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NOTES

ON THE HISTORY OF

THE OLD STATE HOUSE .

FORMERLY KNOWN AS

THE TOWN HOUSE IN BOSTON—THE COURT HOUSE IN BOSTON
—THE PROVINCE COURT HOUSE—THE STATE
HOUSE—AND THE CITY HALL

BY

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SUPERINTENDENT OF THE LENOX LIBRARY

Read before the BOSTONIAN SOCIETY, May 12, 1885

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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 temporary 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.

The time was when Boston had a real pride in its Town House and place of council, and although its simple structure and scanty decoration would never compare with the grand architecture and sculpture of the *Hotels-de-Ville* of the old towns of Europe, so full of precious meaning for all their populace—the memories and associations of the Old Town House were, from an early date, as they continue to be, full of significance. The homely lines of the “Short Lamentation” elicited by the destruction of the first house in 1711, make up in sincerity what they lack in poetic form and fire :

“ Our losing of our Great Exchange gives us a fearful wound,
Some say that few such chambers in our kingdom can be found.”

The poem is a long one and very interesting—but this is all which relates to the first Court House. A second speedily rose upon the site of the first, within whose ancient walls we now come together ; to recall something of their continuing history and the changes that have come into them and passed through them since their solid and enduring lines were laid in the substantial materials of which they were constructed nearly two centuries ago.

The fire of December 9th, 1747, left nothing of the second Court House but the bare walls ; and the legislature which was sitting at the time speedily terminated the session—after requesting the Selectmen of Boston to secure those walls from the weather by causing them to be covered with boards in the best and cheapest manner. They sat four days after the fire, and being then prorogued to the 3d February, 1748, met on that day at Faneuil Hall which had been promptly tendered by the Selectmen on the day of the fire for the service of the House. Gov-

ernor Shirley, in his opening speech, duly reminded the General Court of the necessity for speedy action to repair or rebuild the Court House, and a week later the brisk debates commenced, of which the first result in the House of Representatives was a resolution that a Court House should be built in some other part of the Province than the Town of Boston, provided the Court agree upon the place—which was immediately followed by a resolution that Cambridge should be the place.

On the two following days, February 11th and 12th, after a good deal of manœuvring, the matter was reconsidered, and a special committee was appointed to examine and report what they might apprehend proper to be done respecting the repairing the late Court House or building a new House in such place as should appear most convenient. The Chairman of that Committee was the Speaker of the House—afterwards so conspicuous in history as Governor Hutchinson, and I may say at once that it was to him more than to any other man that the Town of Boston was indebted for keeping the Court House there.

On the 17th February, he reported to the House that it was the opinion of the Committee that the late Court House be repaired; and that the charge thereof should be borne agreeably to the last establishment: *i.e.*, one half by the Province, the other half to be divided between the County of Suffolk and the Town of Boston.

After debate, the report was rejected and by two successive votes it was resolved that the Court House should not be built in any part of Boston and that it should be built in the town of Roxbury. Whereupon a joint committee was resolved upon to report a proper place in Roxbury for the said house and to consider of dimensions as well as the method of providing its charge, and the resolution was sent to the Council for concurrence, which was forthwith refused by a unanimous vote. After further debate the House again sent up the same proposition, substantially, which met the same fate as the former.

Upon receiving information of this result on the 19th February, the House ordered the further consideration of the subject to be referred to the next session of the Court.

On the 2d of March, the Governor again moved in the matter, urging the present and prospective inconveniences they were suffering and likely to suffer; and the House upon the next day, to which they had postponed consideration of the Governor's Message, consented to reconsider their vote of delay. They then took a new departure by deciding that the old House should not be repaired, but that a new one should be built in the Town of Boston, and a joint committee was appointed (the Council concurring in this vote) to consider and report on a proper place in that town.

In the afternoon of the following day the House was informed by their chairman of the joint committee that he was directed to propose to the House, that they should go at once to view the Common and Fort Hill and determine which was the most convenient place to build a new Court House in, as the said committee were divided in their sentiments upon that affair.

After a debate the House refused to accept the report and postponed the consideration of the affair until the following Wednesday—the 9th of March. Upon that and the following day the result reached was the determination to repair the late Court House—one-half the charges to be paid by the Province, one-fourth by the County of Suffolk, and one-fourth by the Town of Boston. A committee was appointed to purchase materials, and to prepare a plan of the inside work, with an estimate of the charge, to be laid before the Court at the next session. The committee very promptly purchased a great part of the materials, and reported that fact to the House with their proposed plan, evidently to prevent any further vacillation on the part of the House. An appropriation was immediately proposed, and the first grant for purchasing materials—£100—was made on the 8th of April, 1748,

and concurred in by the Council with the consent of the Governor on the following day.

The consideration of the plan reported was then made the special order for the following Tuesday, April 12th, at three o'clock, P.M., when, "after a debate," it was adopted.

It should be observed here that this result was precisely that which was proposed in Speaker Hutchinson's first report on the subject on the 17th February.

Several attempts were made afterwards in the House to interfere with this determination, but they were unsuccessful; and the work was carried on to completion. The only important change in the plan first submitted and determined on was made on the 19th November, 1748, when a proposition by the Building Committee to enlarge the Representatives' Room in the Town House, then rebuilding, was agreed to by the House.

This modification in the plan by which the Representatives' Room in the new Town House was enlarged was an obvious necessity. In 1728, there were 128 towns in the Province capable of sending Representatives, and in 1748, the number had increased to 153.

The materials are scanty for the illustration of the plain official record of the controversy between Boston and the country party on this occasion; but it is apparent that the major part of the House of Representatives was then averse to rebuilding the Court House in Boston, and disposed to build a house for the General Court in some town in the country. The lines were very strictly drawn. All the efforts of the Bostonians could not prevail for an entirely new structure; and upon the test question whether a grant should be made for rebuilding the old one, the House was equally divided, and the Speaker gave his casting voice in favor of the town.

That Speaker was Thomas Hutchinson, who had and continued to "have still" (at a later period, when he found occasion to refer to these transactions) "a very good Affection for the Town of Boston." He used his influence

in every way he could with propriety in favor of rebuilding the Court House in Boston. I take pleasure in recalling these obscure facts respecting one of the most gifted of her sons, who has had scant measure of justice in her history.

The proceedings of the anti-Boston party in all this matter to which I have referred were not the first of their kind. In January, 1739, a committee was appointed by the House of Representatives to consider, in the recess of the Court, of some proper place in some one of the Country Towns of the Province (not too remote from Boston) wherein to build a Court House for the use of the General Assembly, that so the public business may be attended to with more ease and freedom of the members, and be transacted with greater dispatch; as also to project some proper plan for the building, and ways and means best to effect it—and make report at the next sitting of the Court.

Accordingly, on the 21st April, 1739, the committee reported in favor of a new Court House at —, and that two acres of land there be purchased for a site. They found with the help of their Architects that it would cost about £5,000, New Tenor. They presented two plans by the Architects, and gave their own opinion that the model should be drawn from both of them to suit the Court. They proposed to raise the money by an additional excise of twopence per gallon New Tenor on spirituous liquors for the space of six years to come—any deficiency to be made up by a tax on Polls and Estates the next year. The debate which ensued resulted in a postponement to the next Court.

The movements of the anti-Boston party which I have detailed were not all to which I have to direct your attention. The new building was hardly completed before a fresh proposition for a new Court House was made and determined upon by the General Court.

Admiral Sir Peter Warren in August, 1749, offered to the Province of Massachusetts as a present the money he received as commissioner for handling the money due for

the Cape Breton Expedition. It was a handsome sum, and the Admiral conveyed with his offer an intimation of his wishes respecting its use by the Province. The intimation was disregarded, and the following proceedings took place in the General Court :

On February 9th, 1751, *Voted*, That a Letter of Thanks from this Court for so generous a Benefaction (signed by the Secretary), be sent to that Gentleman, and to inform him : That in order to perpetuate his Memory among us ; It is the Determination of this Court, that said Money be applied towards the *building a Court House in some Place out of the Town of Boston*, and where this Court may hereafter appoint.

† On February 19th, a vote of Council was brought down to *dele* the whole paragraph respecting the building a Court House to perpetuate his Memory, &c. The House made a further Amendment that the said House be erected *in the Town of Cambridge* and adhered to their own vote as so amended, which was sent up for concurrence.

On February 22d, the Council concurred in the Vote for Court House, at Cambridge, the Lieutenant-Governor signed it, &c., and on the same day a letter was authorized by both branches, communicating “ the Determination of the Court, that the Building proposed to be erected shall always be known and called by the name of *HARRIS HALL*.”

The generous and sensible Admiral did not acquiesce in this extraordinary proposition, which therefore failed—and Cambridge, like other towns “ not too far from Boston ” did not have the Court House. I find a remark of “ the good Secretary ” Willard, who conducted the correspondence in behalf of the General Court, which deserves quotation. He writes to the Admiral : “ As their project for a Court House was much disliked by the wisest and most disinterested men, so the employment of the money for the Instruction of the Mohawk Children, as you have designed it, is I believe generally much approved of.”

Nor are these I have noticed all the instances of the dis-

position of a strong party in the Legislature to take the Court House out of Boston. The subject was revived in 1754, when, on the 18th December, it was *Ordered*, That the House will take under consideration the affair of removing the Court House out of the Town of *Boston*, to-morrow at eleven o'clock in the forenoon.

December 19th. The House, according to order, took under consideration the affair of Removing the Court House out of the Town of Boston ; and after a Debate had thereon, the question was put, "*Whether there shall be erected a Court House out of the Town of Boston?*" And it passed in the affirmative.

And thereupon *Resolved*, That there shall be a Court House erected for the holding the General Assembly of this Province in some part of the Town of *Watertown*. Sent up for concurrence.

It was also further

Ordered, That Col. Brattle, Mr. John Hunt, and Judge Russell, with such as the Honorable Board join, be a Committee to repair to the Town of Watertown to pitch upon a convenient Place whereon to erect a Court House for the holding of the General Assembly of this Province, inquire at what price the land suitable for said Building and its accommodations may be had, prepare a plan of the Building proposed, and report thereon to this Court as soon as may be. Sent up for concurrence.

January 4th, 1755. Upon inquiry by the House, their messenger was informed that the Board had non-concurred in the vote respecting a Court House.

The last of the series of propositions of this sort which I have to mention was in 1787, June 16th, when another effort to remove the seat of Government from this town was made ; and a Committee appointed, who reported in favor of *Concord*, as a suitable place for a new Capitol.

The political year 1749-50 was that in which the Court House, which had been rebuilt in fact upon and in the old walls of its predecessor, was reoccupied. I have not been able to ascertain the exact date, but a contemporary state-

ment is, that on the 13th July, 1749, the repairs were nearly finished, and the Commissioners on the Land Bank were to meet in a room there on the 19th of that month.

The first story was devoted as before to the uses of a public Exchange. Two offices were provided on that floor—of which the Eastern Office was duly assigned to the Clerk of the Superior Court, and the Western was occupied by the Secretary of the Province. These offices were on the Northern side of the building. A range of Doric pillars, ten in number, which supported the second floor and superstructure, gave a certain dignity to the open space where the merchants most did congregate.

The access to the second floor was by two staircases, known as the Eastern and Western staircases, and leading to the passages between the central chamber and the other two chambers respectively on the second floor. There was undoubtedly an entry-way and a convenient lobby in each. The three chambers were the Council Chamber at the Eastern end, the Representatives' Chamber in the centre, and the Court Chamber at the Western end. Of these the Representatives' Chamber was undoubtedly the largest from the first and, as we shall see, it was subsequently still further enlarged. *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.* During the entire Colonial and Provincial periods, there were three chambers or apartments which I have mentioned, with their respective lobbies, and at least two entries. The great increase in the number of representatives demanding more room for the House during the Revolution, the Representatives' Chamber was enlarged by taking in the Court Chamber—the Council Chamber still remaining the same; and when the State Government was organized the Senate took possession of it—the Governor and Council being obliged to find quarters in the Province House, where were also kept at that time the offices of the Secretary and Treasurer.

The upper portion of the building was left for several years in an unfinished state, and only gradually brought into use. I think there were two rooms at the respective Eastern and Western ends, which may have been provided at first; for, on the 14th February, 1756, "the Room in the Upper Story at the West End of the Court House" was duly appropriated by an order of Court to the use of committees during the time of the Court's sitting. And on the 27th August in the same year, an order passed the House, that the Members for the Town of Boston be directed to cause one or more chambers in the upper story on the South side of the Court House to be finished for the accommodation of committees of the General Court.

The Town of Boston also seems to have enjoyed additional benefits besides their public walk and exchange on the first floor, by the assignment of one of those first upper chambers for use by their officials. This appears from the following proceedings in the House of Representatives on the

21st Jan. 1761. Inasmuch as the Select-Men of the Town of Boston sit to do business in their *Easternmost upper chamber of the Court House*, and the Small-Pox frequently breaking out, necessitates those Persons in whose Houses it is at first discovered, as well as many of the Physicians in the Town, to attend them; this House apprehend it unsafe for such persons to *pass and repass the Door of this House*. Therefore,

Voted, That said Select-Men be desired to remove their office from said Chamber, and provide themselves with some other suitable place, at the Charge of the Government, during the present Sitting of this Court.

It is safe to say that a good degree of simplicity characterized the entire structure, both outside and inside. Its "neat cupola, sashed all round, and which on rejoicing days is illuminated,"* was undoubtedly conspicuous;

* 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.

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 mottoes 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 though great,
Jove give but these, we’ve naught 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.”

During the administration of Governor Pownall the enthusiasm of the Province upon the conquest of Canada

induced the legislature to vote a statue to the memory of General Wolfe, which was to have been erected at the east end of the Town House, in King Street. It is said that Pownall's enemies displayed, with considerable success, to the minds of the members of the legislature, the enormous expense to the Province of the monument to Lord Howe, which had cost £250. The project fell through, and it has been said that if Governor Pownall had remained longer it would have been a powerful instrument for destroying his popularity. Pownall went to South Carolina in June, 1760, after two years' residence in Massachusetts.

The tradition is also preserved of another proposition to decorate the vicinity of the Town House. A writer in one of the magazines many years ago, said: "In some old pamphlet we recollect a proposal to erect an equestrian statue of the 'glorious King William' in front of the Town House, looking down King Street. It would have been pleasant to have had an historic monument, of any kind, in that street of historic recollections. Even the Whig monarch, however, would hardly have kept his saddle through the Revolution, though himself a Revolutionary King."

The chambers were all plain in construction, and their fittings and furniture simple in character, with probably hardly a touch of extravagance anywhere.

The Council Chamber was furnished with a large table and chairs, and one or more glazed bookcases stood in the room, in which were preserved with care some valuable books which had been presented by liberal citizens and friends of the Province, among which I may mention the Hon. Benj. Lynde's gift of the Statutes at Large in six volumes folio, for the use of the Courts of Common Law sitting in this House, as well as the Legislature; and a complete set of the History and Proceedings of the Houses of Lords and Commons from the Reign of King Charles the II., viz.: eight volumes of the Proceed-

ings of the Lords and fourteen of the Proceedings of the Commons, from Isaac Royal, Esq., of Charlestown.

The Royal Arms, also, which were subsequently removed and carried to St. John, N. B., where they now decorate a church, must have been a conspicuous feature in the Chamber. With reference to this subject and another intimately connected with it, as will appear, I think you will pardon me if I go back a little to recall a few memories of the first and second Town Houses which were burned.

As early as May 25, 1636, or during the May session of the General Court, it was ordered that in "places of judicature, the King's ma^{ties} armes shalbe erected soc sone as they can be hadd." (*Mass. Records: 175.*) But notwithstanding this "order for ye King's armes to be set up," it is not probable that they were "to be hadd" in that jurisdiction for a long time afterward—or that they soon became visible in the high places of judgment.

It was not until 1678, when the agents of the General Court were struggling against their enemies at Court and warding off the blows levelled at their charter, that they were compelled to show their recognition of the royal authority by taking the oath of allegiance and exhibiting the ensigns armorial of England in their hall of assembly. The records state that "the King's armes also the Court have ordered to be forthwith carved by an able artist and erected in the Court House." I suppose this is all we can hope to know about the arms or the artist.

But in 1705, we come upon nearer and a *little* surer ground. Governor Dudley, in a letter to the Lords of Trade, March 10, 1705—quoted by Palfrey: iv. 295 *note*, says:

"I have received her Majesty's picture and coat-of-arms. The arms were the next day fixed in the Council Chamber of this Province . . . Her Majesty's picture I have set up in my own house, where it is always in

the view of all masters of sea, strangers, and others who are bound to make their attendance; and where the counsellors and gentlemen of the country frequently are."

I have not discovered how long Dudley kept the Queen's portrait at his own house in Roxbury—but it was placed in the Town House where it belonged before the fire in 1711 in which that house was destroyed. The Royal Picture Gallery thus seems to have had its origin in the time of Queen Anne. Chalmers states that Queen Anne gave her portrait to every colony; and more than intimates a degree of churlishness in Massachusetts on its reception there. "A trivial fact throws additional light on the temper of that assembly: [1706-7] they refused to address the queen, in return for her portrait, wherewith she had honored every colony, though the compliment, demanded by the civility of a woman, far less the respect due to the condescension of their sovereign, had impugned no privilege, had imposed no duty, had enforced no act of Parliament." *Introduction to the History of the Colonies*: 310.

This portrait escaped destruction in the great fire of 1711, in which "the Town House and the Meeting House, with many fair Buildings were consumed, and several Persons Kill'd and burn'd. *Some Gentlemen took care to preserve Her Majesty's Picture that was in the Town House.*" *Boston News Letter*: No. 390. October 1-8, 1711.

I have met with no record of the fate of the portraits of the Queen sent to other colonies. Only among the archives of Virginia, indeed, have I as yet found any notice whatever of so conspicuous and interesting a gift. This appears in the shape of a bill of charges from the attorneys of Col. Francis Nicholson, then Governor, for expenses in England attending the gift. They are embodied in an "Account of the charges for Obtaining the Queen's Picture and Queen's Armes, with two Carved guilt Frames, for her Majestie's Province of Virginia.

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|-------------------|---|---------|
| 170 $\frac{2}{3}$ | For an order of Council for the Picture.. | £2 12 6 |
| | p ^d for a Copy to Com ^{ss} of Trade..... | 5 |
| | For ditto for Queen's Armes to L ^d Mar- | |
| | shall..... | 2 12 6 |
| | p ^d for a Copy to Com ^{ss} of Trade..... | 5 |
| 1703 | For y ^e L ^d Chamberlaine's 3 Warri ^{ts} to | |
| | S ^r G. Kneller..... | } 2 3 |
| April 20th | L ^d Montague & her Maj ^{ties} Frame | |
| | Maker..... | |
| | p ^d Clerk's Fees..... | 15 |
| | p ^d Chamber Keeper..... | 2 6 |
| June 9th | p ^d Fees at Treasury for Counter Sign- | |
| | ing L ^d Chamberlaine's Warr ^t for 2 Arms, | |
| | Etc., En ^{tr} ed..... | 17 6 |
| July 5th | p ^d gave S ^r G. Kneller's chief man Mr. | |
| | Bland, Clerk at y ^e Wardrobe, frame | |
| | maker's Serv ^t w th Cartage, Porters, and | |
| | Boat hyre to Key..... | 2 |

It is fair to say that these charges, amounting in all to Eleven Pounds and Thirteen Shillings, on being submitted to the Legislature of Virginia, were refused payment, and the claim was "rejected as being no Country charge." It is painful to observe that if the sons of the Cavaliers were not more liberal with their thanks than with their money, Mr. Chalmers might have included them in the rebuke he recorded for the men of Massachusetts.

Before the year 1739, the gallery had been enriched by the addition of the portraits of King George the First and King George the Second, together with those of the then late Queen Caroline* and the Princess Sophia.† In June, 1739, the Province ordered copies of the pictures of King William and Queen Mary of glorious Memory to

* Queen Caroline of Brandenburg Anspach, *b.* 1682 *d.* 1737. Wife of George II, in 1705, and grandmother of George III.

† Princess Sophia--sister of George II., wife of Frederic William I. of Prussia, and mother of Frederic the Great.

be procured by their Agent in England from the best originals that can be found at full length, in order for their being set up in the Council Chamber with the pictures of their Majesties' Royal Successors. The resolution did not omit to commemorate the fact that it was in the fourth year of the reign of William and Mary that "His Majesty's good Subjects of this Province were happily incorporated by the present Royal Charter."

The first Town House also contained the beginnings of the first public library in America—for which provision was made in its original foundation by Capt. Robert Keayne directing "a convenient room for a library." Occasional notices may be found of this Library, showing that it had been established or begun; and when the building was destroyed by fire in 1711, portions of it appear to have been saved, for when the new house was completed in 1713, the public were duly advised by advertisement to the effect that "All persons that have in their keeping, or can give Notice of any of the Town Library; or other things belonging to the Town House in Boston before the late fire, are desired to inform the Treasurer of the said Town thereof, in order to their being returned."—*Boston News Letter*: No. 477. June 1-8, 1713.

I have met with few notices of the Library in connection with the second Town House, and if any part was restored to that building—it must have perished in the fire of 1747, with all "the pictures of the Kings and Queens" which I have mentioned.

In the new Court House—as in its predecessor—the Council Chamber was the Picture Room of the Provincial Capitol. President John Adams's distinct recollection and graphic description of it in his old age needs little addition—even in the inventory of the paintings. His glowing memories of the portraits of King Charles II. and King James II. in the account of Otis's argument against the Writs of Assistance in 1761 are supplemented by his notice of the later triumph of Samuel Adams in 1770, in which he condemns the little miserable likenesses of Gov

Winthrop, Gov. Bradstreet, Gov. Endicott, and Gov. Belcher, hung up in obscure corners of the room. Some of them met with a deplorable fate, first at the hands of the Tory and British mob, and afterwards, doubtless, from the iconoclastic zeal of the patriots. A proclamation by Gen. Howe, March 14, 1776, three days before the evacuation, directed among other things against depredations committed in the Town House, mentions the cutting and defacing the pictures of the King and Queen, as well the destruction of records and other pictures. The pictures, however, of Winthrop, Endicott, Leverett, Bradstreet and Burnet—which now hang in the Senate Chamber—are undoubtedly the same so contemptuously described by John Adams. They must have been at a serious disadvantage side by side with the full lengths of the Kings in all their gorgeous array; for with every disposition to admire them as monuments of the past, the lovers of high art in portraiture must be a little shaky in their presence even at this late day.

I have notes of description, made by an intelligent and observing stranger in 1769. He says of the "decorations" at the Town House: "*In the Council Chamber, the picture of Charles the 2d; James the 2d; and George the 2d, at full length, and the copies of the pictures of Governor Winthrop, Governor Endicott, Governor Leverett, Governor Bradstreet, Governor Burnet, and the picture three-quarters of Governor Pownall. In the Representatives' Room, the picture of Admiral Russell, betwixt the windows above the Speaker's chair. There is carved above the door the ancient arms of the Province, and in the middle of the ceiling hangs a carved wooden codfish, Emblem of the staple of Commodities of the Province.*"

The Representatives' Chamber was similar to its neighboring apartment on the East—but provided with wooden seats or benches for the members, arranged on the sides of the room. In 1773, an order was made to provide cushions for these seats. The Speaker's chair was on the Southern side, and in front of him was "the table," at which the

Clerk only was also permitted to sit. A disposition seems to have been manifested on the part of somebody to encroach on this reservation—for the second of the Rules and Orders to be observed in the House of Representation in 1775 and in 1777 expressly declares that "No Person shall sit at the Table, except the Speaker and Clerk." I fear that the Speaker's Desk, so carefully preserved in the Cabinet of the Massachusetts Historical Society, and so admirably copied in facsimile for the other room, will have to be referred to a very late (if any) period of the legislative occupation of this building.

"The Boston seat" must be specially noticed here. From the beginning of legislation under the Province Charter, Boston was entitled to four representatives, thrice as many as any other town—and "the Boston Seat" played an important part in everything that was done. It never failed to exercise a full share of influence in the House, which became more and more conspicuous as the era of the Revolution came on.

It is very evident that "the Boston seat" was a *front seat*—and I have reason to conclude that it was actually in the central division of benches on the North side of the Chamber, directly in front of the Speaker. It was known and recognized from an early date, and "the gentlemen of the Boston seat," or "the members of the Boston seat," are frequently mentioned as being charged with special services and duties.

It seems to have been the only monopoly of the kind, and I can recall but one instance of an attempt to invade it. On the 30th May, 1754, the question was put, whether any particular seat in the House should be assigned to the members of the towns of *Plymouth* and *Salcm*. The presumptuous ambition of those towns, however, was checked at once by a vote in the negative.

The earliest decoration of which I have any certain date in the Representatives' Chamber was a Branch of Candlesticks for its Service and Ornament, which was offered by Isaac Royal, of Charlestown, and accepted with the thanks

of the House on the 23d April, 1748, immediately after the determination to rebuild the House. A subsequent reference to it by John Adams not only assures us that Mr. Royal's liberal intention was carried out, but that it was a "brass branch of candlesticks" which was duly put in place—directly over the table of the Speaker and Clerk.

In 1750, the ancient Arms of the Colony, carved with great care and pains by Moses Deshon, who also gilded and painted the same, were put up in the House, "over the door." The artist was the same who had executed for the town, a few years before, the Faneuil Arms, elegantly carved and gilt, to be fixed in Faneuil Hall. The consideration (for which he appears to have waited more than two years), finally voted by the House, for the Colony Arms, was Six Pounds, Thirteen Shillings and Fourpence.

I have no doubt that these ancient arms of the Colony were those which in a modified form were reproduced in the Arms of the Commonwealth in 1780. That Indian has a history. He is the survival of the original figure in the centre of the Colony Seal and Arms.

A decoration of the Representatives' Chamber, much more interesting to me than any other I shall mention, was undoubtedly added at an early day, but I regret to say that I have been unable to fix the date of its first appearance. I dare say many of you will anticipate me, as I thus refer to what has been called "the historic codfish."*

The earliest notice I have of this interesting feature of the interior of the old Court House, is that of the intelligent stranger who visited the building in 1769, and among other notes to which I have had occasion to refer—he says "*in the middle of the ceiling hangs a carved wooden cod-*

* The earliest official recognition of the codfish I have met with is in the proclamation of Governor Shirley, setting forth the stamps to be used under the Provincial Stamp Act of 1755, in which the device for the twopenny stamp was "a Codfish with a Motto in the Ring [round it] in these words, STAPLE OF THE MASSACHUSETTS."

fish, Emblem of the staple of Commodities of the Province.”

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

The same authority which I have quoted respecting the place of the Colony Arms and the Codfish, also mentions the fact that the picture of Admiral Russell was between the windows above the Speaker’s chair. I must confess

that I should have been less surprised if it had been a picture of Admiral Warren—although I have met with no notice of either having at any time been procured by order of the General Court. Future researches may show how it was that the portrait of one of the first great naval heroes of England found a place on the walls of the Old Court House in Boston.

Admiral Russell, afterwards the Earl of Oxford, was the hero of the Battle of La Hogue—"the first great check that had ever been given to the arms of Louis the 14th, and the first great victory that the English had gained over the French since the day of Agincourt."*

In 1765, a new feature was introduced in the Representatives' Chamber, of remarkable importance. On the motion of James Otis, who with Mr. Hancock and Mr. Adams as a committee carried out the design, it was ordered that the debates of the House should be open; and that a Gallery be erected on the Westerly side of the Chamber for the accommodation of such Persons as should be inclined to attend the same. It was further ordered that no Persons be admitted to a seat in the Gallery without applying to and being introduced by a Member of the House. The work was completed before the end of that political year, and the account of Thomas Crafts, Housewright, for erecting a Gallery and other work done by order of the House was presented and allowed on the 17 March, 1767, amounting to £15.6.5. "The gallery of the House" is among the places of dissipation of time in 1768 mentioned

* It was the news of this great battle, received in Massachusetts in the Witchcraft Time, which enabled Cotton Mather to emphasize one of his prophetic utterances on that occasion:

"[Since the making of this Conjecture there are arrived unto us, the News of a Victory obtained by the *English* over the *French*, which further confirms our Conjecture; and causes us to sing Pharaoh's chariots and his Hosts, has the Lord cast down into the Sea; Thy right hand has dashed in pieces the Enemy!] Now in the Salvation of England, the Plantations cannot but Rejoyce, and *New England* also will be *Glad*." *Wonders*: Ed. Lond. 1693: 410.

The Battle was on the 10th May, 1692—and the intelligence reached New England in the late summer or early autumn of that eventful year.

in the Diary of John Adams, ii. 209. It was afterwards enlarged with the Chamber itself—as I shall presently show.

As the limits of this paper will not admit of my passing beyond 1776, when the General Court returned to the State House, after the evacuation of Boston—I will mention here the fact that in 1791 a resolve was introduced in the House for the purpose of opening a gallery to the Senate Chamber in order that the people of the Commonwealth might be more satisfactorily informed of the doings of their delegates in Senate.

A public gallery was an emphatic novelty in the history of legislative bodies. In England the House of Commons was for a long time a secret assembly: the first step towards publicity was to cause its acts, addresses and resolutions to be printed. This step was taken by the Long Parliament under Charles I. Under Charles II. its proceedings again became secret; some individuals demanded, but in vain, the publication of the acts passed by the House—the demand was resisted as dangerous. It was not till the eighteenth century that visitors were allowed to be present at the sittings of the English Parliament: this is not now granted as a right, and the demand of a single member who appeals to the ancient law, is sufficient to clear the gallery.

Hutchinson, in his summary of the progress of “the popular branch of the legislature” towards “a greater proportion of power than it had ever possessed before,” refers to this admission of the public to their debates as an important element of disaffection. He says, “although the following novelty cannot be mentioned as an instance of their assuming what they had no right to, yet it gave them great additional weight and influence over the people; they had caused a gallery to be built, and opened, that all persons who inclined to it might hear their debates; and a speech, well adapted to the gallery, was oftentimes of more service to the cause of liberty than if its purport had been confined to the members of the house.”

With respect to the Court Chamber, I have no particular knowledge of its arrangement. It continued from the beginning to be occupied by the Courts of Law until March, 1769, when the first Court was held in the New Court House, of which Governor Bernard furnished the plans, being a skilful architect.

It had been proposed as early as January 11, 1764, to purchase the West end of the Court House from the County of Suffolk and Town of Boston for the better accommodation of the General Assembly. But a week later the small-pox drove the Legislature to Cambridge, and this movement, like several other matters of concern to that Assembly, appears to have subsided for the time. The determination to build a new house for the Courts and a new Gaol induced an application to the legislature for aid from the Suffolk County authorities—who were ready to dispose of their interest in this building—as also were the Selectmen of the Town of Boston. The matter continued to be discussed in 1766 and 1767, and representatives of the parties in interest were accorded special hearings on the floor of the House. Nothing came of it, however, until after the war of the Revolution was in full career.

You are all familiar with the desecration of the Court House by its military use and abuse during the eventful years of Gov. Bernard's administration, and the deep-seated indignation of the people of Boston, which was so important an element in the beginning of the struggle that terminated the British rule here.

In June, 1769, the General Court having refused to go on with the business of legislation, in view of the military occupation, and under the guns of the Main Guard, which were planted opposite the doors of the Court House—as it were, at the points of bayonets and mouths of cannon—the Governor took them at their word and adjourned the Court to meet the next day—June 16th, at Cambridge. It was no softening of this blow to the House, but it was with pain that they were obliged to observe that the very night after this adjournment was made, the cannon

were removed from the Court House and put on board a vessel for Halifax.

Among the resolves of the 29th June, read and corrected July 7, 1769, etc., is the following :

“Resolved, That whoever gave Order for Quartering even Common Soldiers and Camp Women in the Court House in Boston, and in the Representatives’ Chamber, where some of the principal Archives of the Government had been usually deposited, making a Barrack of the same, placing a Main Guard with cannon pointed near the said House and Sentinels at the Door, designed a high Insult and a triumphant Indication that the Military power was Master of the whole Legislative.”

In the Petition to the King, 1769, it is said, “Your Majesty’s said Governor . . . ordered the very Room which is appropriated for the Meeting of the Representatives of the General Assembly, and was never used for any other Purpose, and where their Records are kept, to be employed as a Barrack for the Common Soldiers : And the Centinels were so posted as that your Majesty’s Council, and the Justices of the Courts of Common Law, were daily interrupted and even challenged in their Proceeding to the Business of their several Departments.”

January 9th, 1773. Upon a motion, *Ordered*, That Mr. Speaker, Mr. Hancock, Mr. Bacon, and Major Hawley, be a Committee to inspect the State of this Building and report what Repairs are necessary.

This was soon after the opening of the Court upon its return from the Cambridge exile—the fourth day of the second session of the General Court of 1772-73. Nearly four years had passed since the Legislature had been compelled to meet elsewhere than in their “ancient and convenient seat,” constantly and vainly struggling against their removal and exile as an arbitrary violation of their Charter rights.

February 2d. The Committee appointed to inspect the State of the Court House, reported.

And thereupon it was *Ordered*, That the Speaker, Mr.

Hancock, and *Mr. Adams*, with such as the Honorable Board shall join, be a Committee to see to the necessary repairs of the Court House, and to agree with a Painter to paint the Rooms in which the Council and House of Representatives sit in General Assembly.

The Legislature sat until March 6, 1773—so that the repairs were probably made between that date and May, when the new Court assembled.

June 29th, 1773. Upon a motion, *Ordered*, That the Committee appointed to see to the necessary repairs of the *State House*, provide cushions for the several seats in this room.

It is a noteworthy fact that these repairs of 1773 which elicited this little demonstration of a desire on the part of the House for comfort (if not luxury) in sitting were so little enjoyed under the old régime—the Chamber being occupied afterwards by the Legislature of the Province only a few months, terminating with the first four days of its brief existence in 1774—May 25th to 28th, when Gage adjourned the session to meet at Salem on the seventh of June.

On this occasion also the name of “State House” first appears, although it did not come immediately into common use. But it attracted the notice of Governor Hutchinson, who mentions it in his history as an illustration of the change in the style and language of the General Assembly, which he attributes to Samuel Adams, whose “attention to the Cause in which he was engaged would not suffer him to neglect even small circumstances, which could be made subservient to it.”

Immediately after the British evacuation of Boston measures were taken to cause such repairs to be made in the State House as were necessary to fit it for the reception of the General Court. A difficulty was apparent at once in providing accommodation for the Representatives, who now numbered more than 200. On the 8th April, a special committee was charged to inquire and report whether the Chamber in the Town House in Boston,

which had been used by the Courts for the County of Suffolk, could be purchased for the use of the House of Representatives, that the Partition between it and the Representatives' Room in said House may be taken down and the two Rooms made into one, and what would be the Expense thereof. Another Committee appointed to treat with a Committee of the Justices of the County of Suffolk in the following June, reported an offer on the part of the County to sell their interest to the Colony for the sum of *one thousand pounds*.

In the following October, however, the Justices by formal order of Court tendered to the Great and General Assembly of the State the Chamber in the Old Court House in which the Courts of Law formerly sat, upon condition that the State should allow such a sum therefor to the County as the Great and General Assembly should determine to be just and reasonable.

A committee was forthwith despatched to view the premises and report what was proper to be done, and on the 18th October, 1776, *Daniel Davis*, Esq., brought down from the honorable board Mr. Commissary Smith's account, with the report of a Committee of both Houses thereon, *viz.* :

“The Committee appointed to view the Representatives' Chamber, and the County Chamber thereto adjoining, and to report what is necessary to be done in order to accommodate the House of Representatives, reported as follows, *viz.* : The Committee find that the present Chamber will accommodate 150 members, by shutting up the west door, and erecting a few seats ; but as the present House of Representatives consists of more than 200 Members, your Committee think it best that the partition betwixt the Representatives' Chamber and the County Chamber should be removed within 11 feet of the west end of the Court House ; and that the stairs go up in the north-west corner of said House ; and that the said 11 feet be improved for a lobby and entry-way ; and that over the same be a gallery, to accommo-

date spectators, agreeable to the plan herewith exhibited ; the whole of which your Committee think may be completed for about *forty pounds*. All which is humbly submitted.

W. STORY, *per order.*"

Read and accepted, and thereupon *Ordered*, That the said Committee make the alterations proposed, or such alterations as they shall judge best.

Voted, That the Great and General Court be removed into Boston, as soon as they can with safety.

October 19. *Voted*, That Mr. *Otis* be of the Committee appointed to enlarge the Representatives' Chamber in the Court House in *Boston*, in the room of Mr. *Partridge*, excused.

November 9. On motion, *Voted*, at the desire of the House, that when this Court shall be adjourned, it be adjourned to the Court House in Boston.

Ordered, That a message go to the major part of the Council to desire them to adjourn this Court to Tuesday next [Nov. 12th], at ten o'clock in the forenoon, then to meet at the Court House in Boston.

The session ended on the same day, and the adjournment took place from Watertown to meet accordingly at the Court House in Boston.

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 *penetrals 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 hearth-stones 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.

Prytaneum Bostoniense.

NOTES

ON THE HISTORY OF

THE OLD STATE HOUSE

FORMERLY KNOWN AS

THE TOWN HOUSE IN BOSTON—THE COURT HOUSE IN BOSTON
—THE PROVINCE COURT HOUSE—THE STATE
HOUSE—AND THE CITY HALL

BY

GEORGE H. MOORE, LL.D.

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