

J. H. Walcott

O R A T I O N,

DELIVERED AT NEWBURYPORT

On the 34th Anniversary

OF

AMERICAN INDEPENDENCE;

AT THE REQUEST OF

THE INHABITANTS OF SAID TOWN.

—*Decorative flourish*—
By WILLIAM B. BANISTER, Esq.

—*Decorative flourish*—

NEWBURYPORT:

FROM THE PRESS OF E. W. ALLEN.

1809.

THE Selectmen of Newburyport, present their thanks to
WILLIAM B. BANISTER, Esq. for his spirited and patriotic Oration,
delivered yesterday in commemoration of AMERICAN INDEPEND-
ENCE, and, in behalf of the Town, request a copy for the prefs.

By order of the Selectmen,

D. A. WHITE, *Chairman.*

JULY 5, 1809.

GENTLEMEN,

THE thanks of my fellow citizens are gratefully acknowledged,
and their request with diffidence complied with, by

Yr, Obdt. Servt.

W. B. BANISTER.

JULY 6, 1809.



O R A T I O N, &c.



THE birth day *of* our nation very naturally and properly leads our minds back to the causes which originated, and the measures which effected so great and happy an event. And from the first grand event, we are also naturally and properly led to consider the progress of our national interests and character, and those causes and measures which have, at any time, materially affected those interests and that character.

And the long established custom, in our country, publickly to assemble and commemorate this natal day, in recounting our dangers and sufferings, our deliverances and prosperity, with festive joy and hilarity, is sanctioned, not only by usage, but by every consideration of gratitude, and every principle of patriotism. For if our liberties and happiness be dear to us, the memory of a Warren, Montgomery, and Wooster, and their brave companions in the glorious struggle, whose toils, and sufferings, whose blood and lives were the price of that independence which we thus boast and cherish, should also be dear to us. And these anniversary festivals are at once the best evidence of our grateful remembrance, and the best means of inspiring and cherishing those virtues which procured us these blessings.

And a frequent and faithful retrospect of those scenes through which our country has struggled, and an impartial consideration of those principles which guided its councils, at once enkindle in the heart that love of country which is the surest bulwark

against foreign invasion, and teach that political wisdom and virtue which are the strongest cement of our union and happiness. It will not be expected that on an occasion like the present, I should attempt a historical detail of those scenes through which we struggled into being; nor of those through which we have arrived at our present national maturity. Nor can it be necessary: for those struggles were shared by many of you, and can never be effaced from the tablet of your memories: and those of us, who were too young to take an active share in those scenes, have yet frequently participated therein, in the animated relations of them by our fathers, and in the page of faithful history. And those scenes and measures, through which our country has grown and ripened into manhood, are so publick, recent and familiar, that a minute recapitulation cannot be necessary. It will therefore be my endeavor, from a brief review of some of the leading, and prominent events in our national experience and history, to exemplify and enforce those principles, and virtues, which gained our independence, and which are the only sure foundations of national security and prosperity.

If, then, we go back to those causes which dismembered us from our mother country, and consider, on the one hand, the repeated, unjust, and wicked attempts to impose on us arbitrary and oppressive laws and burthens; and, on the other, that temperate, yet firm, and persevering resistance which was made to those attempts—if the spirit of our fathers is expressed in their remonstrances and petitions, their intrepid—I had almost said hallowed—declaration of independence; theirs was that sound, enlightened, and ardent love of liberty and country, which could manfully appeal to the world

for the justice of its cause ; and which could devoutly, and with humble confidence, implore the approbation and blessing of heaven. And if we follow those tyrannical attempts to enforce oppression, at the point of the bayonet, and the mouth of the cannon—if we follow our determined sires to Lexington, to Bunker's hill, to Princetown, and to Monmouth, we see them nerved and animated by the same spirit, to unparalelled sufferings and perseverance, valour and victory.

But it is not enough that we admire that spirit in our fathers ; duty to them, to our country, and to posterity, demands that we cherish it in ourselves, and inspire it in our children. But that we may guard against a blind, and often mischievous enthusiasm, it is necessary coolly to consider principles and facts ; and the mind must be instructed before the feelings are enlisted. And if we accompany our fathers through a distressing and discouraging eight years war, where enthusiasm would, a thousand times, if possible, have drooped and died ; we must acknowledge that nothing but the strongest convictions of the justice and sacredness of those principles, for which they contended, could have supported and given them the victory. It is not, therefore, the spirit alone, by which we are to judge of the merit of its effect ; but rather the correctness of those principles, which dictated and guided that spirit, and guaranteed its success.

And I would urge this the more, because it is a settled and true axiom of the best writers, that "a free government essentially rests on the virtue of the people." And notwithstanding our boasted reason—notwithstanding the modern, philosophical, and mischievous jargon of the perfectibility of man, such are, in truth, our passions and frailties, that

we must be governed:—by the strong arm of arbitrary power; or by the gentle, yet firm authority of religion, virtue, and habits. And as we thankfully rejoice in exemption from the caprice, and tyranny of power, let us carefully cultivate those habits, and virtues, and that religion, which are so essential to that freedom which we justly, and gratefully boast.

And in our happy Constitution, and its faithful administration under WASHINGTON, and ADAMS, we see the consummation of all those virtues which ennoble man, and exalt a nation. It required all the wisdom of our wise men, and all the candour, impartiality, and integrity of the good, to unite on one platform, feelings and interests so heterogeneous, and incoherent. To bring order and union, out of confusion, and distrust; strength from weakness; wealth from poverty; and public credit and confidence, from national bankruptcy; to digest and put into operation a system at once so novel, so complex, so extensive, and important, could be effected only by a WASHINGTON and a HAMILTON; and their compatriots in our national councils. The fruit of their labours was an almost miraculous creation of public revenue and credit; an instant and profound organization of all our physical and political powers and relations; and a most faithful and successful application of them to our country's prosperity and honour.

Under such men, principles, and measures, the advance of our happy country to wealth, rank and glory, was without example. It was then America's proud day. It was then her poets fondly painted her canvass whitening every sea, and her hardy sons seeking honest wealth, by every daring enterprise, on every wave, through every clime. Alas!

that we must say—it was. Alas ! that we must confess and lament the sad, humiliating reverse. Gladly would I spare your feelings, and my own, the sombre view ; and from the annals of our last eight years I would obliterate the Utopian follies, and almost fatal errors, which throng its page ; but that those follies, and errors, with their distressful consequences, can never be obliterated, nor forgotten. And there is solemn instruction and profit, as well as an honest ingenuousness, in reviewing and acknowledging past errors. Indeed it is the only foundation and hope of amendment. For so long as our selfish partiality not only conceals our errors, but metamorphoses them into wisdom and virtue, we shall most certainly persist in them. And the remark holds equally true of a Chief Magistrate as of an individual.

But, in one view, our publick and private relations are essentially different ; and that free animadversion on the errors and follies of a friend, or an individual, which would be justly condemned as censorious and uncharitable, in our publick relation becomes matter of right, of justice, and of duty. Of right important and indefeasible to ourselves ; of justice, and of duty, solemn and sacred to posterity. For, with the invaluable blessings which we inherit from our fathers, we inherit, also, the indissoluble obligation to transmit them unimpaired to posterity. And a frequent and faithful review of those measures which affect our publick and private rights and happiness, is an important mean of securing and facilitating the fulfilment of that obligation.

And let it not, on the one hand, be miscalled sedition, to analyze the measures of an existing administration, and doubt their infallibility ; nor, on

the other, let the clamour of the censorious deter us from a free and strict examination of those measures of a preceding administration, under which we have suffered much, and still suffer; and which can derive no extenuation, nor sanctity, from the philosophical retirement of their author.

In the discharge, then, of an important right, and duty, let us calmly review some of the most prominent measures of the late administration; and applying to them those principles which conducted us to independence, wealth, and honour, let us approve their conformity, and learn wisdom from their deviations.

Scarcely was supreme authority passed to modern hands, when to modern hands, also, must pass all subordinate offices of authority, trust, and profit. The injustice, and in many instances the absolute distress, of this measure, was so notorious as could neither be concealed nor denied, and can never be forgotten. The almost intuitive discernment and discrimination of WASHINGTON, and his unimpeachable justice, and impartiality, stand recorded on every page of our country's annals, and acknowledged by all. It was from his personal knowledge of their abilities and merits, that his companions in dangers and sufferings received the well earned, yet scanty meed of their faithful labours, in appointments to those offices from which they have recently been hurled—for no reason, but to make room for modern, mushroom merit, of a particular political stamp. Many of them beggared by their early and long devotion to their country's cause, had just begun to taste and rejoice in the fruits of all their sacrifices and sufferings; when, in their grey hairs, and with dependent families, they must again be turned out to beggary and want.

Waving the danger to the publick interests, by turning out faithful, and experienced men, and appointing new ones, unacquainted with the particular duties of their office, I cannot forbear to urge to your consideration the prejudice to the publick morals, and through these, most essentially to the publick welfare, in the expectation of a general rotation in office, on every change of administration. The honours, and emoluments of office, are strong incitements to ambition, and strong temptations and trials to virtue—so strong as not unfrequently to overpower it. It is unwise, therefore, in a free government, by such an example, to cherish, and strengthen such temptations; which go to the root of publick virtue. A partial revolution in place, or a revolution in power, is the ordinary course in all governments, and therefore, ordinarily to be expected; but this most extraordinary example, in our own country, is without a parallel, both in its extent, and in its principles. It was not that the incumbent was guilty of any malfeasance, or neglect; no such instance could be found. I wish as much could be said of their successors. It was not to put more wise, or more honest, or faithful men in their places. Nor was it, to my mind, a sound reason, that “they would neither resign, nor die.” Nor do I find more reason, or justice, in the common and almost only pretence of justification, “that for the convenience and pleasure of the administration, it is necessary that all subordinate officers should harmonize with the executive.” When WASHINGTON had appointed able and well tried patriots to office, in whose hands, under his and the succeeding administration of Mr. ADAMS, all the interests of our country were safe, and flourished beyond example, yet without the least impeach-

ment of those patriots, a new administration could not, with such men, harmoniously pursue our country's welfare—I leave the inference to the advocates of an apology so fallacious, and reproachful.

In connection with this primary measure it may be proper, and I hope useful, to notice the rage for novelty, and experiment, which so strongly characterized the late administration. I would not advocate a blind, undoubting and uninquiring confidence in the political creed, or conduct, of any man. Such confidence consists not with the genius and security of free governments. But there is a stability, and permanency, of system and measures, essential to all governments, and most of all to free ones. And in proportion as the genius of the government fosters the notion and spirit of freedom, the authority of habits, and attachment to known and well proved principles, and measures, should be interposed, and cherished, as a check to dangerous innovation. Indeed the religious, moral, and political principles, and habits, of a free people, are their only barrier against anarchy, revolution, and despotism. And when once those principles and habits are corrupted, and broken down, the civil authority and laws become odious restraints; and are soon prostrate at the feet of ungovernable licentiousness.

When, therefore, WASHINGTON had introduced and established a system of principles, and measures, which were pursued by ADAMS, and which were tested, and approved, in the unexampled prosperity and happiness of our country; and when, on the succession of a new administration, we see those measures, and with them, the interests of our country all reversed—I had almost said—ruined, what can we think of the principles which dictated

and governed these modern measures? And shall we not pause and consider; and improve the present, and every proper opportunity to profit by the sober consideration of our sufferings and dangers?

While yet essaying our unproved infancy, the depredations by the English, on our young, yet profitable and increasing commerce, had well nigh paralyzed our opening vigour, and blighted our fond hopes. For on our commerce depended our revenue, and on that our publick credit and confidence, and the means for carrying into effect all those measures which had been concerted for our country's weal. And when, under various pretexts, the British refused to deliver possession of our frontier posts, which, by treaty, they had stipulated, did WASHINGTON deign to bribe the justice of Great Britain, by abandoning the claims of our merchants for indemnification for those previous spoiliations; or by the purchase of an empire, to secure those rights which had been acknowledged, and guaranteed by treaty? You well remember the reverse.— His bold, yet temperate, ingenuous, yet firm appeal to that justice, and our rights, immediately procured us, under the treaty of Mr. Jay, all we asked, and all we wanted. Our merchants were remunerated, “some twenty, some sixty, and some an hundred fold;” our posts were given up; and empire we did not want.

Need I contrast the violation of our rights at New Orleans, and the disgraceful compromise, by a tributary purchase of undefined empire; and by the sacrifice of the honest claims of our merchants for millions of property pillaged from them by French cruizers? It is not for me, at this time, to consider the various pretences of justification, for this measure; nor to argue the question of title, and prove,

what is now generally understood, that we obtained none. Much less can I coolly, and philosophically, sit down and calculate the dollar and cent profit or loss of such a bargain. The expenses of an army of our native brethren, to keep in subjection and order our newly bought, invaluable foreign brethren, and to protect them and us against our peaceable foreign neighbours, we have already largely experienced: while the incalculable profit and felicity of the speculation, yet remain, and will ever remain, in the philosophical head and heart of the purchaser. But, for me, it is enough that it was a shameful barter of our country's rights, for which a thousand undisputed Louisianas could make no reparation. It was an abandonment of those principles of independence, and impartiality, which had been tested by the honour and happiness of our country. It was a part of that modern, machiavelian system of temporizing experiment, and partial, crafty policy, by which old and well tried principles are unhinged, the confidence and virtue of the people destroyed, and government, itself, made a mere system of deception, speculation, and state juggling.

See the same system pursued in our modern naval experiment; and see, for you have felt its consequences. There is an old and certain rule, of sacred, and therefore, of indisputable authority, which is a sure and just test of publick as well as private characters and measures—"by their fruits ye shall know them." The fruits of our Constellation, Boston, and Constitution, under the command of Truxton, Little, and Preble, were the protection, triumph, and glory of our country. It was these strong arguments, urged by the cannon of Truxton, and Little, which flashed conviction into the cabi-

ner, at the Thuilleries ; banished the X, Y, and Z, gentry, with all their insolent proposals, into their original nothing ; and commanded for us an equitable, and honourable treaty. It was Preble's thunder which shook the foundations of Tripoli, and the hearts of its proud, and barbarous master, and his piratical slaves ; and gave our captive brethren, once more to freedom, and their friends. This infant navy, which gave pride and respect to the American name and flag, where ever it waved or was named, was the child of WASHINGTON, nursed by ADAMS—and laid up and rotted, in dry dock, by their successor. And with it are prostrate the honours, and pride, and protection of our country.

But what are the mighty trophies of our No. 1, 2, and 3, to 300, gunboats ? I blush for my country, when I think of the humiliating contrast. It might not be altogether a fruitless, but sure it were a needless labour, to investigate the philosophical principles and reasons of a system so novel, and theoretical, while we burn with shame, and indignation, at the ridicule, insolence, and aggressions, of every nation, without the power to protect or redress ourselves.

And it is but justice to attribute those insults, and injuries to our dry dock, and gunboat system. For between nations there is no Umpire, nor judicial authority to decide and redress mutual complaints and injuries. It is, therefore, of much stronger necessity to maintain national rights by national power and spirit. And surely this doctrine needs no stronger argument than our own experience for the last few years. And happy shall we be if, from past experience, we may learn present and future wisdom.

A branch of the same system of innovation were those repeated attacks on our national Judiciary ;

that prime pillar of our Constitution and Government. First in the repeal of a law, establishing and regulating it; next by impeachment of a most upright, and incorruptible Judge; and lastly, by a desperate, and wicked attempt to subject that strong prop, and palladium of our rights and liberties, to the will and caprice of the Executive and Legislative branches, by extrajudicial ouster, at the pleasure of those branches, without accusation, or notice, or reason given. A volume could not contain the various and important relations and effects of this great branch of civil polity. For whatever may be the genius, or form of government, every great and minute interest of our political being is, in some manner, subject to this tribunal. Life itself, liberty, property, and reputation, here seek protection, and safety. But if this tribunal can be corrupted, or by any means, made subservient to the Legislative and Executive departments—life, liberty, and property, are but a name, held at sufferance of a dominant faction. In proportion, therefore, to the freedom of the government, should be the sacred purity, and independence, of the judiciary; and in the same proportion is the political and moral turpitude of every attempt to subvert or impair that inviolable sanctuary.

To recapitulate minutely and in order the almost innumerable errors and evils of the last administration, would require more time and patience than can be devoted on such a day as this. Indeed it were to detail all the measures of the reign of philosophy. Omitting, therefore, minor proofs, I will but add the last conclusive, and irresistible one, under which we so long and so convincingly suffered; and in relief from which we sincerely rejoice. I will not attempt to portray the embargo in all its distressing

oppressive forms and effects ; these have been either felt, or seen, by each of you ; and language could not do justice to your honest feelings. Nor need I follow its able and eloquent opponents, in considering and refuting the various pretences for justifying it. For such pusillanimous duplicity, and state nicromancy, have been played off with this great hobby, as at once exposes both the measure and its authors. To day we are told it is a mere peaceful municipal measure of caution, originating in great affection and anxiety for our mariners and merchants ; the first evidence of affection ever exhibited by their modern patron, and a most fatal one : tomorrow we are told that it is a most profound and powerful measure of war—in modern, sophisticated jargon termed coercion—originally designed, and most wisely calculated to bend and compel all the powers of the world. Coercive indeed it has been to us ; and such coercion, and double dealing, may we never again experience.

I need not be told that sound policy requires concealment from an enemy of your final design ; and may even justify a covert attack, perhaps under counterfeit or doubtful colours. But I have yet to learn that the best mode to coerce an enemy is to make war on ourselves : and that the best and wisest mode to obtain a partial advantage of him, is by national suicide.

If then we apply the rule, that “ the tree is known by its fruit,” when we view the prolific crop of distress and ruin ; evasion of the laws, by fraud corruption, and perjury ; forfeitures and prosecutions ; beggaries and thefts ; all springing from this fertile source ; what can we think of the policy which produced them ? I am aware that for the accomplishment of great national objects, much private incon-

venience must be sometimes sustained. But I can never believe that any partial advantage, however obvious and certain; can be an equivalent for the sacrifice of public virtue.—And were there no records of the thousand frauds and forfeitures, by our enterprising but less virtuous citizens, in attempting to evade such rigorous and oppressive restrictions; yet there remains a lasting and incalculable evil in the corruption of the public mind and morals; and in a disrespect and insubordination to all authority, laws and habits; growing out of the severities of this blighting measure; which can be counteracted and corrected only by the vigilant, prompt and exemplary exertions of the virtuous of all parties.

I should feel my time, and your indulgence, but ill-requited in noticing the errors of an individual, or an administration, but that those principles, which are the foundation of all our liberties and happiness may be the more strongly seen and felt, and the more ardently yet soberly cherished, by each and all of us; and that we may be excited to more lively convictions of our various and important rights and duties, and to greater fidelity and diligence in the support and discharge of them.

If, then, by “their fruits ye shall know them,” and if from the piety, virtue and valour, the justice, impartiality and firmness, of our fathers, and our former administrations, we have derived all we value and commemorate—those virtues and that piety, should be dear to us, and warmly cherished in our hearts and lives.—These are the foundations, these the pillars, and these the fortresses, of our liberties and happiness.

And though this be not an occasion for preaching, yet as it is the proper occasion, and place, for urging the soundest principles of all your temporal in-

terests ; it is proper, it is my duty, to urge—religion—as the foundation stone, the keystone, and the capstone, of all those principles. This is an old-fashioned doctrine ; but it is to old-fashioned doctrines and principles, we owe our present privileges, and the present occasion—And it is from new-fashioned doctrines, and experiments, we have already suffered so much, and in which lies all our danger. It is by these that all we hold valuable, and sacred, have been put in jeopardy ; and it is against these I would guard you, and my country. And I know no other safety than a recurrence to those of our pious and brave ancestors. Their piety and religion were every where manifest ; in their public as well as private characters ; in their councils, and in their camps, as well as in their families, and closets. And sorry I am to say, that it is much better known in history and tradition, than in the imitation and practice of their less pious—I had almost said degenerate, sons.

But though I speak politically, I feel warranted in the assertion, that no equivalent can be substituted : the want of it cannot be supplied, in any government ; much less can it in one so free as ours : for its political importance rises with the freedom of the government.

Need you arguments on this subject ? will you hear—and will you believe—I know you will, the dying counsels and legacy of your revered WASHINGTON ? In his farewell address, that compendium of political wisdom, which should be our familiar political creed, and as such taught to our children, he instructs us, that “ of all the dispositions and habits which lead to political prosperity and happiness, religion and morality are indispensable supports. In vain would that man claim the tribute of patriotism, who should labour to subvert these great pillars of human happiness, these firmest props of the duties of men, and of citizens. The mere politician,

equally with the pious man, ought to respect and cherish them. A volume could not trace all their connections with private and public felicity. Let it simply be asked, where is the security for property, for reputation, for life, if a sense of religious obligation desert the oaths which are the instruments of investigation in courts of justice? And let us with caution indulge the supposition that morality can be maintained without religion. Whatever may be conceded to the influence of refined education, on minds of peculiar structure, reason and experience both forbid us to expect that national morality can be maintained, in exclusion of religious principle."

For me to attempt further elucidation or argument, were arrogant indeed. I will only add my fervent prayer that their proper weight and influence may be felt, and practically evinced, throughout our country. To assemble on an occasion like the present, to recount and rejoice in the blessings we enjoy; to lament and learn wisdom from our national follies and errors; and to separate, without noticing our recent change of administration, situation, and prospects, would be both ungrateful and unjust. Ungrateful to the Supreme Sovereign of the Universe, who governeth the affairs of nations according to the councils of his own will; and overruleth the folly and madness of man, to the accomplishment of his own gracious purposes, and bringeth us unexpected good out of hope forboding evil: and it is but justice to our present national Chief Magistrate, to give our ready and cordial approbation of that ingenuous promptitude with which he has met the conciliatory overtures of Great Britain, and his ready exertions to render them effectual and permanent.

Permit me, therefore, sincerely to congratulate you on this propitious dawn from our late deep midnight of embarrassment and doubt. Already

your active sails are again whitening almost every sea ; already the busy hammer of industry begins to beat briskly its long forgotten music to its master's ear, with sweet promise of comfort and competence ; and on the brow of every class of citizens sits smiling gratulation, and cheerful hopes.

That the friends of the late administration should challenge the merit of our present rejoicing and hopes, is like the boast of an unskilful pilot, who having through ignorance, or for experiment, run the ship upon breakers, and well nigh made wreck of her, should abandon her to the buffetings of winds and waves, under a successor ; yet when by the more skilful and faithful exertions of the crew, she is at last relieved from her distress and dangers, and with her new pilot at helm, rides safe and prosperous, before the favouring gale, to the joy and rejoicing of her crew, the former pilot should boast that to his superior skill and fidelity they owe their present safety and joy. It would, indeed, in one view be the ground of their rejoicing ; inasmuch as safety and ease are realized and valued by the toils and dangers from which we have escaped. And such, and such only, is the merit of the late administration in our present joys and hopes. The prime cause, indeed, by having plunged us into distress and jeopardy. We have the evidence of the inaugural address of 1801, of the then happiness of our country, "in the full tide of successful experiment." We have the irresistible convictions of our own experience of distressing and ruinous experiments, from that time to 1809. These distresses and pending ruin enkindled, in the breasts of their sons, the spirit of our fathers ; and the manly and temperate, yet free and independent petitions, remonstrances, and resolves of a suffering and patient, yet bold and enlightened people, procured in our national councils an abandonment of that par-

tial policy, which had levelled all its coercive and restrictive batteries against one of the belligerents only ; and pointed them equally against both. And to this constrained profession of impartiality are we indebted for those conciliatory overtures, which the good sense and candour of Mr. MADISON has embraced and cherishes, and in the relief and opening prospects of which we now rejoice and hope.

This candour and promptitude of Mr. MADISON we both approve, and receive as an earnest of his independence and impartiality. So far as these and other principles of the Washington school, may govern his administration, he will secure the welfare and honour of his country, and the approbation of his countrymen. But our duty is while we give all credit, to give also all heed and diligence ; that we sink not into easy credulity and deception, negligence and ruin.

But while we “blame where we must,” we will “be candid where we can :” and while we slumber not on our posts, we will indulge the fond hope that those old fashioned principles of religion and morality, and of every publick and private virtue—which first bore our ancestors from intolerant persecution, to this then wilderness asylum ; which animated and supported our fathers through their manly resistance of tyrannical oppression, and bore them to victory and independence ; and which established and reared our nation to wealth, honour, and happiness—that these principles will once more be brought into practice and credit ; to the honour and happiness of all who shall thus cherish them ; and to the returning and increasing honour, and happiness, and safety of our country. And in this hope we will devoutly commit our country, and its interests, our rulers and ourselves, to that Supreme and Gracious Sovereign, who hath given us a name, and a rank, among the nations of the earth.