, at an ordinary election under the charter, a year or two before, more than 8,000 freemen voted. Which party, then, had the majority? About the same time, the legal elections took place, and the Whigs and Democrats of Rhode Island, forgetting their old disputes at this crisis, united under the name of the "Law and Order Party," chose Samuel W. King, Esq., governor, and filled the other offices about equally from their respective ranks. Thus, two sets of officers were chosen in the State, both bound to begin the exercise of their functions at the appointed time in May, their adherents being pledged to support them by all necessary means.

The Governor, thinking the crisis contemplated by the legislature had now arrived, made a formal requisition on the President of the United States for assistance, under that provision of the Federal Constitution which requires the national government to render aid to any State that is threatened with domestic violence. With the unanimous advice and consent of his cabinet, the President replied, in a firm but conciliatory tone, promising the required aid whenever any overt act of violence should be committed. We give the following extract from his letter to Governor King, dated April 11th, 1842.

"I have to assure your Excellency, that, should the time arrive, (and my fervent prayer is, that it may never come,) when an insurrection shall exist against the government of Rhode Island, and a requisition shall be made upon the Executive of the United States to furnish that protection which is guarantied to each State by the Constitution and laws, *I shall not be found to shrink from the performance of a duty which, while it would be the most painful, is at the same time the most imperative.* I have also to say, that, in such a contingency, the Executive could not look into real or supposed defects of the existing government, in order to ascertain whether some other plan of government proposed for adoption was better suited to the wants, and more in accordance with the wishes of any portion of her citizens. To throw the executive power of this government into any such controversy would be to make the President the armed arbitrator between the people of the different States and their constituted authorities, and might lead to an usurped power, dangerous alike to the stability of the State governments and the liberties of the people.

"*It will be my duty, on the contrary, to respect the requisitions of that government which has been recognized as the existing government of the State through all time past, until I shall be advised, in regular manner, that it has been altered and abolished, and another substituted in its place, by legal and peaceable proceedings, adopted and pursued by the authorities and people of the State.*"

Unappalled by this firm language, or by the union in opinion and action of the established authorities of the State and the whole nation against them, the misguided adherents of the Suffrage party continued their preparations for the contest. So menacing was their attitude, that another extra session of the General Assembly was called at Providence, on

the 25th of April, to make further provision for the emergency. A firm determination was manifested by this body to support the government, but as a new legislature was to meet in little more than a week at Newport, nothing was done at this session, which lasted only two days, except to authorize the Governor to take measures to protect the public property and to fill vacancies in the militia. The friends of law began now to prepare for defence. Arms and ammunition were obtained, disaffected companies were disbanded, volunteers were enrolled, men of all ages and occupations entered the ranks, frequent drills were held, and the city wore almost the appearance of a camp. Still, many persons hesitated, and the preparations were very incomplete. Some doubted whether the insurgents would dare to proceed to extremities; some wished to remain neutral in the hour of peril, and then to swell the host of the victors; and each desired that its opponent should be the first to strike a blow.

The 3d of May arrived, and the officers chosen under the "People's Constitution" assembled at Providence, to organize their government. They could not obtain possession of the State House, but they borrowed for the occasion an unfinished wooden building, of small pretensions in point of architecture, that had been intended for a foundery. A procession was formed, consisting of the executive officers and the legislature, with their adherents, and, under a military escort, it marched to this place of assembly. The guard was composed of five hundred men, armed with muskets and ball cartridges, and more than a thousand unarmed persons joined the ranks. The military mounted guard round the building during the hours of session, escorted the "Governor" to and from the place of meeting, and kept watch at his house during the night. Mr. Dorr delivered a formal message to his "Senators and Representatives," and the usual formalities of legislative meetings were observed, as far as the knowledge and experience of the parties would permit.

The "Governor" earnestly advised his party to adopt active measures at once to seize the State House and other public property; but a majority of his legislature refused to take such a decisive step, and he has since bitterly complained of their vacillation and timidity at this time, which ruined the cause. His advice was certainly judicious, and if the

party had supported him with courage, they might have triumphed. The time for caution and deliberation had passed. By the terms of the "Algerine Act," they had all committed an overt act of treason, and the only proper alternative now was to go forward and fight, or to disband and submit to the penalties of the law. The friends of the legal government had not completed their preparations; they were almost stupefied at the audacity of the insurgents; and, as peaceable citizens, who had never before been called out of the quiet walks of life, they shrunk from a contest with desperate men, who had nothing to lose but their lives. *They*, also, are justly exposed to the charge of remissness and indecision at this crisis. Half a dozen of the ordinary minions of the law, armed only with a common warrant from a justice of the peace, we believe, might have arrested half of Dorr's "Assembly." A large portion of the insurgent troops had a greater dread of a constable than of a musket, and though they might have stood to their arms against a military force, they would probably have fled at the sight of a warrant.

But the proper hour for action was missed by both parties, and the contest was therefore protracted. The usurping legislature passed a few insignificant resolutions, made a show of repealing the "Algerine Act," and then, after a session of only two days, adjourned to July 5th. Meanwhile, the General Assembly elected by the freemen came together at Newport, May 4th, to organize the legal government for the ensuing year. Roused by the insulting conduct of the Suffrage faction, they determined to vindicate the dignity of the State, and to support the authority of the law, by vigorous measures. Another requisition for aid was sent to the President of the United States by their authority, the former one having been issued by the Governor alone. President Tyler answered as before, that assistance should be given as soon as any act of open violence should be committed; and the pledge was soon partially redeemed by sending two or three companies of United States troops to Newport, with orders, as it was understood, as soon as a blow was struck, to take an active part on the side of the legal government. Two members of Dorr's legislature from Newport were arrested immediately on their return to that city, on a charge of treason. Many other arrests were made at Providence,

on the same charge, of persons who had assumed legislative or executive functions. Great commotion ensued, and crowds of people attended the accused to the place of examination; but only one attempt at a rescue was made, and that was stopped by the prudence of the person in custody. Dorr himself was surrounded by armed adherents, and, as it was supposed that an attempt to seize his person would lead to the shedding of blood, he was allowed to remain at liberty. He soon left the city, to seek for aid and countenance in New York and Washington.

The turmoil at Providence seemed to increase, and nearly all business was suspended. The most violent threats were uttered by the insurgent party, and the newspapers in their interest published the names of all the magistrates and other officers, who were active in making arrests, and mentioned their places of residence, with a hand pointing towards them, as if to guide the mob and the torch to their doors.* Governor King returned from Newport to Providence, and was escorted into the city by about three hundred soldiers, and six hundred citizens without arms. Active military preparations were continued on both sides. On the 16th of May, Dorr returned from New York, where he had made speeches to large assemblies of the populace, had received the gift of a sword, and had prepared a bombastic proclamation for the inhabitants of Rhode Island, promising to make their State the battle ground of American liberty. He entered Providence in a barouche drawn by four white horses, attended by nearly twelve hundred men, of whom two hundred and fifty were under arms. He took up his quarters at the house of Burrington Anthony, at Federal Hill, on the outskirts of the city, and was there guarded by his troops. His intention was openly avowed to seize the public property by force of arms, and emissaries were sent to bring in his armed adherents from the country, to swell the number of the forces. Probably three or four hundred were in this way collected, with two small field pieces; and, by some unaccountable negligence on the side of the govern-

* "In recommending the massacre of all aristocrats, he [Marat] scrupled not to proclaim through his paper, the '*Ami du Peuple*,' that 270,000 heads must fall by the guillotine: *and he published lists of persons whom he consigned to the popular vengeance and destruction by their names, description, and places of residence.*" Brougham's *Statesmen*, 3d series, p. 107.

ment party, a company of them were allowed to come down into the city on the afternoon of Tuesday the 17th, and carry off, without resistance, two brass six pounders from one of the armories.

Meanwhile, the friends of the government were not idle. The citizens of Providence were requested to prepare for the defence of the city, and arms were furnished them for the purpose. The shops were closed, the business at the college was suspended. Professors and students, judges who had grown gray on the bench, and old men who had never before shouldered a musket, joined the ranks, and submitted to the drill. Guards were stationed at proper places, and patrols were established for the streets at night. Information being received, that the Arsenal, where a large quantity of arms and ammunition was stored, was to be the first object of attack, a company of infantry and one of artillery were stationed there, in addition to the ordinary guard of thirty men, and a number of volunteers. A steamboat was despatched to Warren, Bristol, and Newport, to bring in the troops from those places.

During the evening, about a hundred armed men from Woonsocket and other towns joined Dorr, and, before midnight, his force was increased to three or four hundred. At one o'clock on the morning of the 18th, two signal guns were fired from his quarters, as if to inform his enemies as well as his friends, that the attack was to be made. The bells of Providence instantly tolled the alarm, according to the preconcerted plan, three strokes from one being followed by three strokes from another, and so on, round the city. The citizens flocked to the alarm posts, and among them were seen the aged father, the uncle, and the brothers-in-law of the leader of the insurgents. Parties were sent out to strengthen the guard at the Arsenal, but the troops of Dorr were on the ground before them. With two hundred and fifty soldiers, and two pieces of artillery, he marched to attack this strong building, situated on an open plain about a mile and a half out of the city, surrounded by stone walls, and protected by at least an equal number of armed men, and five cannon. Passing round the city, and not through it, the insurgents arrived there some hours before daybreak, and sent a message requiring the garrison to surrender. The commander, Colonel Blodgett, returned a contemptuous refusal, and the artillery of the insurgents being then brought to the front, Dorr ordered his men to fire. The match was applied, but only the priming powder flashed, for some more prudent friend of the cause, without the knowledge of his fellows, had drawn the charge, and plugged the pieces. The men within the Arsenal waited for the first discharge before opening their own fire, which, from the exposed position of their opponents, must have been very destructive. But not a shot came, and it soon appeared, that the courage of the rebels had failed, and that parties of them were already retiring from the field without waiting for orders. The reinforcements from the city were advancing, and as the night was very dark, a heavy fog hanging over the river and the plain, hostile companies, not distinguishable by any peculiarity of dress or equipment, passed each other unchallenged. "The officer first in command under me," says Dorr, "had disappeared, and he was followed by others. Delay occurred in altering the position of the pieces." Most of the soldiers having retired, "I directed the pieces to be withdrawn, and left the ground at daylight with thirty-five or forty men. None remained behind after we had retired."

At daylight, the Mayor issued a notice, requiring the citizens to close their places of business during the day, and to meet at their alarm posts, at half past seven o'clock. The steamboat arrived at seven, bringing in the companies from Newport and the other towns. Five hundred soldiers, with six field-pieces, were then placed under the command of Colonel Blodgett, accompanied by Governor King, and moved towards Federal Hill, with the determination to arrest Dorr. Most of the insurgents had dispersed; but thirty or forty desperate men, half intoxicated, remained; and they loaded to the muzzle two pieces of cannon, which they still possessed, brought them forward so as to command the street by which the troops were to ascend to Dorr's headquarters, and stood by them with lighted matches, prepared to fire. Colonel Blodgett ordered a detachment to go round to their rear, and then, with the main body of his men, marched steadily up the street. The insurgents dared not fire, but gradually drew back with their cannon, till the troops came up to Anthony's house, which Governor King, with a company of soldiers, entered and searched, but without success. Dorr had gone off about two hours before. A num-

ber of men on horseback were instantly sent in pursuit, but he had the start of them, and was soon in safety beyond the limits of the State. The small party, who still held the two cannon, were then required to surrender. They refused, and the word was about to be given to fire upon them, when one of their leaders came forward, and said he had lost all command over them, for they were drunk and reckless ; but if left to themselves, they would soon give up the cannon and disperse. Willing to avoid the effusion of blood, Governor King drew off the troops. The cannon were soon returned, and the last of the insurgents disappeared.

The detestable character of this revolt, and the prompt manner in which it was repressed by the government, had their proper effect on many of the misguided persons, who had hitherto been active in the party of the insurgents. On the morning of the 18th, most of the members of Dorr's legislature from the city of Providence resigned their offices, and published a handbill reprobating in the strongest terms the late violent proceedings, and in fact denouncing their former leader. Their example was soon followed by most of the *soidisant* executive officers and legislators appointed from the other towns. Dorr was now left almost alone among the former leaders of the party, and, the "government" created under him having in fact dissolved itself, one would suppose, that neither pretence, means, nor inclination remained to him for continuing the revolt. But the dogged resoluteness of his character was opposed to any sign of submission, and his vanity being elated by the praises heaped upon him in some assemblages of the ignorant populace in the other States, he persevered in the attempt with a determination that savored of insanity. Little effort on his part was needed to keep up the excitement among the unthinking and uneducated classes, whose passions had first been roused by false statements and heated declamation, and whose ardor was now sustained and even increased by the electric influences of a revolutionary contest. It is easy, under such circumstances, to stir the passions of a multitude to madness, but a mighty power is required in order to direct or allay the storm.

The agitation that prevailed, the threatening language that was still used, and occasional rumors of insurgent gatherings in different parts of the State did not permit the legal authorities to relax in their vigilance, nor the inhabitants to feel secure, till Dorr should be apprehended, or a more signal blow be struck. The Governor issued his proclamation, offering a reward of one thousand dollars for the arrest and delivery of this fugitive from justice ; and this offer was subsequently, by order of the General Assembly, increased to five thousand ; but without effect. He was known to be lurking somewhere on the borders of the State, concerting measures with his adherents for another outbreak ; but his movements and policy were too well concealed to admit of the discovery or seizure of his person. The military organization of the State, therefore, was still kept up, and a sickening uncertainty and suspense rested on people's minds. Business had long been at a stand, and the aspect of affairs was gloomy. No clue could be obtained to the secret movements of the insurgents, but report magnified their numbers and means, and stories were current respecting great promises of aid to them from the populace of New York and other cities. That such stories were not entirely without foundation appears from the violent and incendiary character of the speeches made by some of the street orators in these cities, about this period. "You stand here idle," said one to a large assemblage in State Street, Boston, "you stand here idle, while those aristocrats in Rhode Island are pouring out the blood of your brethren like water upon the pavement." In respect either to the falsity of the charge, or to the fiendlike nature of the only purpose with which it could have been uttered, a parallel to this speech can be found only in the detestable ravings of Danton or Marat.

Incidents occurred, from time to time, that showed the continued, though secret, activity of the hostile party, and that preparations were making for another struggle. There were indications of a general movement in the northern parts of the State, and especially in the city and county of Providence, where the faction had always been most numerous and violent. Bands of armed men appeared suddenly in Woonsocket, North Providence, Cumberland, Gloucester, and other places, and great pains were taken to collect arms and munitions of war. A party of them, about fifty in number, made an attempt, one dark and stormy night, to get possession of some cannon in the hands of an artillery company, about nine miles distant from Providence, having pro-

vided themselves with four horses in order to carry the pieces off. In the darkness, they missed the place where the cannon were deposited, and broke open two other buildings. By this time, the guard had alarmed the town, and there were soon two hundred and fifty armed men in the streets. But the marauders succeeded in making their escape, though without having effected their object. A few days afterwards, a powder magazine in the neighbourhood of the city was discovered to have been broken open, and about twelve hundred pounds of gunpowder carried off. It was easy to perceive the motive of this class of thefts, the end being quite as *patriotic*, as the means were honorable.

At last, about the 20th of June, news arrived, that the insurgents were assembling in great force at Chepachet, a considerable village of the town of Gloucester, near the Connecticut line ; that they had taken possession of an eminence there, called Acote's hill, and were fortifying it by throwing up entrenchments. Field-works were thrown up on two sides of the summit, with wide spaces for the cannon, of which there were seven pieces. The first accounts were, that seven or eight hundred men had come together, that many others were on their way to join them, and that they were all well supplied with arms and ammunition. To the major part of the people of Rhode Island, weary of repeated alarms and reports of treasonable machinations, this information of the renewal of the contest brought rather a feeling of relief than of terror or discouragement. Now that the insurrection had come to a head, by a vigorous effort it might be crushed, and it would no longer be necessary

> "Against the undivulged pretence to fight
> Of treasonous malice."

Their spirits and courage were high, strengthened, as they were, by the recollection of former success, and by a conviction of the justice of their cause ; and when the call was sounded, they rallied to the support of the government with a quickness and energy, that promised a speedy termination of the contest. The General Assembly passed an act, placing the whole State under martial law. Volunteers were called for, and more than a thousand citizens of Providence enrolled themselves in a single day. All places of business were closed, and men of all ages, ranks, and professions again assumed the duties of common soldiers. Providence,

Warren, Bristol, and Newport had the appearance of so many camps, the citizens remaining almost constantly under arms, and devoting day and night to military exercises. Steamboats were despatched down the Bay to bring together the troops, and by the evening of the 26th, more than three thousand were collected in Providence, well supplied with arms, and others were constantly coming in. Thirteen pieces of ordnance were provided, and the government stores of ammunition were ample. General McNeil was appointed to the chief command, and he was assisted by many gentlemen capable of rendering efficient aid both in council and in action.

Dorr joined the camp of the insurgents on the 25th, and immediateiy issued a proclamation, requiring his "General Assembly," which had been adjourned to meet at Providence, to come together at Gloucester ; that is, into the midst of his forces ; and he requested those towns in which vacancies had occurred by resignation, to proceed forthwith to fill them by new elections. This last clause was a very necessary one, for there were hardly half a dozen members of his legislature who had not resigned. He also issued "General Orders," countersigned by his "Adjutant-General," requiring "the military of this State," who were in favor of the "People's Constitution," to repair forthwith to his head-quarters, and requesting all volunteers to do the same. But even those newspapers in Providence, which had hitherto advocated his cause, refused to publish these orders, and they could be printed only in New York. Many of his former friends in Providence, also, as Dorr himself declares, "were led to renounce and denounce our proceedings, as no longer to be '*tolerated*' ; and they subscribed a paper to this effect." In truth, the utmost efforts of the more violent members of the insurgent party could not bring together more than a very paltry force at Chepachet ; and, if their weakness had been known, a great part of the labor of preparation for putting down the rebellion might have been spared. But it was impossible to obtain information that could be relied upon. Their leader affirms, that on the 27th, they had but two hundred and twenty-five men under arms, although "a much larger number of persons came and went as spectators, some of whom may have been set down as a part of the military." They had

seven pieces of artillery, and more muskets than they could use. It was *men* that they needed. Dorr himself remarks, with infinite simplicity and astonishment, that "the people were called, and they did not come."

The first act of hostility was committed by the insurgents. A party of four persons, who went out from Providence to obtain information respecting the movements of the rebels, were met by a detachment from Dorr's camp, and taken prisoners. "They were disarmed, robbed, and bound, and marched off twelve miles on foot to Woonsocket." A movement of a mob of "*sympathizers*" from another State led to the only loss of life, that occurred during the contest. On the 27th, a crowd of persons collected in Pawtucket, Massachusetts, apparently determined to cross the bridge and enter Rhode Island. The government had posted a company of soldiers to keep guard at the Rhode Island end of the bridge. In the evening, the mob began to press on; they assailed the guard with brickbats and other missiles, and wounded one or more. They were ordered to disperse, and when they would not obey, a volley of musketry was fired over their heads. Still they persisted, and the order to fire was given, and, being obeyed, one man was killed, and probably one or two others were slightly wounded.

The organization of the government forces being completed on the 27th, General McNeil prepared to march against the insurgents; and, with that purpose, ordered a considerable detachment to go round into their rear, so as to cut off their retreat into Connecticut. The steps of this party, and of the main body, were soon hastened by a report, that the hostile camp was already breaking up, and the men dispersing to their several homes. At the bare rumor of the approach of so large an array against them, the insurgent force dissolved like snow in the sunbeams. Dorr summoned a council of his officers on that day, and the order to dismiss the troops was given at seven o'clock in the evening; an hour afterwards, he himself left the camp, and made his escape into Connecticut. But the obstinate fatuity of the man appears in the senseless boast, which he afterwards uttered, that, if an attack was not made, on the night of the 27th, upon Greenville, the nearest post held by the government forces, the failure should be attributed, not to the terror

inspired by the number of troops arrayed against them, "but to our repudiating friends." A rumor of these occurrences hastened the advance of the troops, who pressed on without halting during the night, though it was very dark, and the rain poured in torrents. A few hours after daybreak, on the morning of the 27th, a considerable force, under Colonel Brown, entered the fort at Chepachet, where they found only the deserted tents and abandoned artillery of the insurgents. They had taken about a hundred prisoners on the way; but the body of Dorr's adherents had dispersed, never to appear in arms again. Dorr himself lived as an unnoticed fugitive in New Hampshire or Massachusetts, till a few months ago, when he returned to Rhode Island, where he was immediately arrested, and is now in prison there, awaiting his trial for treason. The numerous other persons, who were arrested for treasonable conduct, have been contemptuously discharged, we believe, without punishment.

We have only to add, in order to complete our historical sketch of the whole affair, that the General Assembly of Rhode Island, indefatigable in its efforts to create a form of government that would satisfy the whole people, passed an act in June for calling another Convention, the delegates to which were to be chosen by all male citizens of the United States, of the age of twenty-one years or upwards, who had had a permanent residence in the State for three years or more. This body came together in September, and framed a constitution free even from the trifling objections that were made to the one proposed by the "Landholders' Convention" in the preceding February, and constituting a government as liberal and equal in respect to the elective franchise, the representation of the towns, and all other points, as that which exists in any State of the Union. This instrument was submitted to the people in November, and adopted by an overwhelming vote, the Suffrage party making no opposition to it, but staying away from the polls. After it was accepted, however, they determined to register their names under it as voters, and to make another trial to obtain the command of the State through the ballot box. The election took place in the spring, and though they used every effort, they were again defeated by a large majority, and did not succeed in polling much over 7,000 votes. In view of these facts, and of the whole history of the latter part of the

contest, so far as it affords the means of estimating the number of persons arrayed on the opposite sides, we ask again, whether it is even conceivable, that the majority of 14,000, alleged to have been obtained for the "People's Constitution," in December, 1841, was any thing more than a base and shameless fraud ?

We here close our historical sketch of this remarkable contest, which we have endeavoured to render as succinct and faithful as possible, having made no statements, as is believed, but those which are admitted on both sides, and which are universally known to be true. With this purpose in view, we have relied as much for authority on the speeches and letters of Mr. Dorr and his friends, as on the publications of their opponents. All the pamphlets and published letters and speeches, which grew out of this controversy, are very interesting, and most of them, on either side, are written with great ability. Those which are mentioned at the head of this article, form but a small portion of the number that we have examined, for the subject was one of paramount importance, and, sooner or later, it engaged nearly all the legal and literary talent in the State. Mr. Goddard handles the question with the taste and elegance of the scholar, and the perspicuity of statement and force of reasoning which are characteristic of a well disciplined mind. A great amount of historical and legal information is brought to bear upon it by Judge Pitman, and while his appeals to the good sense and patriotism of his fellow citizens show great sincerity and depth of feeling, his argument manifests the impartiality, the comprehensiveness of view, the vigorous logic, and the other high qualities of intellect that are developed and strengthened by long experience on the bench of justice. Mr. Whipple's pamphlet is a masterly display of forensic talent, and is worthy of his high reputation as the head of the Rhode Island bar. Leaving the authorities and the facts to be cited and applied by others, he goes directly to the abstract subject of dispute, and builds upon it an argument at once compact, sweeping, nervous, and unanswerable, while he fairly riddles the showy pretences and thin sophistry of his opponents. Of Judge Durfee's "Charge to the Grand Jury," we can only say, that it exhibits broad and generous views of the first principles of political science, and of the great truths on which the whole theory of government and

social life is founded, and that these principles and truths are made to bear with irresistible force on the case in hand.

On the other side, nearly the whole weight of the argument rests on the shoulders of Mr. Dorr, and it must be admitted, that he sustains the burden with great gallantry and steadiness. His intellect is acute, but not comprehensive ; his argument is logical, but not convincing, for the premises are unsound. He displays an amount of talent and information, that leads one to doubt his sincerity in the foolish and wicked cause in which he embarked, notwithstanding the pertinacity with which he clung to it under every kind of discouragement and defeat. His writings and actions show a mind of good natural endowments and tolerable cultivation, great argumentative power, considerable tact and executive ability in the conduct of affairs, much ambition guided by little principle, and an indomitable obstinacy of character, that fitted him in an eminent degree to be the leader of a faction, and the manager of a protracted contest.

He had, at least, one coadjutor out of his native State, whose name we are sorry to see connected with such a cause. It is a source of deep regret and mortification, that one who had long sustained an unspotted character in the most elevated judicial station in Massachusetts, and who had recently been appointed to the Chief Magistracy, should so far be blinded by his political opinions and aspirations, as to appear, in some measure, as the defender of revolt in a neighbouring State, as a volunteer in a revolutionary contest with which he had nothing to do, and as the advocate of doctrines that sap the very foundations of government and social order, which the best and most honorable portion of his life had been devoted to sustaining and building up. It is true, that, when Governor Morton addressed his published letter to the "clambake gathering" at Medbury Grove, the civil war in Rhode Island was ended. But this only makes the matter worse. The principles of the persons whom he addressed were then manifest, for they had been fully illustrated by their actions. They had joined in the attack on the arsenal at Providence, they had shouldered arms in the insurgent camp at Chepachet ; and, in both instances, they had been defeated by the established authorities of the State, supported by the great body of the peaceable and well informed inhabitants, and acting under the direct sanction of the legal tri-

bunals and of the President of the United States. No matter how undecided the language, no matter how cautious or ambiguous was the expression of opinion, in a letter addressed to such an assembly, convened with such ends in view; for it cannot be denied, that the purpose of this "gathering" was to keep up the excitement and the spirit of revolt against the established government of Rhode Island. To notice such an assembly at all, except in the way of indignant censure, was to praise it; to sanction any of its principles, under such circumstances, was to adopt the whole. Governor Morton now enjoys the bad eminence of being, so far as we know, the only person in the United States, that has ever held high judicial office, who has in any way lent the sanction of his name to the proceedings of the insurgent party of Rhode Island. We freely admit, — though the fact hardly palliates at all the conduct or the motives of the writer, — that the language of this letter is temperate, and the principles defended in it generally sound, though perverted and sophistical in their application.

We cannot say as much for another pamphlet in favor of the Suffrage party, the title of which is quoted at the head of this article. We think "the Boston bar" has good ground of action for libel against the person who publishes such a performance, while claiming to be "a member of" that very respectable body. Its character may be inferred from the contemptible fling on the title-page at Dr. Wayland, who is there styled, by implication, with about as much wit as good manners, a "doctor of despotism." It is a paltry production, written with a very pert and self-satisfied air, abounding in flippant assumptions, but indicating a total incapacity, either of comprehending the questions at issue, or of advancing a single argument having a direct and cogent bearing upon them. In compassion to the writer, it may be thrown back, without further notice, into the anonymous kennel where it belongs.

We have not left ourselves much space for an argument on the Rhode Island question. In truth, hardly any argument is needed; for it is difficult to put the question into any form, so that the mere statement of it shall not involve an entire refutation of the doctrines of the Suffrage party. Fortunately, there is no room for controversy about the manner of statement, or the meaning of the words in which it is conveyed; for the practice of the party has furnished a full and intelligible commentary upon their doctrines. Their theory of government is written out, not merely in words, but in deeds, so that he who runs may read it. We have told the story, and there is, consequently, no difficulty in getting at the point in dispute. The question is, whether any number of persons may, at any time, come together, and without observing any of the forms of law, declare that they are "the people," or a majority of the people, and, as such, proceed to destroy the whole fabric of the existing government, and in its place create laws and establish a constitution, which shall be binding on the whole population of the State? Are they entitled to assume, that they are 14,000 in number, and, without furnishing any evidence even of this fact, go on at once to form a government which shall be obligatory on 108,000 souls? We say, "without furnishing any evidence even of this fact," for the actual returns have never been seen or summed up except by some half a dozen members of the Suffrage association or convention, nor have they been attested on oath, nor verified in any way. Who authorized fourteen individuals to act for the hundred and eight, of whom they were a part, and to make laws which should be binding on the whole, not only without the expressed consent of their fellows, but in spite of their earnest and repeated protest? It is impossible to answer this question, except by admitting the fundamental fact, which lies at the origin, not only of all government, but of all society, — that *the state*, or, in other words, *the people*, under any circumstances, even at a revolutionary period, is a kind of corporation, an organized body politic, a unit, acting only through established forms, by its legally appointed agents. Of course, this admission would be fatal to all the pretensions of the Suffrage party.

The constitution of Massachusetts was ratified and made binding upon posterity, because it was approved, says Mr. J. Q. Adams, "by more than two thirds of about 15,000 persons who voted upon it, out of a population of 350,000, or one vote for every thirty-five souls." But who doubts the *popular* origin and character of our government? These 15,000 persons, having complied with all legal requisitions, and acting upon a subject on which they were specially empowered at the time to act, passed a fundamental law, which

will be binding on them and their posterity for all future time, or until it shall be repealed in as formal a manner as it was enacted. Who pretends, that fifteen, or even twenty, thousand persons, of any class or character, might now come together, at their own instance only, without being specially delegated or authorized for such a purpose, and at once put a statute of their own formation in the place of this law? Even if a vast majority of the whole population of the State should become discontented with the constitution and desire to change it, they could not effect their purpose except by compliance with the established forms, — by manifesting their wishes in the appointed way, and waiting the appointed time (which, in this case, is at least two years), for their wishes to be carried into effect.

It is true, that our institutions repeatedly recognize the right of the majority to rule. But *what* majority? And how far, or how absolutely, can they rule? Only the majority in formally constituted bodies, recognized and appointed by the fundamental laws of the State, and acting within prescribed bounds upon regularly defined matters committed to their charge by these laws. Thus, the constitution permits a majority of the legislature to make laws, though only upon specified subjects, and within specified limits. But a number of men cannot band themselves together, forcibly unite themselves to the legally appointed legislators, and then, because they constitute a majority of the whole united body, pass such laws as they see fit. Such majorities are only unauthorized mobs, and so far as they usurp the functions of legislation or government, all persons participating in their acts are liable to the penalties of treason. The case is precisely similar with the constituted body of electors, who are authorized or deputed, so to speak, to represent the whole body politic, to act for it and to bind it by their acts, though they never form more than a fifth part of the whole number of individuals who are thus bound. They are empowered to elect the members of the legislature and the officers of the executive department, and this right of election is their sole and peculiar prerogative. A number of minors, paupers, convicts, individuals not paying taxes, or persons otherwise disqualified by the constitution, may not come together to usurp the privileges and functions of these electors, and because they constitute the major part of the aggregate

thus irregularly formed, proceed to exercise all the powers of the primitive body, and to make their acts obligatory upon the whole State. To do this is not only to violate the particular constitution established in that State, but to pull down the whole fabric of society and government. If they attempt it, their acts are not binding upon a single person, out of their own number, in the whole community. Members of the reputed minority, — nay, even women and children, — would at once have a perfect right to refuse obedience. Yet this is precisely the Rhode Island case, and these are the pretensions of the Suffrage party.

Again, it is not true, either in the theory or the practice of our institutions, that the majority, even in legally constituted bodies, can rule *in all cases*, this very power of forming new constitutions, or amending old ones, being one of the admitted exceptions. Thus, the constitution of the United States cannot be amended or repealed by the will of a mere majority. A concurrence of two thirds in both houses of Congress, or of the legislatures of two thirds of the several States, is necessary before an amendment can even be proposed; and then it must be ratified by not less than three fourths of the States, before it becomes a part of the instrument. Owing to the inequality in size and population of the several States, the disproportion between the majority and minority, in certain cases, must be very great, before an amendment can be adopted. We find, from a calculation founded on the last census, that in a case affecting the interests of the smaller States, so that they would be united in opposition to the measure, an amendment of the constitution might be defeated by less than one twelfth part of the whole population of the country. In other words, if eleven twelfths of the people of the United States should attempt to alter the constitution, they could rightfully be defeated by the remaining twelfth; or if they attempted to carry through the measure with a high hand, after the manner of Dorr and his associates, Rhode Island herself would be the first to protest against the act, as a gross usurpation of the powers of government, and a violation of compact. And what inequality in the elective franchise or the ratio of representation had the Suffrage party to complain of, as great as that which now exists in the Senate of the United States, in which Rhode Island, with a population of less than a hundred and nine thousand, has as

many members as New York, with her two and a half millions of inhabitants! The disproportion in this case is nearly as one to twenty-five, and a majority of twelve to one would have no right to restore the equality.

Is it said, that the constitution of the United States offers a peculiar case, being instituted for a limited purpose by special compact, and not designed to cover the whole ground, or to answer all the ends, of an entire frame of government? Let us look, then, at the constitutions of the individual States, and find how far they can be moulded at will by a mere majority of the people. It is almost superfluous to say, at the outset, that in no one instance is a power over the instrument accorded to any other persons than the qualified voters, whom it points out and describes. While all admit, either expressly or by obvious implication, the right of "the people" to change their forms of government, they proceed immediately to prescribe the manner and the time of effecting any change, the class of individuals by whom alone it can be accomplished, what proportion of this favored number, who alone are recognized as "the people," must concur in the desire for an alteration, and under what conditions only it can be effected. In no case, can a change be made with the same facility with which new officers are appointed at the annual elections; that is, by the vote of a mere majority, taking immediate effect. Always some delay, giving time for more experience and more mature consideration, or a vote much greater than that of a mere majority, affording clearer evidence that the change is generally desired, is necessary, before the fundamental law of the State can be modified in the slightest degree.

We have no room even for the briefest abstract of the provisions of all the State constitutions on this important point. We can give only a few instances to show how distinctly the supposed absolute power of the majority in this respect is denied, or with what important restrictions it is hampered. In Maine, two thirds of both houses of the legislature must deem an alteration necessary, before the people can act upon the constitution at all; and then a majority of the qualified voters must sanction this decided expression of opinion on the part of the legislature, before the change can be effected. In Massachusetts, a change must first be desired by a majority of the Senators and by two

thirds of the Representatives; the proposed amendment must then lie over for a year, and be approved by an equally preponderating vote of the next legislature; then it may be submitted to the qualified voters, and if ratified by a majority of their voices, it goes into effect. In Connecticut, a majority of the representatives may propose an amendment, which must be referred to the next General Assembly, and there be approved by two thirds of each house; it may then be laid before the people, and become a part of the constitution, if sanctioned by a majority of the ordinary voters. In New York, the provision is the same as in Connecticut, except that a majority of both houses, instead of the representatives only, must be in favor of it, before the amendment can be first proposed. In South Carolina, the people have no power to act directly upon the constitution; an amendment must be agreed to by two thirds of both branches of the legislature, be then referred to the succeeding year, and, if again approved by a like vote of two thirds, it goes into effect. In Ohio, if two thirds of the General Assembly think it necessary to alter the constitution, they may require the voters at the next general election to declare whether they are desirous of holding a convention for this purpose; if a majority of the voters are in favor of it, the next General Assembly may call a convention, by which alterations can be made.

It is useless to go further. The instances here given are taken at random, and are enough to show what is the general tenor of the State constitutions in this important respect. In all, the doctrine that a mere majority of the people may alter the constitution at any time, as they see fit, is emphatically rejected. In all, the previous action of the legislature is needed — usually a greatly preponderating vote in both branches — and in most cases, much delay is necessary, however pressing may be the emergency, or however general the desire for a change. Contrast these wise provisions with the theory and practice of the Suffrage party in Rhode Island, where a mere assemblage of individuals, who were not even qualified voters, and who acted not only without the consent of the legislature, but in spite of the direct refusal of that body to have any part in the matter, so that it even disavowed and prohibited all their proceedings, undertook of their own authority to throw down the government that had

been established for nearly two hundred years, and to put another of their own formation in its place. Will it be believed, that the defenders of such proceedings cite from the State constitutions, and the writers on constitutional law, repeated declarations, that "the people" have a right to make and alter their own forms of government, without saying a word of the explanation that immediately follows, which shows who are understood to be "the people," and what forms, what organs, and what majorities are necessary to enable them to exercise this right? They fasten on the abstract expression of a right, without uttering a syllable about the manner in which the use of this privilege is immediately defined and limited.

Is it said, that the charter did not authorize the legislature to make, from time to time, such changes in the form of government as might appear expedient? We answer by a prompt denial of the fact. Among the powers expressly granted to the General Assembly by this instrument is the following: "to make, ordain, constitute, or repeal such laws, statutes, orders, and ordinances, forms, and ceremonies of government and magistracy, as to them shall seem meet for the good and welfare of the said company." Power more unlimited, or language more comprehensive, could hardly be devised. Besides, as we have seen, the power to determine or alter the elective franchise was confessedly in the hands of the legislature alone, and was repeatedly exercised by them, so that this body, by a simple enactment, without touching the fundamental law of the State, might, at any time, have redressed almost the only grievance of which the Suffrage party complained. This party, therefore, by their violent proceedings, not only usurped the functions of the founders of a new State, but actually assumed the exclusive prerogatives and duties of their own legislators for the time being.

Is it said, that the limitations on the right of suffrage in Rhode Island were anti-republican, and at variance with the genius of our institutions? We might answer, that this is a disputed point, and that to determine it was exclusively the province of the legislature. But we are willing to go further, and to show that universal suffrage does not now exist, and never has existed, in any State of this union; that there are greater or less restrictions of the elective franchise

in them all; that the qualifications of a voter in Rhode Island were not much higher than in several other States; and that it is absurd to attempt to found a distinction in principle upon a mere difference in degree. Again, we have neither time nor space for an analysis of all the State constitutions; but we find in Mr. Hazard's "Report," made in 1829, a brief summary of their provisions in this respect, which was probably correct at the time the Report was made, and which is quite enough to establish all that is here advanced.

"Of the twenty-four States already embraced in the Union, Virginia and Rhode Island require a freehold qualification for voters. Connecticut requires a freehold of seven pounds yearly value, or the payment of taxes, or one year's service in the militia, (unless excused,) and that the voters *shall have gained a settlement in the State;* and, turning to the laws of that State to ascertain what the applicant has to do to gain a *settlement*, we find, that if he comes from a *sister* State, he must reside at least one year in the town in Connecticut where he is to gain his settlement, and must be possessed, in his own right, in fee, of real estate in that State of the value of three hundred and thirty-four dollars, free of incumbrance, the deed of which shall have been one year on record; and without such substantial recommendation, he gains no settlement, unless especially favored by the authority of the town. Maryland requires a freehold of fifty acres, or property to the amount of thirty pounds. North Carolina requires a freehold of fifty acres to vote for senators; the payment of taxes to vote for county members; and a freehold to vote for town representatives. South Carolina, a freehold of fifty acres, or payment of taxes. Tennessee, a freehold in the county where the vote is given, unless the voter is resident there. New Jersey requires fifty pounds *proclamation* money, clear estate. New York requires that the voter shall pay taxes, (unless exempted,) or serve in the militia, (unless excused,) or be assessed to labor on the highway; in which case, he must be three years an inhabitant of the State, and one year of the town or county where he votes. Mississippi requires payment of taxes or enrolment in the militia. Seven other States, namely, New Hampshire, Massachusetts, Pennsylvania, Delaware, Ohio, Georgia, and Louisiana, require only the payment of taxes as evidence of property. The remaining seven, namely, Maine, Vermont, Kentucky, Illinois, Alabama, Indiana, and Missouri require no property qualification, nor any equivalent or substitute. The constitutions of all the States, except three, *expressly* exclude females. In two of those three, they are excluded by

construction; and, in the other (New Jersey), where females formerly voted, in high party times, they are now excluded by *act of the legislature, amending the constitution.* Thirteen of the States expressly exclude all people of color. The other eleven, namely, Maine, New Hampshire, Massachusetts, Vermont, New York, New Jersey, Pennsylvania, Maryland, North Carolina, Georgia, and Tennessee, admit, or do not expressly exclude them. But one of these, (New York,) makes a marked distinction between her white and her colored voters; — requiring of the latter freehold estates, for which they pay taxes of two hundred and fifty pounds value, and three years' instead of one year's residence. One State excludes paupers; another, paupers and persons under guardianship; a third adds Indians not taxed to these exclusions. Connecticut requires the qualification of a good moral character; and Vermont requires peaceable and quiet behaviour, and an oath. Pennsylvania and Delaware allow the sons of voters to vote for one year after coming of age. Every State requires a residence of a shorter or longer time, from three months up to three years. Every State excludes all under twenty-one years of age. Five of them only require citizenship of the United States." — pp. 18, 19.

"But the feature in the constitutions we have been speaking of, least in harmony with the doctrine of universal right of suffrage, (which, in other respects, is carried to such extremes in those instruments,) is the striking difference they make in the qualifications of the electors, and of those whom they are allowed to elect. In none of those States (except Connecticut) can a single one of the electors, who is barely qualified to act as such, be himself elected a representative, much less a senator. In most of those States, a senator or representative (with some difference as to amount) must possess a clear freehold estate of very considerable extent, — from one hundred to five hundred acres; and, of value, from one hundred pounds to one thousand dollars. In one State, the freehold must be worth five hundred pounds sterling; and, in another, a thousand pounds sterling, clear of debt. And where real and personal property together make the qualification, the amount required is still much greater. In one State, in addition to a freehold of five hundred acres, the candidate must *own ten negroes.* The term of residence, also, must be much longer than is required for voters, namely, from one to seven years; and the candidates must be of more mature age, namely, from twenty-two up to thirty-five years, in different States." — pp. 21, 22.

The truth is, that in the United States, and in every

other country on earth, wherein the right of the people to manage their own affairs and govern themselves is asserted and exercised, "the people" is understood to be a specific and peculiar phrase, not comprehending "all persons," but assuming by prescription to represent all. Otherwise, it would be impossible for the machinery of a government to exist. *Non omnia possumus omnes.* We cannot all be governors, legislators, and voters at the same time. There must be delegations, and organized bodies, and deputed trusts, and virtual representations; or the wheels of government must stop short, and men must go back to a state of nature, to reside in caverns and forests, in the condition described in the expressive language of Hobbes; "no arts, no letters, no society, and, which is worst of all, continual fear and danger of violent death, and the life of man, solitary, poor, nasty, brutish, and short." The most perfect democracy that now exists, or of which there is any record in history, is that of a town meeting in a New England country village. But even there, are moderators, and rules of proceeding, and qualified voters, and business confined to the matters mentioned in the warrant. So it must ever be. The very idea of a government is that of something which is stable, that proceeds by fixed rules, and in which one person represents many, and binds them by his acts. Not even the sovereign power in a state, which has any pretensions to freedom, can modify or abolish it at his own pleasure. "It is contrary to reason," said the citizens of Boston, in May, 1764, to their representatives in the General Court, instructing them to remonstrate against some of the offensive Acts of Trade, "it is contrary to reason, that the supreme power should have right to alter the constitution." If it could be so, it would be a despotism instead of a free government, no matter whether the despotic power were lodged in the hands of a king or a mob, a Louis the Fourteenth or a Jacobin club at Paris.

Name and define our form of polity as you please; call it a republic, a democracy, or any thing else; *it is still a government.* It must embrace, then, those elements of permanency and stability, which mark the distinction between organized society and the natural state of man, because they enable men to see what they are to expect, and to regulate their conduct for the future by some fixed rules, without de-

pending on the caprice of individuals, or the whim of a moment. It must not be changed without grave deliberation, much delay, and the consentaneous operation of all the parts. Allow the principles of the Suffrage party to prevail, and the constitution of no State in the union is safe. A body of individuals may at any time come together, declare that they are "the people," pull down the whole structure of the government, and put one of their own fashioning in its place. The question is, therefore, whether we really have a permanent habitation, or are only tenants at will of a crazy building, of which the walls may crumble, and the roof topple down on our heads at any moment.

In this connexion, some of the weighty and magnificent sentences of Burke, in which the depth of thought and solemnity of sentiment are equalled only by the splendor of the diction, are so appropriate, that we cannot withstand the temptation to lay them before our readers.

"Society is indeed a contract. Subordinate contracts for objects of more occasional interest may be deposited at pleasure. But the state ought not to be considered as nothing better than a partnership agreement in a trade of pepper and coffee, calico or tobacco, or some such other low concern, to be taken up for a little temporary interest, and to be dissolved by the fancy of the parties. It is to be looked on with other reverence; because it is not a partnership in things subservient only to the gross animal existence, of a temporary and perishable nature. It is a partnership in all science; a partnership in all art; a partnership in every virtue, and in all perfection. As the ends of such a partnership cannot be obtained in many generations, it becomes a partnership not only between those who are living, but between those who are living, those who are dead, and those who are to be born. Each contract of each particular state is but a clause in the great primeval contract of eternal society, linking the lower with the higher natures, connecting the visible and invisible world, according to a fixed compact, sanctioned by the inviolable oath, which holds all physical and all moral natures, each in their appointed place. This law is not subject to the will of those, who, by an obligation above them and infinitely superior, are bound to submit their will to that law. The municipal corporations of that universal kingdom are not morally at liberty, at their pleasure, and on their speculations of a contingent improvement, wholly to separate and tear asunder the bands of their subordinate community, and to dissolve it into an unsocial, uncivil, unconnected chaos of elementary principles. It is the first and supreme necessity only, a necessity that is not chosen but chooses, a necessity paramount to deliberation, that admits no discussion, and demands no evidence, which alone can justify a resort to anarchy. This necessity is no exception to the rule; because this necessity itself is a part, too, of that moral and physical disposition of things, to which man must be obedient by consent or force. But if that, which is only submission to necessity, should be made the object of choice, the law is broken, nature is disobeyed, and the rebellious are outlawed, cast forth, and exiled from this world of reason, and order, and peace, and virtue, and fruitful penitence, into the antagonist world of madness, discord, vice, confusion, and unavailing sorrow." *

To justify the proceedings of Dorr and his associates, it is necessary to go the extravagant length of affirming, that when they commenced their operations, no legal government existed in Rhode Island, that their fundamental laws went into effect in default of any competition, and that they merely established a new society, instead of breaking up an old one. The absurdity of this statement appears from the brief sketch that we have given of the history of the charter. We have shown, that the founders of Rhode Island formed themselves into a body politic, and declared that their form of government was a democracy, or rule of the people; that they subsequently obtained from the king, at their own solicitation, a charter confirming them in the exercise of these rights, and permitting them to choose all their own officers, and make all their own laws; that this charter, though sanctioned by the monarch, derived its whole binding force within the colony from the voluntary acceptance and ratification of it by the people; that it was acknowledged and hated by the royal governors and the other partisans of prerogative, during the whole Colonial period, as establishing a confessed republic or democracy; that it continued in force, because, having once been established by the people, the people never abrogated it; that under its provisions, and acting through the legal authorities constituted by it, the State became a party to the American Revolution, entered the Confederacy of 1778, and accepted the Federal Constitution of 1787; and that it continued after the Revolution in undisputed

* *Reflections on the Revolution in France.*

force, and subject to no complaint or doubt, for at least forty years. We question whether there was ever a government on the face of the earth, which had a better claim to be considered as existing "by the grace of God" and by the will of the people.

The rightful authority of this system is further strengthened by the consideration, that the government of Connecticut, down to the year 1818, stood on precisely similar foundations, and its legal power was never impugned. In confirmation of our own argument on this point, we make a short extract from Judge Swift's admirable digest of the laws of Connecticut. The remarks are so apposite, that they may be applied to the Rhode Island case without the alteration of a word; and as the book was published in 1795, its author must be regarded as an independent and impartial witness.

"It is unquestionably true, that in consequence of the dissolution of the political connexion with Great Britain, the people of this State had a right, if they had thought proper to have exerted it, to have met in convention, and established a different form of government. But at the declaration of independence, the subject was considered in a different light. The authority of the government was supposed to have originated from the assent of the people, and never to have been dependent on the royal charter. During the whole period of the existence of the Colonial government, Connecticut was considered, as having only paid a nominal allegiance to the British crown, for the purpose of receiving protection and defence, as a part of the British empire; but always exercised legislation respecting all the internal concerns of the community, to the exclusion of all authority and control from the king and parliament, as much as an independent State. Acts of parliament were not deemed binding here, and the assent of the king and parliament was not necessary to give efficacy to our statutes. The necessary consequence was, that the renunciation of allegiance to the British crown, and the withdrawing from the British empire, did not in any degree affect, or alter, the constitution of the government. The constitution which originated from the people, and had been practised upon, continued in operation, after the declaration of independence, in the same manner as before, and was equally valid. The people were only discharged from a nominal allegiance to the British crown, which they had recognized for the purpose of protection and defence. These being withdrawn by Great Britain, and war made upon them, they had a right to enter into a confederacy with any other States for the purpose of mutual defence; but their internal government remained unaltered and the same." — pp. 57, 58.

As the American Revolution did not impair the authority of the charter or the government established under it, so neither was there any thing in the conduct or the principles of the men at that period, which gives any sanction to the proceedings of the Suffrage party. We have already shown, that this great event was the most orderly revolution, that the world has ever witnessed. It was not a mere revolt, conducted by disorderly assemblages of men, suddenly throwing off a yoke which they had patiently borne for many years, and fanatically combating in defence of abstract principles to the value and importance of which their own eyes were but just opened. It was not a Quixotic crusade in favor of human rights in general, nor a war undertaken only to show that all men were free and equal, and had a right to govern themselves as they saw fit. It was rather the grave and deliberate act of a great country, that had grown up, in less than two centuries, as a dependency of England, and had gloried in this connexion with the land of its fathers, and in the privileges which inured to its people in their character as British subjects, till the aggressions of the crown and the oppressive conduct of the administration made it necessary to sever the tie, and to strike boldly in defence of these privileges, and of the more general rights of humanity, to which they were at last compelled, though reluctantly, to make appeal. They fought through the whole earlier part of the struggle, not for the acquisition of new privileges, but for the preservation of old ones; not for the abstract doctrine of the equality of the human race, but for the maintenance of their charters, and of the right, which they had inherited from their fathers, of being taxed only by their own representatives. It is true, they were driven, at last, by "a long train of *abuses and usurpations*," to throw off their dependency on the British crown, "and to provide new guards for their future security." But it was a grave and awful necessity, like that of sundering the tie between parent and child. Even then, they did nothing in hatred, haste, or malice. They say, in language which is rather pathetic than denunciatory or triumphant, "we must, therefore, *ac-*

quiesce in the necessity, which denounces our separation " ; and they declare, " that all political connexion between them and the state of Great Britain is, and ought to be, totally dissolved." And this was the grand result of the Revolution, — to dissolve " *all political connexion* " with England, and not to proclaim a new gospel of human rights ; to fall back on their primitive institutions, and not to destroy them and to put new ones in their place ; to strike out one principle of American law, and not to abrogate the whole code.

Is this a novel and merely speculative view of the great contest of 1776 ? Look, then, at the conduct, the speeches and the writings of the earlier patriots, the proper " fathers of the Revolution," — of such men as James Otis, John Dickinson, and Dr. Franklin. They all boasted of the connexion of the country with England, and gloried in the title of British subjects ; they were strongly attached to the land which they still called their " home " ; they acknowledged the duty of allegiance to the crown, and spoke with the gloomiest apprehensions of measures for a separation, that might be forced upon them, if the ministry persisted in their schemes. The General Court of Massachusetts, in a memorial against the " Sugar Act," which they transmitted to their agent in England in the summer of 1764, declared, that " the connexion between Great Britain and her Colonies is so natural and strong, as to make their mutual happiness depend upon their mutual support. Nothing can tend more to the destruction of both, and to forward the measures of their enemies, than sowing the seeds of jealousy, animosity, and dissention between the mother country and the Colonies." James Otis, in his " Rights of the British Colonies," published the same year, when he was the avowed leader of the patriotic party in Massachusetts, writes thus : " We all think ourselves happy under Great Britain. We love, esteem, and reverence our mother country, and adore our king. And could the choice of independency be offered the Colonies, or subjection to Great Britain upon any terms above absolute slavery, I am convinced they would accept the latter." As late as July, 1774, John Dickinson, " the Pennsylvania Farmer," wrote the " instructions " presented by the deputies of several counties in Pennsylvania to their representatives in the General Assembly, from which we make the following extract.

" We well know, that the Colonists are charged by many persons in Great Britain, with attempting to obtain such an exclusion [of *any* power of parliament over these Colonies] and a total independence on her. As well we know the accusation to be utterly false. We can safely appeal to that Being, from whom no thought can be concealed, that our warmest wish and utmost ambition is, that we and our posterity may ever remain subordinate to and dependent upon our parent state. This submission our reason approves, our affection dictates, our duty commands, and our interest enforces."

Washington, as late as October, 1774, writes to a friend in Boston as follows :

" I was involuntarily led into a short discussion of this subject by your remarks on the conduct of the Boston people, and your opinion of their wishes to set up for independency. I am well satisfied, that no such thing is desired by any thinking man in all North America ; on the contrary, that it is the ardent wish of the warmest advocates for liberty, that peace and tranquillity, upon constitutional grounds, may be restored, and the horrors of civil discord prevented."

In a long note upon this passage, Mr. Sparks brings together an array of citations and authorities upon this point, which are perfectly decisive.* We can find room only for a few brief extracts. John Jay says :

" During the course of my life, and until after the second petition of Congress, in 1775, I never did hear an American of any class, or of any description, express a wish for the independence of the Colonies. It has always been, and still is, my opinion and belief, that our country was prompted and impelled to independence by necessity, and not by choice."

" That there existed a general desire of independence of the crown, in any part of America, before the revolution, is as far from the truth, as the zenith from the nadir. For my own part, there was not a moment during the revolution, when I would not have given every thing I possessed for a restoration to the state of things before the contest began, provided we could have had a sufficient security for its continuance."

And Mr. Jefferson affirmed,

" What, eastward of New York, might have been the dispositions towards England before the commencement of hostilities, I know not; before that, I never heard a whisper of a

* *Washington's Works*, II. p. 496.

disposition to separate from Great Britain ; and after that, its possibility was contemplated with affliction by all."

Similar opinions, expressed in language quite as strong, are found throughout Franklin's correspondence for eight or nine years after the date of the Stamp Act. Even the old Congress, in the autumn of 1774, in an address to the people of Great Britain, use the following language. "You have been told that we are seditious, impatient of government, and desirous of independency. Be assured, that these are not facts but calumnies. Permit us to be as free as yourselves, and we shall ever esteem a union with you to be our greatest glory and our greatest happiness." And in their address to the king, they say : "We ask but for peace, liberty, and safety. We wish not a diminution of the prerogative, nor do we solicit the grant of any new right in our favor. Your royal authority over us, and our connexion with Great Britain, we shall always carefully and zealously endeavour to support and maintain."

It is useless to multiply these citations. Enough has been given to support our view of the sentiments and doctrines maintained by the patriots of this country at the beginning of the war with England, and to show that there is nothing in them which harmonizes with the disorganizing and anarchical theory and practice of the Suffrage party in Rhode Island. Even the abstract assertion of the natural rights of man, with which the Declaration of Independence opens, if viewed in light cast upon it by the writings and the actions of its signers, must not be taken in its broad and literal meaning, as then actually reduced to practice ; but as put forward only to justify the single step of a separation from England. Accordingly they say, that "*whenever any form of government becomes destructive of these ends*, it is the right of the people to alter or abolish it" ; but they go on immediately to qualify this assertion by the remark, that "prudence, indeed, will dictate, that governments long established ought not to be changed for light and transient causes."

It is more directly connected with our present purpose to remark, that the revolution of 1776 was directed entirely by duly organized assemblies and associations, legally constituted, representing bodies politic. The authority on which they acted was not derived merely from casual and tumultuous assemblages of the people, into which any person might enter, and where every man had a voice. It was drawn, in

most cases, from long established legislative assemblies, existing according to law ; and when circumstances prevented such assemblies from coming together, conventions were organized in their place, closely resembling them in every particular. Such conventions were never held to displace the regular legislatures, to usurp their functions, or to dispute their authority.

Our limits will not permit us to illustrate and support this proposition at length. We can only call attention to a few facts and authorities, which are still enough to leave no doubt upon the subject. The inhabitants of Boston, who played the chief part in the opening scenes of the Revolution, acted only in legal town meetings, duly called by the selectmen, and properly organized. An irregular convention of deputies from the towns in Massachusetts was held at Boston in 1768 ; but it was called only on account of the refusal of the governor to convene the General Court ; and it sat but a few days, and did but little business, for the confidence of the people was not with it. The members expressly disclaimed "any pretence to authoritative, or governmental acts," and soon gladly resigned their task of defending the people's rights into the hands of the people's legal representatives. The delegates to the first Continental Congress were chosen, sometimes by the regular Assemblies, sometimes by a convention of committees appointed by the people for this purpose, and, in a few instances, by the committees themselves. "It is not likely," says Mr. Sparks, "that in a single elective body on the continent, there was an instance of a member's taking his seat, without exhibiting a well authenticated certificate, that he was duly chosen."* The credentials of the members are printed in full in the journals of the old Congress, and it appears, that they were examined before the individuals were allowed to take their seats. We find there the certificate of the governor of Rhode Island, given under the Colonial seal, certifying that Stephen Hopkins and Samuel Ward had been duly nominated and appointed delegates by the General Assembly of the Colony. Similar certificates, though without the signature of the governor, were presented by the members from Massachusetts, Connecticut, Pennsylvania, Delaware, and South

* Sparks's *Life of Morris*, I. p. 32.

Carolina. Mr. Jefferson himself, the author of the "Declaration," took his seat under credentials duly approved by the General Assembly of Virginia. The members from the city and county of New York produced certificates, that they had been chosen "by duly certified polls." Other counties in New York sent delegates, and in two of them, at least, Orange and Westchester, it seems that only "*freeholders*" voted, after the manner of the old elections. And it was undoubtedly the general rule throughout the country, that in choosing members of conventions, provincial congresses, or committees for appointing delegates to the Continental Congress, only those were allowed to act who were regularly qualified to vote according to the standing laws or practice of each Colony. Exceptions there may have been in some cases, under very pressing emergencies, when business was transacted in great haste, or under great excitement; but the general rule was unquestionably as we have stated.

We will not weary the patience of our readers by adducing further evidence to show, that the spirit of the American Revolution is directly opposed to the pretensions and the conduct of the insurgent party in Rhode Island. We feel as if it were an insult to the memory of the patriots who achieved our independence, to pursue the comparison that we have here instituted. It is necessary to go to the history of other countries, or to some later and more mournful passages in our own annals, to find a fit parallel to the proceedings of the Suffrage party. We find one in the disgraceful and terrific scenes of the earlier part of the French Revolution, when all France groaned under the tyranny of the mob of Paris and its environs, when constitutions were made, sworn to, and abrogated, as if they were the playthings of an hour, and when the pernicious doctrines of Jacobinism were first preached to the world, and enforced by the pike, the bayonet, and the guillotine. Illegal assemblies usurped the character and office of duly appointed legislatures. Unauthorized clubs overawed the government, and the reign of terror susperseded that of order and law. The theory, that any collection of individuals may assume the name of "the people," may pursue their ends by means of intimidation and force, and mould the constitution of the state to their own will, was there carried out and illustrated in a way equally shocking to reason and humanity.

Since the separation of this country from England, there have been three formidable revolts against the authority of the established government, each of which caused great terror and excitement at the time, but was finally subdued by a large military force, with little bloodshed, and a signal display of clemency towards the vanquished. The first was the Shays rebellion in Massachusetts, in 1786; the second was the "whiskey insurrection," in 1794, in the western part of Pennsylvania; and the third was the rebellion that we have now been considering. Of these three, the last was far the most flagitious, as it was unprovoked by any practical grievance, and not palliated by any distress in the circumstances of the insurgent population. It was a causeless revolt, not incited by the weight of heavy taxation, not growing out of commercial distress, nor nurtured by the destitution and misery of the disaffected classes. In every respect but this, the rebellion first mentioned affords a remarkable parallel to it. The closest resemblance exists between the two, in regard to the character and numbers of the rebels, the doctrines that they advanced, and the means by which they were suppressed.

The disturbances in Massachusetts grew out of the sick and exhausted condition of the whole country at the close of the Revolutionary war. Public and private debts existed to an enormous amount, agriculture and commerce stagnated, taxation was heavy, and distress was universal. At this time, Shays and his associates undertook to shut up the courts by violence, and to intimidate the government into the adoption of their unjust and arbitrary measures. It is certain, that their party had the majority in several counties; it is quite probable, that they had the majority in the whole State; for their great object was to postpone the decision of the whole matter till a new legislature should be chosen, when they were confident of obtaining the command of both branches. They held unlicensed conventions, in which more than fifty towns were represented, "voted their own constitutionality," assumed the name of the people, demanded a revision of the constitution, arrayed themselves against the legislature, and demanded the redress of grievances with arms in their hands. Job Shattuck, one of their leaders, at the head of an armed force, took possession of the court-house at Worcester, and sent a written message to

the judges, "that *it was the sense of the people*, that the courts should not sit." "They thought themselves," says Minot, the historian of the insurrection, "they thought themselves to be a majority of the people, as some pretended, and so vested with a supreme power of altering whatever appeared to them to be wrong in the polity of the country." Washington was asked to use his great personal influence to stay the mad proceedings of the rebels. He replied :

"You talk, my good Sir, of employing *influence* to appease the present tumults in Massachusetts. I know not where that influence is to be found; nor, if attainable, that it would be a proper remedy for these disorders. Influence is not government. Let us have a government, by which our lives, liberties, and properties will be secured, or let us know the worst at once."

"Let the reins of government then be braced," he continued, "and held with a steady hand; and every violation of the constitution be reprehended. If defective, let it be amended; *but not suffered to be trampled upon while it has existence.*"

Mr. Madison, also, in a number of the "Federalist," alluding to this very rebellion, says :

"At first view, it might not seem to square with the republican theory, to suppose either that a majority have not the right, or that a minority will have the force, to subvert a government; and, consequently, that the federal interposition can never be required, but when it would be improper. But theoretic reasoning in this, as in most cases, must be qualified by the lessons of practice. *Why may not illicit combinations for purposes of violence be formed as well by a majority of a State, especially of a small State, as by a majority of a county, or a district of the same State;* and if the authority of the State ought, in the latter case, to protect the local magistracy, *ought not the federal authority*, in the former, *to support the State authority?*"

At last, by great exertions on the part of the government and the well affected citizens, an army of four thousand men, under General Lincoln, was fitted out, and after a very severe campaign in the midst of winter, this dangerous insurrection was suppressed with but little loss of life.* Not one

* If our brethren in Rhode Island have had some cause to complain of the laxity and unfriendliness of the government of Massachusetts, in not affording them sufficient aid and countenance during the recent disturbances, we may refer them to the Shays rebellion, as showing the other side of the picture, and proving that they were not always very active in their duties towards us. After the main body of the insurgents was defeated and dispersed, parties of them took refuge in the neighbouring States, and continued to keep up the alarm and excitement in the border towns, by returning to Massachusetts from time to time, and resuming their former measures. Governor Bowdoin applied to the executive authorities of these States to put an end to such irregular proceedings, and to apprehend and deliver up the refugees. In most instances, the application was successful, but not in all. The historian Minot shall tell the rest.

"But the authority of Rhode Island was far from taking steps to secure the fugitives from justice, who publicly resorted there. When a motion was made in their Assembly, upon the act of Massachusetts for apprehending the principals of the rebellion being read, that a law should be passed, requesting the Governor to issue a proclamation for apprehending them, if within that State, it was lost by a great majority; *and one of the very refugees was allowed a seat within their chamber.*" Minot's *History of the Insurrection.* p. 152.

"Mutato nomine, de te fabula narratur."

of the rebels suffered capital punishment, though many had richly deserved that fate.

We cannot dwell upon the history of the rebellion in Pennsylvania. There, too, a great majority of the people in the disaffected country were banded together in open opposition to the government and the laws. Their conduct was such, says Pitkin, "that no alternative was left, but either to surrender the government into the hands of the lawless and disobedient, or compel submission by military force." President Washington issued a proclamation, declaring "that the very existence of the government, and the fundamental principles of social order, are materially involved in the issue," and requiring the insurgents to disperse and retire to their homes. When this had no effect, by calling out the militia of the neighbouring States, he assembled a force of over twelve thousand men, and with its aid effectually quelled the insurrection. Mercy was again shown to the vanquished.

But what chiefly distinguishes the rebellion in Rhode Island both from the one in Massachusetts, and from that in Pennsylvania, and which aggravates the criminality of the former in the highest degree, is the fact, that redress of the only grievances, of which the disaffected party complained, was offered to them in the incipient stages of their revolt, *and was refused.* They were permitted to vote, in February, 1842, upon the "Landholders' Constitution," which would have established a government in every respect unexceptionable, and they rejected it. For the first time, per-

haps, in the annals of the world, the people declared, that they would not have *reform*, and preferred *revolution*. They stood out upon a mere punctilio, saying that they would not accept the matter as a gift, but were determined to seize upon it by an armed force, as their own right. They acted as if it were a light thing to kindle the flames of civil war, to array members of the same family on opposite sides, and to destroy by violence the constituted authority of the State. No language is too strong to be applied to such nefarious and inhuman conduct. We justly shrink with horror from the man who has struck his parent. But what can be thought of him, who raises a parricidal hand against his country, the common parent of all, to whom every reasonable being owes the greatest measure of filial homage and obedience? Therefore has treason always been distinguished as the highest crime known to the law, and the traitor is singled out for the universal detestation of mankind.

These remarks do not tend in the slightest degree to disparage the motives or the conduct of the illustrious men who have been found, in all ages of the world, eager to withstand oppression, and to contend in the cause of freedom and of right, against an unjust and arbitrary government, though at the hazard of their lives, and of every thing which renders life desirable. Honor, everlasting honor, to their memories, whether they perished upon the scaffold, or lived to enjoy a nation's gratitude, and "read their triumph in a nation's eyes!" But "the sacred right of revolution," as it has been aptly termed, is not to be brought out of its shrine on any mean or ordinary occasion. It must not be used as a cloak for ambitious usurpation, for reckless love of change, or for treacherous revolt. A grave and fearful responsibility rests upon those who exercise it, and unless the cause be just, and the necessity of the case be urgent, not even a successful issue of the contest will relieve them, in the judgment of posterity, from the censure due to the traitor and the enemy of his native land. The patriot's fame depends as much on the caution and reluctance with which he unsettles the foundations of government, and opposes the established authorities of the state, as on the courage and perseverance which he manifests in the midst of the strife. He is answerable for all the misery and desolation that follow in the train of civil war; for the evil passions that are excited;

for the blood that is shed; for the affections that are sundered; for the quiet of many a peaceful family that is interrupted, and the happiness of many a fireside that is destroyed; and great must be the interests at stake, noble must be the principles for which he contends, or he will find the burden of this responsibility too heavy to be borne. He will sink under it, amidst the execrations of those who owe to him the ruin of their prosperity, and the wreck of their dearest hopes.

Loyalty is not an unmeaning word in a republic. It is due to the free institutions by which we are surrounded, to the establishments created by the wisdom of our fathers, and transmitted as the noblest heritage to their children. To cherish this feeling is our best safeguard against anarchy and licentiousness, evils which, in a modern democracy, are to be feared at least as much as oppression and misrule. Patriotism was considered as the highest virtue in the Roman republic, and it has lost none of its value or significance in these our times. Its object, indeed, is not the ground on which we tread, nor the homes wherein we dwell, nor the individuals whom we call our countrymen, though with most of them we have no nearer connexion than if they lived on the other side of the boundary line. Its object is rather the body politic of which we are a part; it is the state to which we owe allegiance; it is the government, by whose acts we are bound. This obligation may quickly be broken, it is true; the tie may easily be ruptured, for it is the nature of a popular government to rest lightly upon the community, and to be guarded only by the affections of those over whom it extends. But if the act be rashly or recklessly done, it will be the sure source of misery and strife, that can end only in the prostration of our liberties, by subjection to the yoke of another country, or to the hard rule of a military despot.