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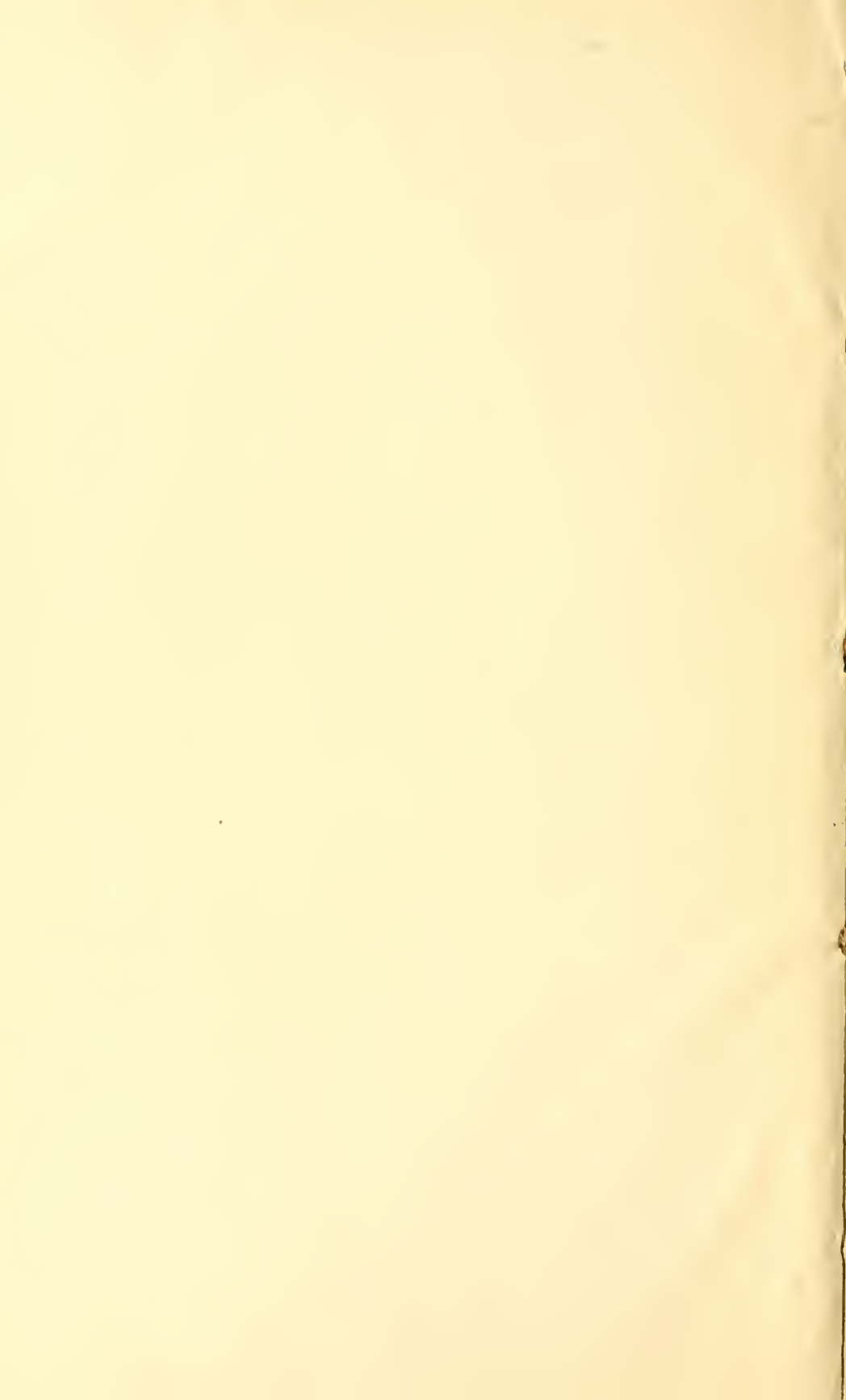




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With the Compliments of the Author.

Prytaneum Bostoniense.

EXAMINATION

OF

MR. WILLIAM H. WHITMORE'S

OLD STATE HOUSE MEMORIAL
AND REPLY TO HIS
APPENDIX N.

BY

GEORGE H. MOORE, LL.D.

LIFE MEMBER OF THE BOSTONIAN SOCIETY

Am I therefore become your enemy, because I tell you the truth?
GAL. iv. 16.

SECOND EDITION—WITH ADDITIONS

BOSTON:
CUPPLES, UPHAM & CO.
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PREFATORY NOTE.

THIS pamphlet is a second issue of the third Appendix to my second paper on the Old State House, from which it is reprinted with some additions. It is intended chiefly for gratuitous distribution to the members of the Bostonian Society and the City Council of Boston.

In the latest edition of Mr. Whitmore's Old State House Memorial, he charged me with having assailed the City Council in my first paper by "offensive" criticisms, which he characterized as "an unworthy return for their great liberality." Being promptly called upon to point out the offensive criticisms, he was unable to do so. The only important criticism which he has ever quoted was in these words of my first paper—

"No such division of the space on the second floor, as the present, existed at any time during the official use of the building by the Legislature, Colonial, Provincial, Revolutionary, or State."

The chief purpose of the appendix now reprinted was to demonstrate the truth of this statement. I think that purpose was accomplished; and that nothing yet produced by Mr. Whitmore has shaken it in the least.

For the rest, when he points out anything I have written on this or any other subject, which can be justly characterized in such terms as he has seen fit to use, it may be my duty to pay further attention to him and his complaints. I do not think that any other member of the City Council has discovered or been rendered unhappy by what he calls my "attacks" on them or the Old State House; and the estimate placed upon my papers by our

associates in the Bostonian Society, has been shown very conclusively to me; in the first place, by their cordial reception of them when read, and again, by their large orders of printed copies for distribution. It is hardly necessary for me to add that I entertain a very grateful sense of their kindness and liberality, which has not been disturbed in the least by the unanimous disapprobation of Mr. Whitmore.

To those who read both parts of this pamphlet, which are reproduced in a second edition with the express purpose of affording the means of direct reference and easy comparison, it is hardly necessary for me to add much by way of comment or criticism upon the performance of Mr. Whitmore. It speaks for itself, and the reader now and hereafter will be enabled to judge of the real merits of the discussion, as well as the temper of both sides, thus fully and fairly presented to his view.

It will be observed that in estimating the value and novelty of my facts and researches, Mr. Whitmore flatly contradicts himself on pages 27 and 28 and again on pages 32 and 34, in the passages which I have italicized; and in his final paragraph, he contradicts all four of the previous editions of his own "address which had the sanction of the Committee," by altering the date of its delivery from *July* 11th, 1882, to *June* 29th, 1882. These are "trifling details," to be sure, but they serve to indicate high pressure in the "tea-pot," so elegantly alluded to in one of his opening paragraphs. Even if the entire series of his ebullitions were within the range of literary or historical criticism, a just sense of self-respect would forbid me to characterize them in such terms as they richly deserve. Charity inspires the trust that they have brought relief to his sorely troubled spirit, and shifted the strain upon that "impartiality and courtesy in discussing literary matters" which he values so highly.

In his earnest though mistaken attempt to identify the Lion and the Unicorn with the ancient Colony Arms of Massachusetts, he very justly said that "the loyalty

of our people to their chosen form of government does not depend upon any falsification of history" (p. 148). I think it may be said with equal justice and greater emphasis, that the truest reverence for the Old State House and most honest regard for its traditions do not in any degree depend upon the falsification of *its* history. Enough remains of its mutilated walls and timbers to consecrate the reconstruction in which those remains have been piously preserved; and the convenience and propriety of the renovated Halls for the purposes designed justify themselves. They need no defence, for as they have not been, they are not likely to be attacked. Nobody has objected to the general plan adopted and so well executed by Mr. Whitmore's Committee, and nobody but Mr. Whitmore himself has said anything about the expense of the work of renovation, since it was so satisfactorily accomplished.

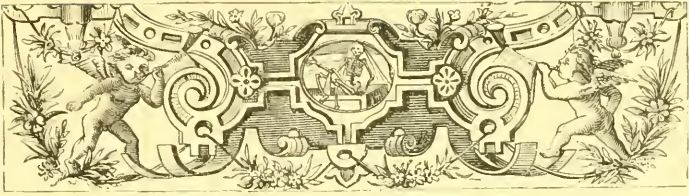
If he or any other member of the City Council, charged with the absolute duty of economy in the administration of the public property and revenues derived from taxation, finds the expense which has been or is likely to be incurred in devoting this estate to its present pious uses, too great a burden on his conscience; the plan which I shall now propose might lift that burden forever. An act of common honesty and simple justice on the part of the Commonwealth of Massachusetts would make the Old State House a permanent possession, and insure its preservation as the Museum of Memories of the historic past, of the three-hilled City.

In my first paper I brought to light the obscure and previously neglected fact, which I had occasion to emphasize by re-statement in the appendix (now reprinted) to my second paper—that *the State of Massachusetts never paid the County of Suffolk for the appropriation and use from 1776 to 1798 of its property and rights in the Old State House*. Let the Commonwealth now take up and discharge this long neglected obligation! Let the Legislature provide at once by an adequate appropriation to

pay the long arrears of rent, adding a just allowance of interest, with proper rests in its calculation and statement of the account, and with the consent of the County of Suffolk, let the money be devoted to the endowment of the Old State House! Let the BOSTONIAN SOCIETY be charged with the administration of the trust! and Boston will have one place of pilgrimage consecrated by grand and glorious memories in all the time to come—a principal and perpetual shrine of American Patriotism.

GEORGE H. MOORE.

NEW YORK: *April*, 1887.



EXAMINATION AND REPLY TO MR. W. H. WHITMORE'S "APPENDIX N."

THE "re-dedication" of the Old State House, Boston, took place on the 11th of July, 1882. Mr. "WILLIAM H. WHITMORE, member of the Common Council from Ward 12," was the "orator of the day," and his Address on that occasion, "the address sanctioned by the Committee," as he styles it with laudable pride, to distinguish it from anything of less authority, was immediately printed in an octavo pamphlet of seventy-seven pages, of which a large number were circulated like other public documents at the public expense. Since that time three other editions have been issued as the *Old State House Memorial*, also at the expense of the city of Boston, very fully and handsomely illustrated, and liberally distributed. These several editions bear ample testimony to the ability and research of the learned orator and editor, to whose great reputation as *the* local historian of Boston I ventured to pay my humble tribute in my first contribution to the history of the Old State House. The several editions of the *Old State House Memorial* have gradually increased in bulk—the latest being a splendid octavo of two hundred and sixteen pages of text, besides no less than thirty-three full-page illustrations. The knowledge of the editor, great as it may have been, has evidently been added to in the course of these publications, and he has availed himself to some extent of his opportunities for correction, painful as it seems to be for him to sub-

mit to it. The present review, therefore, will be limited to an examination of the latest revision of the work, and chiefly the latest additions of the author. The errors which he has acknowledged and corrected need no further notice; those to which he obstinately adheres will furnish subjects enough for present treatment. If my readers find the matter somewhat incoherent or wanting in proper method, I trust I shall be excused for the attempt to follow that of my critic, seeking my game wherever I find it, whether "in the open" or "in shadiest covert hid." If I should be accused of "going all round Robin Hood's barn," my only excuse is that "I was looking for somebody!"

At an early stage of his labors, Mr. Whitmore, we are informed by his architect, discovered "the original plans of the building" at Cincinnati (p. 159), and although we are subsequently told the truth that the plan thus brought to light was evidently the design of Isaiah Rogers, adopted and carried out in the reconstruction of 1830 (pp. 200, 203), the first impressions of its originality seem to have colored all the subsequent conceptions of Mr. Whitmore, his architect, and his committee, of what it was their province and duty to reconstruct in 1881-82. The principal new feature in the reconstruction of 1830, was the introduction of a circular staircase in the centre of the building, the evidence of whose existence there at some time previous to 1881 was "the most important development" on stripping the interior and accompanied with at least "one mysterious circumstance" (p. 159).

Mr. Whitmore says (p. 62): "When the work of restoration was commenced . . . it was found that the framing of the timbers was such that there must have been a circular stairway in the place now occupied by it, from the first floor to the halls, and that the landings must have presented their present form." It was found that the heavy oak girders were hung by iron rods from the tie-beams of the roof trusses in the third floor; but it seems not to have occurred to the enterprising explorers that in the original construction of the building, those very girders extended from wall to wall, and that the centres had been sawed out, and the Doric pillars beneath, which originally supported them, taken away in order to make room for Mr. Rogers's new circular staircase in 1830. This was unquestionably the fact. No iron

rods existed there at any time before the supporting pillars were taken out between the first and second floors at those points. Taken in connection with the facts now demonstrated, Mr. Whitmore's "discoveries" and the "important indications" of his architect are sufficiently ludicrous.

It is unnecessary to pursue these details. When the building was erected in 1712, the committee was instructed "to fit the East Chamber for the use of His Excellency the Governor, and the Honorable the Council, the Middle Chamber for the House, the West Chamber for the Superior and Inferior Courts." Mr. Whitmore says of the latter: "Notwithstanding the order to construct a west room for the courts, it is very doubtful if this were really done"—but he produces nothing whatever in the shape of evidence to justify his doubt, and in fact, as will abundantly appear, there can be no doubt about it. Every subsequent description and allusion to it sustains the fact, of which the proof is abundant in records which demonstrate the existence of the Court Room, and its use by the courts, until the completion of a new Court House in Queen Street, and its occupation in March, 1769. Nobody has questioned the existence of the Council Chamber or the Representatives' Chamber, so that there were three rooms of unequal size known to be included in that second story. It is also perfectly well known that the building was not less than one hundred and ten feet in length.

If Mr. Whitmore's central staircase occupied no more than ten feet of that dimension of length, this would leave on the west side of it fifty feet for the Representatives' Chamber and Court Room. It needs but one glance at the plans which he has furnished to satisfy any reasonable mind on this point. They show more than one third of the entire "space on the second floor" to be taken up with the circular staircase hall, and the adjoining ante-rooms, and all in the centre of the building! Can anybody be made to believe that anything like that could have been devised for or adjusted to the purposes and uses of the Legislature, colonial, provincial, revolutionary, or State? Yet this is the entertainment to which we are invited by Mr. Whitmore. The thing is preposterous on its face! There is no evidence whatever to show that there was at any time before 1830, any staircase (circular, spiral, or straight) in the centre of the Old State House.

The staircases and entries with lobbies, and there were two of each through all the period of legislative use of the building, never occupied more than twenty feet in all, probably less than ten feet on each side of the middle room, leaving nearly four-fifths of the space for the principal and necessary accommodation of the three official bodies of men who met there. The communication with the second and third floors by a staircase in the centre of the building was the dominant feature in the plan of 1830, which had to provide for two rooms of assembly, and various executive offices on the same floor. This is substantially reproduced in the present arrangement, consisting of two halls of equal size divided by a rotunda, up the centre of which rises a winding stairway, with four small rooms in the corner spaces between the rotunda and the halls. The architects of the original building had to provide for three rooms of public assembly, for which two separate ways of access were distinctly and obviously necessary, and are known to have existed. There were eleven second-story windows, in each of the side walls of the building, opposite each other. My own *conjecture* as to the division would assign to the Council Chamber space to include three windows from the east wall; to the eastern staircase entry and lobby, the fourth window; to the Representatives' Chamber, the fifth, sixth, seventh, and eighth windows; to the western staircase entry and lobby, the ninth window; and to the Court Room, the tenth and eleventh windows to the west wall. Making due allowances for the partitions, of which there must have been four, although not exact for want of exact measurements, we can come near enough to indicate the general plan, and demonstrate the utter folly of Mr. Whitmore's discoveries, guesses, arbitrary assumptions, and groundless assertions.

But it is time to point out and do justice to his chief discovery—and his marvellous manipulation of the recorded dimensions in figures. I have quoted his remarks on the "find" of the circular stairway. He continues: "The same investigation showed that the Representatives' Hall had its easterly end curved, while the Council Chamber was square. These indications coincide with a description published in 1791, when the halls were still occupied by the Legislature of the State, and when, apparently, no changes had been made" (pp. 62-63). He reprints the whole description in his text. The statement is therein expressly made

that "the Representatives' Chamber is fifty-seven and a half feet in length." To this statement Mr. Whitmore appends the following note :

"This figure, fifty-seven and one-half feet, is an impossibility, being more than one-half the length of the building. But thirty-seven and one-half feet would reach exactly to the line of the curved end of the hall as shown in Rogers's plans, and now reconstructed. Evidently the writer put his notes of the measurements in figures, and either he or his printer mistook thirty-seven and one-half for fifty-seven and one-half. The error really confirms the exactness of the record" !

The description of the State House is in the *Massachusetts Magazine* for August, 1791, vol. iii., 467-8. The dimensions of the chambers are not given in figures, but plainly spelled out in roman letters—so that there is no ground whatever for the suggestion of error on the part of either writer or printer, by mistaking 3 for 5. The measurement was undoubtedly correct and the record needed no error to confirm it. It is Mr. Whitmore himself who sins against the light, deliberately digging the hole and ostentatiously getting into it !

Struck by the wonderful coincidence of one of the measurements on Rogers's plan and his own ingenious invention of a mistake in the figures of the "contemporary witness" of 1791, Mr. Whitmore eliminated the theory of construction and reconstruction, which has been present to the mind of the restorer ever since. It has "mastered his intellectuals" and is still "a thing of beauty" to him, though I fear it will not be "a joy forever." His arithmetical *ignis fatuus* has misled his judgment upon every fact which cannot be made to fit his theory. If he would only drop that, all the facts would fall into their proper places without friction, and no awkward explanations or apologies would be necessary. It seems a pity to demand such a sacrifice, but it cannot be helped. The "contemporary witness" must have justice, and will, undoubtedly, secure the protection of the court. And this is the "contemporary witness," whom Mr. Whitmore has the audacity to charge me with having "ignored" ! So far from ignoring the description of 1791, I have relied and still rely upon it as accurate and unimpeachable. I agree with the witness, but I reject the utterly groundless and unwarrantable alteration of the testimony deliber-

ately made and avowed by Mr. Whitmore, in support of his theory.

He says that the length of fifty-seven and a half feet for the Representatives' Chamber is an impossibility. Wherein is the impossibility of it in a building one hundred and ten feet in length? The impossibility is in his attempt to put the Representatives' Chamber into less than one-half of the building when divided by a central staircase—to say nothing of another large public room with separate staircase entry and lobby to be provided for in the same space!

Mr. Whitmore's "important question" is thus easily and emphatically answered. Mr. Rogers's plan does not "represent in its outlines the arrangement when the Legislature quitted the building January 11, 1798," or at any other time previous to its "creation" by the architect in pursuance of his instructions for the reconstruction of 1830 (p. 201). Although very positive in his own contrary opinion, the historian of the Old State House declares his inability to secure "definite information" on this point. *Ib.* He alleges that "the newspapers of 1830 are, unfortunately, entirely silent as to the extent of Mr. Rogers's alterations." *Ib.* This statement is incorrect. The newspapers are not silent, and one phrase from one of them is a sufficient answer to all this part of his apology. *The New England Palladium* of September 24th, 1830, says: "*The interior of the building is wholly altered.*" It is needless to multiply quotations from the press to the same effect. The alterations were the chief topic of the newspaper references to what was going on at the Old State House, at that time—June to October, 1830.

Let us accompany the historian on his "return to surer ground," to use his own phrase (p. 202). He says of the Council Chamber that "its only entrance was from the centre of the building." How does he know that there was but one entrance? or that to have been in the centre of width from north to south? As to the centre of length, east to west, there is considerable difference between thirty-two feet—the place of the west wall of the Council Chamber—and fifty-five feet—the centre of the building—by all scales of measurement with which I am familiar. Again, how does he know that any "winding stairway" was in any part of the building as "originally constructed in 1748?" On the contrary, it is absolutely certain that no "spiral stairway

was in the place occupied by the present one" at the time referred to, notwithstanding "the report of the City Architect." Whatever shape it may have had, the way "from the second floor to the tower" went up from one or both the eastern and western staircase entries and not from or out of any part of the Representatives' Chamber, which itself occupied not less than one-third of the whole space on the second floor—that third including the centre of the building.

Mr. Whitmore's speculations about "curved ends" and "straight ends," have no value in the discussion, and might be passed without further notice, as a part of a crooked treatment of a crooked subject. But I may remark in passing that there is not the slightest evidence or probability that the curves in question existed anywhere in the building before Rogers made them in 1830.

In the plenitude of his newly acquired familiarity with the "trifling details," Mr. Whitmore informs us twice in the space of ten lines on one point, viz. : that "it was not until 1776 that the State bought out the rights of the county," and that it was in the year 1776 "when the State bought out the county" (p. 201). Now the State never bought out the county at any time, and never paid the county anything for the use of its property so generously offered in 1776, accepted and used until 1798!*

Referring to the plan for utilizing the Court Room thus offered in 1776, which I brought to light in my first paper, Mr. Whitmore ingenuously inquires : "What plan did the Committee adopt?" when the matter was referred back to them with power. I think it is not unreasonable to suppose that they carried out substantially the plan they had recommended. The House had approved

* Although the statement in the text is literally true, it seems proper to mention here that a motion was made in the House on the 25th September, 1777, that a committee be appointed to consider what sum shall be paid to the county of Suffolk, for *that part* of the present Representatives' Chamber which belonged to said county, whereupon a committee was appointed to consider *the motion*, and report. *Journal*, 88. On the 16th of October, the vote was reconsidered, and a new committee was appointed for the purpose mentioned in the motion, *i.e.* to consider the question of compensation; *Ib.* 111, but it is evident that the County received none at any time from the State, and realized their share only when the whole was finally secured to the Town of Boston in 1803.

that plan as reported, at the same time giving them power to make alterations. If they made any, it is certain that they made no changes which would impair or defeat the purpose of their plan. That purpose was to obtain more room, and all the room they could, for the vast number of new members, and at the same time increase the facilities for public accommodation in the galleries. Mr. Whitmore manifests a peculiar intolerance for the gallery, and "doubts if the gallery was retained" after 1776. From the beginning of his researches he seems to have cherished a dislike to it. In face of absolute testimony he almost doubted its existence at any time; and after reading my notes showing what an interesting feature it was in the history of the building, he still exhibits some spite against it and does not even give it a chance to cool off in winter. In the end, he parades his first doubts about it and his apparently reluctant admission of its existence as "all that the most enthusiastic antiquary could ask." If he reads my second paper with attention, I think he will no longer doubt that the gallery, which he classes with the Court Room as "an accident and transient," continued to exist to the end of the State occupation; and was sometimes thronged by crowds of interested visitors.*

Mr. Whitmore recurs to this topic in connection with his additional Court House notes and declares that these "notes make it plain that the Gallery in the Representatives' Chamber was begun at about the same time as the new Court House. There is evidently a connection between the two facts." What this mysterious connection is he does not tell us: perhaps it was like that of the Goodwin Sands and Tenterden steeple, but as to the rest of his statement—the records show that the gallery had been finished and paid for in March, 1767; the new Court House was not *begun* until after the 4th of May, 1768, and was finished and first in use in March, 1769—two years later than the gallery.

* The recent publication of the *Diary and Letters of Hutchinson* furnishes an additional notice of this gallery in a MS. of Chief Justice Oliver, preserved among the Hutchinson Papers in England. It is as follows:

"There was a gallery at a corner of the Assembly Room, where Otis, Adams, Hawley and the rest of the Cabal used to crowd their Mohawks and Hawcubites, to echo the oppositional vociferations to the rabble, without doors." The Editor says the word Hawcubites "is of doubtful reading." *Diary*: i., 145.

It is in this part of his performance that Mr. Whitmore himself undertakes what a few pages before he informs us "it is unnecessary to attempt," *i.e.* "to show what the probable size of the Court Chamber was." After considerable wrestling with it, he finally gets it down to thirteen feet in width! with the gallery over the chamber even then, and stairs *in* the chamber leading up to that gallery! The intelligent reader hardly needs to be informed that this is almost too absurd for comment. Were the principal courts of the Province of Massachusetts held for a period of more than twenty years in a room thirteen feet wide and fifteen feet high? and that height diminished during the latter years of its occupation by thrusting in a gallery overhead, thus putting "between decks" judges, lawyers and the whole judicial business of the principal county in the Province? that county having paid one fourth of the entire cost of the whole building, in order to insure suitable accommodations. It is amazing that any man in his right mind should indulge in such ridiculous nonsense, actually figuring it out (p. 210) with contradictory measurements and impossible calculations!

As for the "stairs in the late Court Chamber in the Town House, so called, leading up to the Gallery there," which he has discovered—the order of the Court of General Sessions in May, 1769, to have them "immediately taken down" indicates not only the temper of the county authorities, but some evidently recent trespass committed on their property, which they naturally enough resented. Negotiations for the sale or exchange of their interest in the building had been going on for several years; and they had no reason to be satisfied with having the Court Chamber made use of as a thoroughfare to the Representatives' Gallery, or for any other purpose, without their permission. The peremptory order of the Court was perfectly justifiable; and I dare say that it was promptly executed.

Mr. Whitmore is careful to tell us what he says "every one knows, that during the forty years after the City Government quitted this building [1841–1881] and while it was leased for business purposes, the interior suffered great changes." He might have said with equal truth that it suffered changes quite as great during the time between its final purchase by the town in 1803, and its reconstruction in 1830. Instead of this, he says "there is no record of any considerable alterations in the interior

between 1798 and 1830"! He forgot that in his previous pages he himself had furnished a considerable record on that subject, which might easily be extended (pp. 99-109). I will add but one extract which seems to have escaped his attention when he was quoting Mayor Otis's grand address. Referring to the former history of the building, with which he was familiar from childhood, the Mayor said:

"In 1747 the interior was again consumed by fire, and soon repaired in the form which it retained until the present improvements [of 1830] *with the exception of some alterations in the apartments made upon the removal of the legislature to the new State House. Since the removal of the legislature, it has been internally divided into apartments and leased for various uses in a mode familiar to you all*; and it has now undergone great repairs, this floor adapted to the accommodation of the City Government and principal officers, while the first floor is allotted to the Post Office, News Room, and private warehouses."

In the matter of dimensions—note that in the description by Bowen: *Picture of Boston*, Ed. 1828-9: the size of the Masonic Hall is given as length 43 ft., breadth 32 ft., height 16 ft. Mr. Whitmore repeats these dimensions without criticism or question or even comment.

In the same notice, the occupation by the Free Masons is indicated as being of *all the second and third stories "except one room at the west of the second story which is occupied for the City Treasurer's office."* It is also stated that as early as April 29, 1812, the County Treasurer was assigned a *room adjoining West-erly that of the Town Treasurer. Mem. Vol. 106.* When the lease was made to the Freemasons for ten years from October 1, 1820, it covered "*all the rooms above the lower story, except two on Cornhill*" (*i.e.* Washington St.) *Ib.* 109.

Mr. Whitmore has thus himself furnished in three editions conclusive evidence that there were still at least two ways of access to the second floor in 1812 when the town and county treasurer's offices were established at the west end of the building and were not disturbed by the Freemasons in 1820, when the latter leased all the other rooms in the second and third stories. Was the Masonic Temple a thoroughfare to those offices, or were they reached by ladders from the outside through the windows of the second story?

Mr. Whitmore's later studies among the Court records have resulted in a series of notes under the sub-title of "*The Court House and the Gaol.*" My reference to the Court House in Queen Street was incidental, for the purpose of indicating the time when the Old State House was first disused by the Law Courts. It has turned out to be important in leading Mr. Whitmore to a knowledge of the facts that it was "a building distinct from the Old State House," and situated in "what is now Court Street." I also mentioned incidentally the tradition of Governor Bernard's having furnished the plans. Mr. Whitmore characterizes "Bernard's share in the work as a matter of tradition only." This is true, and Mr. Whitmore is indebted to me for all that he seems to know about it. If I had also given him the information, he might (or might not) have added that William Sullivan was the man who preserved the tradition. He was born in 1774 and died in 1839. He was familiar with the building from childhood; and although he was not a contemporary of Governor Bernard in Massachusetts, the tradition is sufficiently authenticated by his statement alone, that "this house was planned by Governor Bernard." *Address to Suffolk Bar*: 37.

The same authority states that "in the *Hall in the centre* (over the first floor, *formerly* used as the Exchange), the representatives assembled. Adjoining this hall, at the westerly end, was *the judicial court room.*" *Ibid.* 36, 37.

Mr. Whitmore's contribution to the history of the new Gaol, which he says "was erected at the same time" with the new Court House, also needs correction. He furnishes in the same sentence the record evidence that it was "finished the twenty-first day of March, 1767;" and (as I have previously stated) the new Court House, begun more than a year afterward, was not finished and occupied until March, 1769.

He also says that before the settlement of accounts for the construction of the Gaol, it was "greatly injured by a fire."* This is his way of stating the fact which appears of record, that it was "entirely consumed by fire, no part thereof but the stone

* Mr. Whitmore makes the same remark on page 57 with respect to the Town House. He says it was "greatly injured by a fire," in 1747, the fact being that it was entirely destroyed, except the bare walls. Cf. p. 175.

walls being left."* On page 154, he reprints for the third time without correction the blunder of a writer whom he quotes, giving the date of that fire as the 30th June, instead of the 30th January, 1769. If he had never met with the Court records, he might have made the correction from the newspapers of the day without much exertion.

The county building was called the New Court House at first because it was a new Court House, and afterwards to distinguish it from the Province Court House—although the latter was even then more frequently called the Town House, especially by the citizens of Boston. When Powars and Willis established their "New England Chronicle" in Queen St. in June, 1776, it was published "at their office opposite the new Court House in Queen St." but on the 7th of November, they emphasized the word "new," by printing it in small capitals—"at their Office opposite the NEW Court House in Queen St."

In 1769 "the Town Hall" meant "Faneuil Hall"—the "Town House," was what is now the Old State House. *Appeal to the World*: etc., 1769, p. 28. So also in 1770, the testimony in the trial of the soldiers shows that the building was commonly called and known as "the Town House." *Trial*, etc.; 1770, pp. 20, 28, 32, 40, 48, 52: and especially 86. At this period, too, the name was emphasized by the persistent efforts of the popular party to compel Hutchinson to bring back "the General Court to its ancient and constitutional place, the town-house in Boston." *Journal H. of R.* 1770, p. 36.

The confusion of these names may have led Mr. Whitmore into his error of supposing that the trials of Michael Corbett and others before the Special Court of Admiralty, in 1769, as well as the trials of Captain Preston and his soldiers, in the following year, took place in the Old State House. No evidence is furnished to prove that either of them was "held in this hall", and

* For an account of the burning of "the new Jail," January 30, 1769, see *Boston Chronicle*, February 2, 1769. Further particulars, trial of the prisoners who fired it, etc., in same paper; February 6, April 7, and May 1, 1769. Vol. ii. 39, 43, 111, 140. "Nothing remained but the bare stone walls." "The loss to the county, by burning of the goal (*sic*) is estimated at £3000 sterling." Cf. the *Massachusetts Gazette*, February 2, 1769, and Holt's *Journal*: February 16, 1769, in which it is described as "the large new county gaol."

it is certainly not true that both the latter occurred in the same month of October, to which they are assigned by the learned orator. Preston's trial began on the 24th of October and held six days. The Court was adjourned to November 20th, and the trial of the soldiers began on the 27th and held nine days. The trial of those accused of firing on the people from the Custom House windows was on the 12th December: when the jury acquitted them all without leaving their seats. *Appendix to Trial*, etc. 1770. On the 14th of December, two of Preston's soldiers, who had been found guilty of manslaughter, prayed the *benefit of clergy*, which was allowed, and they were branded in the hand in open court and then discharged. The benefit of clergy was taken away in Massachusetts by a law passed March 11, 1785.

"A few days after the trials, while the Court continued to sit, an incendiary paper was posted up, in the night, upon the door of the Town House, complaining of the court for cheating the injured people with a show of justice, and calling upon them to rise and free the world from such domestick tyrants. It was taken down in the morning, and carried to the Court, who were much disturbed, and applied to the lieutenant governor, who laid it before the council, and a proclamation was issued, which there was no room to suppose would have any effect." *Hutchinson's Mass.*, iii. 330. Hutchinson's proclamation against the authors of a paper posted upon the door of the *Town House* in Boston is in the *Mass. Gazette* of December 13, 1770. The paper and lines "stuck up at the door of the *Town House*" are in the same newspaper, *Draper's Mass. Gazette*: No. 3507, December 20, 1770.

It is hardly worth while for me to take up the confused statements and repetitions of the "Appendix F. p. 154" to which Mr. Whitmore directs attention on p. 207. It is evident, however, that he has profited by study, if not instruction, since he wrote that part of his work: for he has discovered that the Court House and Gaol figured in his extract from Osgood Carleton's Map of 1800 are the same which were there in 1769. But he is not contented with this—adding that "the Court Records not only show that there were two separate buildings in 1769, viz.: a Court House and a Gaol, but also a brick Probate Court building there."

The fact is, however, that the "brick Probate Court building" was not "there" in 1769. It had been erected in 1754 and repaired in 1756, as appears from the records of the Court of General Sessions which he quotes: but in 1768, it was "taken down, for the better Accommodation and Convenience of a New Court House"—by order of the Court which determined at the same Sessions upon the erection of that new Court House, in which a new Probate office was duly provided for.*

Mayor Otis in the inaugural address so often quoted refers to the "offices for the clerks of the supreme and inferior courts" which were "on the north side and first floor" of the Old State House. "In them (he says) the Judges robed themselves and walked in procession followed by the bar at the opening of the courts."

After the removal of the courts to the new Court House in 1769, these offices continued to be kept in the Town House, and the procession became a more imposing and conspicuous affair in marching thence to the new place for holding the courts. It must have been a striking scene—the procession of official personages with all their proper insignia, the Judges with rich robes of scarlet English broadcloth in their large cambric bands and immense judicial wigs, and all the barristers-at-law of Boston and the neighboring counties, in gowns, bands and tie-wigs. Something certainly was lost when "the trumpet, the scarlet, the attendance" were taken away from judicature.

The following extracts from the newspapers of the day, confirm the accuracy of the tradition preserved by Mayor Otis, and present a lively suggestion of the scenes in 1774 and 1785:

"Boston: Sept. 1, 1774. Last Tuesday [August 30th] being the day the Superior Court was to be holden here, the Chief Justice, *Peter Oliver*, Esq., and the other Justices of the said Court, together with a number of gentlemen of the Bar, attended by the High and Deputy Sheriffs walked in procession *from the state-house to the Court House, in Queen Street.*" [On this occasion all the members of the Grand and Petit Jury panels

* It is a fact worth mentioning here that the earliest notice of any occupation of the building which I have met with is an advertisement that "The Probate Office for the County of Suffolk is now kept in the new Court House. Boston." *Massachusetts Gazette*: March 9, 1769.

refused to serve and to take the oath—a full account of proceedings, &c. follows.] *Gainé*: No. 1196, September 12, 1774.

“ 1785. August 30. The Supreme Judicial Court opened Tuesday, August 30th, in this town with the usual Solemnities. The following was the order of procession from the State House—

Constables with their Staves 2 and 2
Deputy Sheriffs
High Sheriff
Clerks of the Court
The Honorable the Judges
The Attorney General
Barristers, Attornies, &c. &c.”

Centinel: Aug. 31, 1785.

Doubtless other and more recent examples might be cited. I have not the means at hand to determine when these formalities ceased to be observed—though I am under the impression that some of the elder members of the Bar in Boston may recall them among their youthful experiences.

Among the “trifling details” not excluded from notice in “the address sanctioned by the committee,” the carving of the ancient arms of the colony, which was one of the interior decorations of the building, is made to “point the moral and adorn the tale” as a part of Mr. Whitmore’s defence, if not exaltation, of the royal emblems, whose perennial contest for the crown is curiously symbolized by their bold reproduction, at least twice as large as the original, in the angles of the eastern façade of the Old State House.

In my first paper, I referred to the figure of the Indian in the arms of the Commonwealth, as a survival of that in the centre of the colony seal and arms. A comparison of the two may be interesting. The survival is described in the language of heraldry, as “an Indian dressed in his shirt and mogossins, belted proper, in his right hand a bow *topaz*, in his left an arrow, its point towards the base of the second,” etc. His predecessor was dressed in his long hair, so exaggerated as to resemble a very full-bottomed wig—with a breech-cloth and perhaps moccasins—not girded or belted at all, but with his bow where it ought to

be, in the left hand, and his arrow in the right, his attitude being by no means hostile, though sufficiently warlike.

It is a fact worthy of notice that when the Society for the Propagation of the Gospel in Foreign Parts, the great Missionary Society of the Church of England, was established, its founders seem to have taken a hint for the design of its seal from this old one of the Governor and Company of the Massachusetts Bay. The Macedonian cry, however, is no longer the individual appeal in English of a single savage, but floats in a Latin scroll over a number of people, who are figured as running towards the shore of the sea, on which is borne towards them, with swelling sails a ship, from the bow of which a clergyman holds out the token of good-will in the shape of an open Bible or Prayer Book.

Mr. Whitmore gravely informs us (p. 147) that "although no specimen is now known of the Colony Arms, it cannot be doubted that they were the same as those on the Great Seal" of the Province. If the Province Arms were the same as those on the Province Seal, why should we suppose that the ancient arms of the Colony were other than the device on the Colony Seal? And how would the Lion and the Unicorn look in the capacity of supporters for that primitive Massachusetts Indian? His pitiful cry for help would indeed be an appropriate motto for a naked savage, flanked by two such beasts entirely unknown then as now in the American fauna.

Mr. Whitmore has bestowed a good deal of critical operosity on this subject of the Massachusetts Seal, and it is largely due to him that the great seal of the Commonwealth now has a solid foundation of suitable legislation. The evolution of the arms thus established by statute reflects little credit, however, upon their manipulation in any generation since the first. Their story is told in *House Document* No. 345, April, 1885. Paul Revere's patriotism was evidently of a much higher quality than his genius as an artist or skill as an engraver—if it is to his performances upon the arms and seal that we must refer the transformation of the original type of the savage warrior into the left-handed and more or less civilized Indian of the later period. The early Massachusetts engraver who made the cuts representing the Colony Seal for the various publications of laws in 1672 and afterwards, was more faithful, keeping the bow in the bow-hand, and preserving in other respects the verisimilitude of his subject.

In 1775 the committee charged to produce a new Colony Seal went back to the Indian ; but portrayed him with a Tomahawk and Cap of Liberty ! This was changed into a straddling, if not bowlegged English-American, holding a sword in his right hand and Magna Charta in his left, with the famous Latin motto by Sidney, "*Ense petit placidam sub libertate quietem.*" When in 1780 they came back to the aboriginal type, they restored the bow and arrow, but in the wrong hands respectively. It might have been fortunate if the House Committee on the Judiciary, in 1885, while studying proper legislation on the Great Seal of the Commonwealth, had been as well instructed in archery as they were in heraldry.

The architect's report mentions one or two "minor details" deserving notice, of results obtained when the "careful carpenter" made the thorough examination "for more than four weeks under the immediate observation" of Mr. Whitmore and himself, in order to detect "any hidden traces left of the original interior." The marvellous coincidences revealed of conformity to the plan of re-construction by which new partitions had been put in fifty years before, would be much more to the purpose, if proof could be offered of any resemblances in either to the original building of 1748-9. In view of the fact, however, that but one of these partitions could possibly have been a part of the original building, we cease to regard the discovery of their "indications" with any considerable interest.

So, too, with respect to the windows, which Mr. Whitmore has asserted to be original, as well as the walls, timbers, and floors. It can be demonstrated that "*new* window frames, sashes, &c.," were a part of the reconstruction in 1830.

It would not be difficult to point out other errors of statement in more or less "trifling details ;" but I am not disposed to find fault with the enthusiastic imagination of the orator of the day who had "the sanction of the committee" upon such an occasion—and I forbear.

Mr. Whitmore, very unexpectedly to me, has taken it upon himself to treat my paper as though I had wantonly attacked the Committee of the City Council of Boston, of which he was the chief member, and criticised their doings in an "offensive" manner. I am not conscious of having done anything of the kind ; and on my request to him to point out the criticisms to which

he referred, I regret to say that he failed to do so. It is Mr. Whitmore alone who says that the truth of my statements would furnish a serious ground of complaint against the committee. My statements were true, as I have now shown "with confirmation strong." Yet I have neither made nor suggested any such complaint, though I will not at this time withhold my opinion that his own aggressive and unnecessary defence does no honor to his committee, and will reflect little credit upon its author. Unless I am seriously mistaken, the head and front of my offence consists in my substantial correction of Mr. WILLIAM H. WHITMORE in matters respecting which he justly enjoys a high reputation for knowledge and skill as a historical critic and local antiquary. He must pardon me, if in acknowledging his great merits, I stop short of recognizing his infallibility.

"Hanc veniam petimusque damusque vicissim."

THE OLD STATE-HOUSE
DEFENDED

FROM UNFOUNDED ATTACKS UPON ITS
INTEGRITY

BEING A REPLY

TO

[*THE THIRD APPENDIX TO*]

DR. G. H. MOORE'S SECOND PAPER

READ BEFORE THE BOSTONIAN SOCIETY, FEB. 9, 1886

BY

WILLIAM H. WHITMORE

[*WITH FOOT-NOTES BY GEORGE H. MOORE*]

BOSTON

1886

[REPRINTED, NEW YORK, 1887]

FELLOW-MEMBERS OF THE BOSTONIAN SOCIETY :—

I feel obliged to make some reply to a pamphlet which has been sent to all our members, being a second paper relating to the Old State-House, read before our society February 9, 1886, by Dr. George H. Moore.

In a previous paper Dr. Moore asserted that "no such division of the space on the second floor, as the present, existed at any time during the official use of the building by the Legislature, Colonial, Provincial, Revolutionary, or State."

In 1885 I reprinted, by permission, this first paper in a new edition of the Memorial Volume respecting this building issued by the city, and I made such denial of his assertion as I thought warranted. This second paper is his reply, and it may seem to require a second rejoinder.

I hasten to say that our society need not fear the result of this second attack.¹ *Dr. Moore has not produced any new evidence,*² and we may continue to occupy these halls, and to invite the public to view them, with a well-founded belief that in the main they are a faithful reproduction of what did exist.

I will add that the whole matter is a "tempest in a teapot." The walls, the floors, and the window-spaces are what they were a century ago. Even the eastern hall is allowed, by Dr. Moore, to be the counterpart of the old Council Chamber. The whole controversy falls under two heads :—

First, did the Legislature, between 1776 and 1796, ever remove the lobby and stair-way which occupied eleven feet of the west end of Representatives' Hall?

Second, was there a main stairway in the centre of the building, between the Council Chamber and Representatives' Hall? If so, was it, probably, a circular one?

Dr. Moore answers both of these questions in the negative, and with an amount of confidence which may impose upon the

¹ My papers contained no attack on Mr. Whitmore, the City Council, or the Old State House. The third appendix to my second paper was my reply to his attack on me, and this is his rejoinder to that appendix.

² Compare italics on the next page.

casual reader. But careful examination will show that this confidence is innate, and is shown throughout his essay without regard to the testimony to support it.

"I only wish," said Lord Dudley, "that I was as sure of anything as Tom Macaulay is of everything."

As to the first point, there is no dispute that in 1776 the Legislature gave power to their committee "to make the alterations proposed, or such alterations as they shall judge best." The plan proposed was to remove the partition within eleven feet of the west end of the building, to be used as a lobby and entry-way, with a gallery over the same, and stairs to go up in the northwest corner of the house.

I admit that the new evidence produced by Dr. Moore (pp. 18, 19) *shows that the galleries were continued;*³ but, if I were captious, I could urge that his quotation on p. 19, from the *Centinel* of October 27, 1787,—“the galleries were crowded”—would imply more than one gallery, and therefore a change from the plan of 1776.

But all this is surmise, for no new witness has been found to show the size of the rooms. The account dated 1791, printed on pp. 63-64 of my Memorial Volume, remains as the only contemporary evidence. That account, *as I stated*, says the length of the Representatives' Hall was fifty-seven and a half feet. Waiving for the moment the question of the accuracy of this account, what would these figures show? The known measurements would be :—

The west lobby	11 feet
Representatives' Hall	57½ "
Council Chamber	32 "
	<hr/>
	100½ "
Leaving	9½ "

to make the total of 110 feet cited in the account. The result is that at most 9½ feet, allowing nothing for partition walls,

³ This admission puts an end to any further contention on the part of Mr. Whitmore, with respect to the main issue. He "admits that the new evidence produced by Dr. Moore shows that the gallery was continued." He does not mention the date, but the evidence carries it with certainty to 1792. Now, the gallery being thus continued, the staircase, etc., which furnished

would be left for the eastern stair-way and the "convenient lobby for committees [of the Senate] to transact business in."

Now I would ask, is it reasonable to suppose that the only stair-way to the Council Chamber, a room occupied by the Governor as well, was planned and built in a space of 7 to 10 feet in length? This stair-way, also, was to furnish the principal entrance to Representatives' Hall, being the one nearest to the two main doors on the ground floor. The width was 32 feet, and if we allow one-half for the Council lobby (surely 16×9 feet is not a very large one), this stair-way, with landings on each side, was shut up in the similar space of 16 feet wide and 9 feet long.⁴ This is Dr. Moore's theory; but I still deem it impossible.

On the other hand, I suggested (Memorial Volume, p. 63) that for fifty-seven and one-half feet we read thirty-seven and a half, saying, that "evidently the writer put his notes of the measurements in figures, and either he or the printer mistook" them. I should suppose that no one could misunderstand my argument viz. : that the *notes* of the measurements were made in figures, but in extending for the press the figures were read as $57\frac{1}{2}$, and printed "fifty-seven and one-half," according to my citation. Dr. Moore, however (pp. 57, 58), [*ante*, pp. 10-12] wastes much time and space in accusing me of an error which I did not make.⁵

access to it, must also have been continued, and the Representatives' chamber could not have included ("as the present" chamber does,) all the space to the western wall. It should not be forgotten that a proposition was introduced, in 1791, to erect a gallery in the Senate Chamber.

⁴ The absurdity of this conjectural argument is sufficiently shown by the fact that the present central circular stair-case, warranted genuine by Mr. Whitmore himself, hardly exceeds the limits of "the similar space of 16 feet wide and 9 feet long." As a matter of accommodation in access to the second floor, it could hardly be equal to two staircases in two similar spaces, each with separate "entrance to Representatives' Hall." The original stair-openings were undoubtedly between the heavy floor timbers which ran north and south from wall to wall and which were supported midway by a row of ten Doric pillars running east and west.

⁵ I do not grudge any of the time or space taken to prove and illustrate the error which Mr. Whitmore did make, and apparently still adheres to, in deliberately altering what he calls the "only contemporary evidence" to suit his theory, which was itself an error from the beginning.

I will add one more indication that the writer in 1791 made notes in figures, and misread them in extending the measurements into words. He says of the building: "It is 110 feet in length and thirty-eight in breadth." Now, in fact, the inside measurement is just about 110 feet. It may vary a foot, according to the exact points of measurement; but it is only 32 feet in breadth inside, and it is not 38 feet outside, though of course nearer that figure. But evidently, the writer meant to give both dimensions according to the same measure, inside or out. His 110 feet measure is inside, therefore his 38 was meant to be. But the true inside breadth is 32 or 33. Evidently it was so put down in figures and misread by the printer as 38, and so printed in words. Such a mistake is obvious, because he twice repeats that the width is thirty-two feet.⁶

Dr. Moore's little entry-way, moreover, allows nothing for any access to the third story except by the narrow stair at the north-west corner.⁷

The next point is in regard to a central circular stair-way. Dr. Moore says this was entirely a novelty, introduced by Isaiah Rogers at the renovation made in 1830. For this assertion there is no evidence whatever. Before we fortunately found the Rogers plan, the City Architect had demolished the modern partitions on the second story, had torn out the modern central stair-way, and had removed the modern floors. He then found the opening of a different, central, circular stair-way, and he decided that all the work thereon, especially the iron-work, was of a period far antedating 1830.⁸

⁶ These speculations are useless. The statements in Mr. Whitmore's Memorial Volume show, that the east and west walls are not entirely original, great parts having been taken out, and rebuilt; and that no part of the original inside finish of any of the walls remains. His manipulation of these figures establishes nothing.

⁷ If the reader will refer to my description of *two* ways of reaching the third story (*ante*, pp. 12-13), he will be able to judge whether this statement of Mr. Whitmore is correct or otherwise.

⁸ No words to this effect are to be found in the "authentic statement" of the architect himself. *Mem. Vol.* 159. However, the "ironwork" here mentioned as furnishing, "the evidence" from which the "skilled architect" determined the age of that portion of the structure before him, appears to

With all deference to Dr. Moore, I must say that the opinion of a skilled architect on such a matter, with the evidence before him, must outweigh a thousand times the theories of a stranger.

As to the Rogers plan I have given a fac-simile of it in my volume, and the original hangs on our walls. Every one can judge for himself whether we have rightly interpreted it.⁹

Dr. Moore insists that Rogers entirely altered the interior of the building. His only authority is *one* citation from the *N. E.*

have consisted of four rods one inch square, each less than twenty feet in length, which had been concealed in the partitions. Any man who could decide whether they had been put in place fifty years before or "at a period far antedating" that era, must be well skilled indeed in architectural antiquities. It has been said that Professor Owen could restore from a fragment of fossil bone the palaeozoic animal to which it had belonged in the countless ages past. Is he to have a rival in an architect, who can fix the date of changes in an ancient building by examining the rust on four small iron tie-rods used in its reconstruction?

There are some questions worthy of careful attention here, in view of the position assumed by Mr. Whitmore.

Where was the range of Doric pillars which supported the second floor? It appears from Pemberton's account that all the ten pillars were in position in 1794, after the new Capitol was projected, when of course no changes were imminent or even probable in the old building. What became of those in the centre, when that central stair-case was put in? What became of the "walk for any of the inhabitants" upon that first floor, "which also served in bad weather as an exchange for the mercantile part of the community." A contemporary in 1784-5 tells us that "the gentlemen in trade make great use of this floor for walking, it being very convenient for the purpose." Would such a feature in the design be promoted by the occupation of the centre of the floor with the principal and only staircase?

We have the statement in one of the contemporary descriptions of public buildings in Boston with respect to the Clerks' offices on the lower floor, that these offices were "under the stairs," and Mayor Otis declared that they were "on the north side and first floor" of the building. Can these authorities be reconciled in any way with the theories of Mr. Whitmore? On the contrary, both statements are inconsistent with any possible circular stair-case in the centre.

Finally, I have shown clearly that if there had been such a central stair-case in the building, it must have passed into and through the Representatives' Chamber to the third story—a condition of things too absurd for serious consideration.

⁹ So far as I know, nobody has objected to the Rogers plan of 1830, or what Mr. Whitmore calls its "interpretation"—its reproduction now in use.

Palladium, of September 24, 1830. He adds that "it is needless to multiply quotations from the press to the same effect." I would say that I defy him to produce any more extracts to this effect. I have had the newspapers searched carefully, without discovering another item. They all speak of "*repairs*," as does Mayor Otis in his address.¹⁰

Lastly, I would point out the improbability that the architect of the building, after placing his two main doors in the centre of the two long sides, should have neglected to build a suitable central stair-way, whether circular or not.¹¹ I will call your attention to the fact that the window over each door has a greater width between it and its neighbors than exists between any other two windows. This arrangement is accounted for by the stair-way to the third floor on the east [north] side;¹² an arrangement evidently contemporaneous with the building and fatal to Dr. Moore's theory. I need hardly add, that, as usual, he denies this fact on his own unsupported authority.

*As I began, so I close this part of my reply, by saying that Dr. Moore has presented no new facts nor authorities;*¹³ that he has

¹⁰ Notwithstanding this defiance, I can assure Mr. Whitmore that, if he will take the trouble to examine the newspapers for himself, as I have done, he will find more than one which speak of *alterations* as well as *repairs*. Mayor Otis also does the same, in his address.

The "one citation from the *Palladium*," however, was and will remain quite enough for my purpose of correction, in the matter referred to (cf. *ante*, p. 12). Mr. Whitmore must not

"For a tricky word,
Defy the matter."

¹¹ This improbability vanishes entirely in view of the fact that the side-doors were not the main doors. The main door or principal entrance was in the eastern front of the building, and of course not in either of "the two long sides,"—north or south.

¹² I fail to perceive the force of this reasoning. If the alleged "stairway to the third floor" in the centre on the north side accounts for a greater width between "the central window" and its neighbors than exists between any other two windows there, what is to account for the corresponding phenomenon on the south side? I think almost any "skilled architect" could account for both features in the design, without recourse to the inside work. The additional width of the piers was not necessary to make room for the stairs, if they went up in front of the window opening, as they do now and as he declares they did then.

¹³ Compare italics on the next page but one.

perverted his quotations, and that his arguments are both baseless and impossible. The whole question is trivial, and assumes importance only from the mass of irrelevant matter dragged into the discussion and intended to obscure the main issue.¹⁴ The City of Boston may continue to boast that it has in its old State-House the most authentic and satisfactory relic of revolutionary times which is in any way connected with important events.

Having disposed of the serious part of Dr. Moore's charges, I desire to notice briefly the personal matters. No one doubts the learning or ability of the gentleman, but it is equally notorious that some unfortunate infirmity of spirit prevents him from discussing literary matters with impartiality or courtesy. He is especially rancorous when he has an opportunity to assail any person or thing relating to Massachusetts, and he has recourse to ways in vogue in past centuries, but happily since discarded by literary men. The use of disparaging epithets applied to one's adversary; the positive denial of adverse authorities; the equally positive assertions, unaccompanied by proof; the personal spite and enmity imported into the discussion—are relics of a barbarous past, now relegated to the columns of frontier newspapers.

I understand the change from undeserved praise in his first paper to equally undeserved abuse in his second paper is due to the fact that, in reprinting the first essay, I omitted certain personalities which have nothing to do with the historical part of his discourse.¹⁵ On reflection, I abide by the opinion I then held, that it was unbecoming in a gentleman invited to deliver a dis-

¹⁴ If the whole question is trivial, why has Mr. Whitmore raised this unnecessary "tempest" over it? Why has he devoted eleven royal octavo pages of text, and one full page architectural illustration to it, in his Appendix N, to misrepresent me—all at the expense of the City of Boston?

¹⁵ The passages to which Mr. Whitmore refers are contained in the following supplementary note (pp. 35-39). They were omitted upon Mr. Whitmore's application, with my consent. I think the reader will not find in them a single word or expression of any kind which transgresses the just limits of historical criticism or the proprieties of the occasion. He will observe that the only personalities there consist of well-meant civilities to Mr. Whitmore himself, and a brief compliment to the Rev. Dr. Everett.

course before a literary society to avail of that opportunity to assail the City Council of Boston, to whose wise liberality that society was so greatly indebted. I will now go farther and say that hardly any gentleman would have availed of such an opportunity to disparage the object which he was pretending to extol. Even if the severity of historical truth forced him to find errors in his entertainers' possessions, courtesy might have suggested better methods of pointing out the unwelcome facts.

I shall not imitate him by replying to his sneers and misstatements so far as they affect me personally. I make no claims to be an authority on the subject of the Old State-House ; and I shall gladly in the future avail of *all the new facts presented by Dr. Moore* or anyone else. I am heartily glad that he has printed his two papers, and *although many of his facts were known to me*, and rejected as unsuitable to the limits of my oration, *many more are both new and valuable.*

As to my oration, I beg leave to add that it was prepared in accordance with a vote of the committee of the City Council, dated April 25, 1882 ; and that it was delivered from a printed copy, June 29, 1882.¹⁶ The limited time at my disposal in preparing it, or in revising it for the Memorial Volume, is my best excuse for any shortcomings. I wish it were better ; but had we waited for such an address as others could have prepared, I fear it would have been a funeral oration over the remains of our greatly threatened building.

WILLIAM H. WHITMORE.

¹⁶ Four editions of his address heretofore published, state *correctly* that it was delivered July 11, 1882.

SUPPLEMENTARY NOTE, CONTAINING THE PARTS
OMITTED IN MR. WHITMORE'S REPRINT OF
THE FIRST PAPER OF NOTES ON THE OLD
STATE HOUSE IN BOSTON.

It has been my fortune, whether good or bad I need not discuss now and here, to be much interested in the Laws and Legislative History of Massachusetts, and my studies and collections therein have been many and long-continued. Researches into the history of the earliest Laws of New York naturally led to the comparison of contemporary codes and statutes of Virginia and Massachusetts, and for the work which I have done in these fascinating pursuits I have been amply rewarded by every hour's delight in every hour's study. The history of the laws involved that of the Records of the General Court, the Journals of the Legislature, and, incidentally, the Halls or places of legislation. I mention these facts as my apology for what may possibly be considered a trespass on the part of "an outside barbarian," not to say, "foreign devil," in setting forth the notes which I am about to read, on the history of the Old State-House—whose walls are in great part still preserved as they were set up in 1713, and whose general exterior features are well suggested in the restorations of 1881. Little as there is left of it which is genuine, it is the remainder of the most interesting historical building of its period in the United States; and well deserves the affectionate regard, not only of the citizens of Boston, but of all who love and cherish the memories of her honored and heroic past.

As a citizen of New York, mindful of her history and traditions, I mourn over the ignorant, but not on that account less criminal, indifference and neglect of the people who inhabited that city in 1812, when one of the most ancient and venerable edifices on this continent was torn down and utterly destroyed from off the face

of the earth, apparently without one word of protest or regret. That building was New York's City Hall, not Town House, for New York was a city before the conquest of New Netherland, and has never been known as an English town. Erected in 1700, the City Hall had been for more than three quarters of a century identified with the public affairs not only of the municipality, but of the Province in which it was the most important structure for public purposes; before the stirring era of the Revolution and the political changes of that period lent new interest to such a monument of historic memories. It is painful to recall them now, and most of all the consecration of that auspicious hour in which the government of the United States was put in motion by the inauguration of Washington on the 30th day of April, 1789. There are but two words to characterize the act of destruction of that edifice,—*ineffable stupidity!*

I am happy in the opportunity to discuss at this time a happier theme—the preservation of what remains of your “Old State-House.”

The associations which may be recalled by the historian as strictly belonging to the site and the walls of this building are of no ordinary interest, and can never be numbered. My own memoranda would fill a volume, and from these I shall present a few only which may challenge, and I trust deserve, special attention. It was a wise man who said:—“What can the man do, who cometh after the king? Even that which hath been already done.” I trust that I shall escape the judgment of foolishness in venturing to supplement the interesting and valuable researches of Mr. WHITMORE, to whose untiring zeal as an antiquary this building owes its preservation; and to whose skill and ability as a chief among your local historians, its history will always be referred.

Out of melancholy neglect and decay, it has been rescued at last. Its old walls again rejoice to find within their embrace something that tells of reverence for the past—honorable mention at least of the ancient features of their enclosure and the grand old memories with the burden of which they (but for shame) might have cried out upon the generations of men who have desecrated these holy places, defiling their precious associations by the mixture of things mean, and squalid, and unbecoming.

It is safe to say that a good degree of simplicity characterized the entire structure, both outside and inside. Its "neat cupola, sashed all around, and which on rejoicing days is illuminated,"* was undoubtedly conspicuous; the Lion and the Unicorn challenged the loyal admiration, more modestly than now, of all beholders; and the general exterior expression was, as it is to-day—neat and substantial, in a simplicity of design and execution to which we might gladly return, if, with the old style of buildings for public purposes, we could restore the old style of public men to make use of them.

The motto which James Otis prefixed to his *Vindication* of the House of Representatives in 1762 was highly significant in his application of it to this place of their meeting:—

"Let such, such only, tread this sacred floor,
Who dare to love their Country and be Poor."

"Or good, tho' rich, humane and wise tho' great,
Jove give but these, we've nought to Fear from Fate."

One of the most conspicuous external features of the old State House is missing and its place is supplied by a large clock. I think this is a mistake. Instead of maintaining the modern horologe with its restless clock-fingers, the common mechanical timekeeper unconscious of the motion of the sun, I should have restored the old sun-dial—a much more ancient recorder of the flight of time, and undoubtedly longest in use on this building. The earliest engraving produced by the Committee on Restoration shows it, and its place there can be demonstrated from an earlier period still. To me "though *not* a native here and to the manner born," it seems no great stretch of the imagination to recall the shadows of the ancient inhabitants of Boston, rejoicing in such an emblem of their ancient faith and fidelity:

"True as the dial to the Sun,
Although it be not shined upon."

I confess some degree of surprise that among the recent restorations, while the Lion and the Unicorn, strictly the emblems

* Less grandly described as "the Lantern on the Court House" in the order of the House (Jan. 30, 1756) for its illumination on the return of Gov. Shirley, after the campaign which followed Braddock's defeat.

of royalty, and needing no argument to justify their replacement, have been set up here over our heads, the ancient Arms of the Colony have been omitted—as well as the Codfish—emblems which have characterized the Representatives' Chamber through a greater number of years than any other objects which can be named, and with a propriety about which there can be no dispute.

Were the Committee afraid of sneers from the ignorant at the homely image of a codfish? They should have been proud of the historic emblem of the staple of her commodities—which made Massachusetts prosperous and strong in the bone and sinew of her most hardy population. There never was a greater mistake than the assignment of the codfish as the badge of a spurious aristocracy. If there now is or ever was a creature inhabiting earth, air or water more thoroughly genuine and entirely valuable than this unpretending denizen of the sea, I am yet to learn his name and condition, and I should like to be furnished with his “descriptive list.” The cod has been a more important factor in the progress of geographical discovery and human civilization than most, if not all, of the Imperial and Royal Families of Western Europe since the Christian era. If Massachusetts really has a codfish aristocracy, she ought to cherish and be proud of it. But however that may be, the image that still hangs over the heads of your representatives deserves your respect and reverence. I envy you your right to claim it as the historic symbol of the prosperity of your best days of old! It ought to be hanging from the centre of yonder ceiling to-day.

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MR. PRESIDENT, *Ladies and Gentlemen*, I have to thank you sincerely for your attention, on which I will trespass but a little longer. When these Halls were dedicated to the memories of the past on the 10th of October, 1882, your President generously recognized the interest of the patriotic men of the whole country in the historic monuments which it is the object of this Society to preserve—and the description happily given to this place at the same time by your learned and accomplished fellow-citizen (the Rev. Dr. William Everett) as “the Mecca of our land” has a tone of invitation to all true believers in the genuine historic fame of Boston and its Old State House. William

Sullivan, as long ago as 1824, took occasion "to express some regret, that in this changing and improving age, there was not *an historical society for the city*, to notice and record things of early days which are everywhere falling around us." That want is now happily supplied, and fortunately not too late to preserve all that remains of the ancient PRYTANEUM BOSTONIENSE: "The Old State House": which has been known as "The Town House in Boston"—"The Court House in Boston"—"The Province Court House"—"The State House" and "The City Hall." It was a proverb of Athens that the doors of the Prytaneum would keep out no stranger. And that famous city exercised in its town-house the duties of hospitality both to its own citizens and strangers. The Prytaneum of the ancient Greek city was the home of the state—and as in private houses a fire was kept up on the domestic altar in the inner court, so a perpetual fire was kept burning on the public altar of the city in the Town House—the *focus* or *penetræ urbis*. From the ever-burning fire of the prytaneum or home of the mother state, was carried the sacred flame which was to be kept burning in those of her colonies, and if it happened that this was ever extinguished, it was rekindled from that of the parent city.

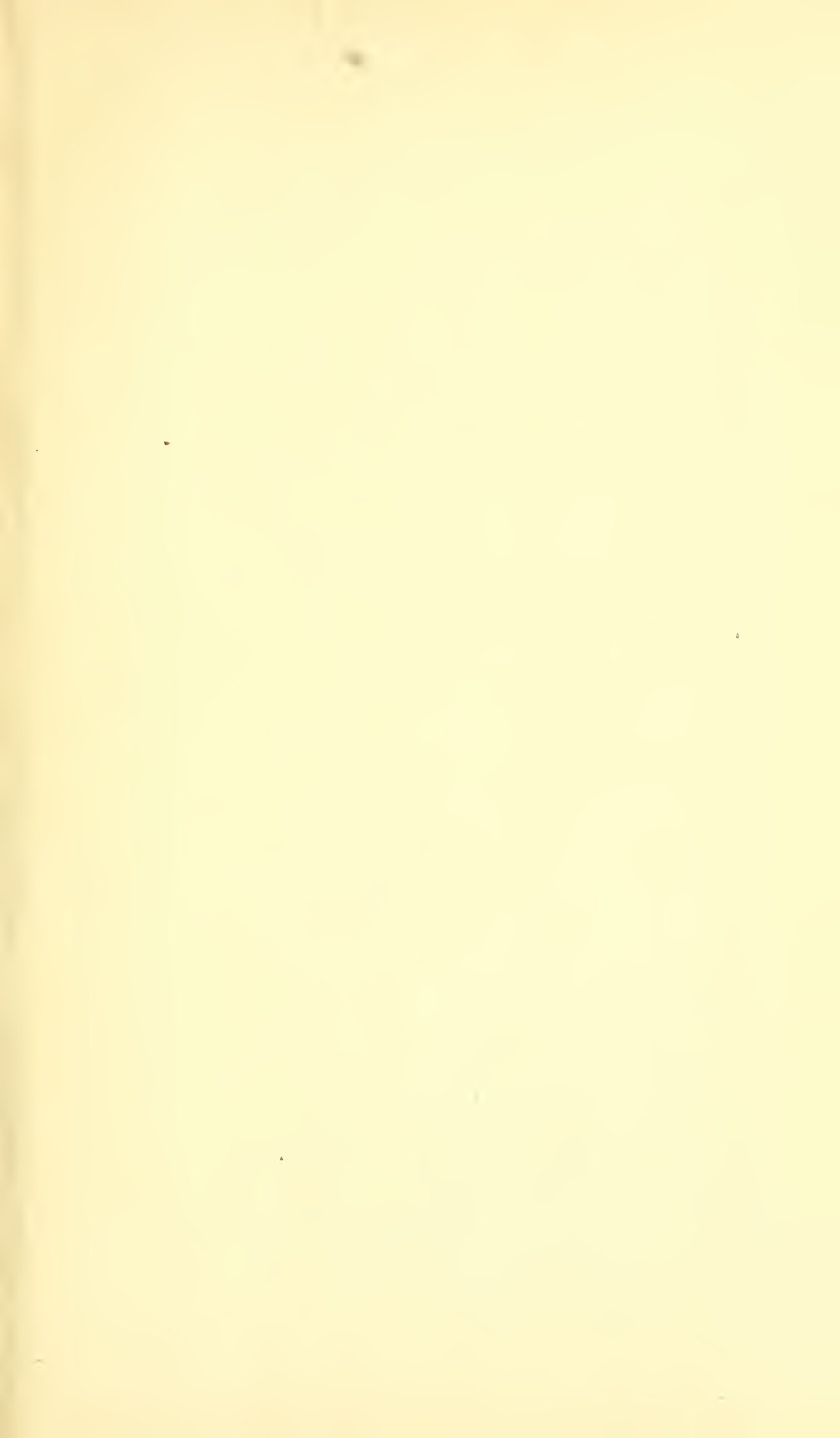
If hereafter, throughout the length and breadth of this broad land, the magnificent domain of the United States of America, the sacred fire of Freedom shall sink and go out upon the hearthstones of any of the communities which have risen and grown strong in her light, but have neglected to watch, and tend, and keep it burning clear and bright—let their messengers come hither and recover the spark to rekindle the flame from within these old walls, which still respond in sympathetic echoes to every voice that tells of the glories of her ancient priesthood, and repeats the ritual of that pristine Faith which was and is and must forever be the rock of our political salvation—LIBERTY *restrained and regulated by* LAW.

PUBLICATIONS RELATING TO THE OLD STATE HOUSE, BOSTON.

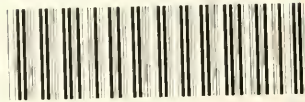
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