

**ARGUMENT FOR THE DIVISION
OF WORCESTER
COUNTY, ON THE PETITION
OF O.L. HUNTLEY AND OTHERS**

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Argument for the Division of Worcester County, On the Petition of O.L. Huntley and Others by Rufus Choate

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RUFUS CHOATE

**ARGUMENT FOR THE DIVISION
OF WORCESTER
COUNTY, ON THE PETITION
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*Dear Mr. Secretary of the State, I have the honor to acknowledge the receipt of your copy of a copy of a report & would very much like to have it.
The subject is said to be a matter of public interest,
and I believe it will be of great value to the State.*

ARGUMENT

FOR THE

DIVISION OF WORCESTER COUNTY,

ON THE

PETITION OF O. L. HUNTLEY AND OTHERS,

BEFORE LEGISLATIVE COMMITTEE, APRIL,

1854.

BY HON. RUFUS CHOATE.

PHONOGRAPHIC REPORT, A. C. FELTON AND RUFUS LEIGHTON.

[NOT REVISED BY THE AUTHOR.]

BOSTON:

WILLIAM WHITE, PRINTER TO THE STATE.

1854.

ARGUMENT.

I HAVE so many reasons, Mr. Chairman and Gentlemen, to be indebted to the committee for their kindness to me, that I almost lose sight of the perhaps, incurable injury which so long a delay may have occasioned to my clients, the petitioners. It is not merely or mainly, that two very able addresses from gentlemen on the other side, have rested so long unanswered upon your memory, nor that your opinions may very probably have been taking shape in your own minds, consciously or unconsciously to yourselves; but it is that Time — our great enemy — has brought us again to the last moments of a session. It seems, therefore, that I have more to do than when I parted from you, with less encouragement to try to do it, and the duty has devolved upon me, at last, in an exceedingly imperfect state of health.

It will not have escaped the recollection of the committee, how much both of the learned counsel who addressed you — perhaps, I may say, in the absence of more decisive matter — had to tell the other day of the majority, within and without the proposed new county, opposed or indifferent to the measure itself. I do not wish to compare one part of the two very able addresses to which you have listened with any other part of them; but it struck my own mind that this, perhaps, was the most effective and telling of the topics in the addresses of

both gentlemen. And yet it does seem to me — if I have not failed to appreciate the facts or the principles before you — that, as matter of fact, it was in a very extraordinary degree misconceived and misunderstood by the learned counsel; and, as matter of argument against the petition itself, it was entirely over-estimated by both of them.

A word or two upon this subject before I advance to the merits of the case. We are here to ask — not arrogantly; not impudently; not affrontively — as one of the gentlemen was pleased to describe our repeated applications to the legislature, for a less burdensome administration of justice; still less in any disregard of the deliberate action of a former legislature; but with great earnestness and much hope, as parties who have an object of great importance at heart to present to the constituted representatives of him who petitions for right and for justice in this commonwealth; we are here to ask for the establishment of a new county, for the general and comprehensive reason, that every one of the objects for which counties are created at all, will be, on the whole, attained far more completely and equally, to the entire mass that are here to be affected by this measure — as a mass — than now they are: thus working out an appreciably large and permanent addition to the public convenience and accommodation. We are here to submit this proposition upon the evidence, by asking you to consider the proofs which we have laid before you, in very close and very detailed reference to the great ends for which counties are established; the true tests by which their success or failure is to be determined; and the great principles, according to which they are to be made and altered. And in trying these facts by these principles and standards, our appeal is to you, representing the legislature; and not to the fancies or whims of anybody out of doors, here or there, who may sign this paper to-day or that to-morrow, on influences irrespective of the merits of the controversy itself. You are here made by the Constitution the proper examiners of this question: and I apprehend you will agree with me, that your labor, and duty of investigation is not assisted in the slightest degree by being told what this man

this year, or that man last year, out of doors, says on the subject. I am here to show, if I can, according to the principles appropriate for this matter; an exigency for the division of this county; that is to say, I am to show good reason for the granting of the prayer of this petition. But I am not here to show in addition to this, that everybody else has coolness; civil discretion; deliberative capacity; disinterestedness, and impartiality to judge as well of that exigency as you can judge for us.

In the matter of the exigency I have great pleasure in meeting the learned counsel on the other side. But I still feel bound to pause for a moment or two on the subject — on which I am entirely persuaded they have fallen into important errors — of the state of opinion outside of this legislature. They say there is opposition to this measure, for example, outside of the proposed new county, to some extent in the county of Worcester, and in Middlesex. But is it in the least degree extraordinary, that that should be the case; that very many individuals in old Worcester should prefer to have things just as they are? Is it not the most natural result in the world, and also in the same way, that a few individuals in old Worcester, feeling strongly on this subject, and exerting extraordinary pains to touch other individuals, should have produced something like a re-action of public sentiment, and been able to win signatures — at least to refer the matter to the people — from the many who care less? I respectfully submit to you, that here also there is nothing in the least degree to be wondered at, and nothing in the nature of an argument against the intrinsic justice of the measure itself. Was it not to be expected that we should encounter an animated opposition from old Worcester? — and is it not entirely inevitable that her press, her wealth, her men of business, her bar, her society, her aggregate influence of all kinds — the fruits and the power of that intense centralization which is perhaps one of the very ablest of which we come here to complain — should here and there be able to touch somebody, clear out to the utmost amplitude of her borders? Why, what can that beautiful and important city desire better, than to remain, as she remains to-day, the centre of the existing system of things? Is

it not a condition of things that keeps her court-houses open year in and year out, in some form, 215 days in one year — and 230, or 240 or 250, it may fairly be calculated upon as the average of her terms for the future — a state of things that fills her boarding houses and hotels with the thronging attendants upon so much litigation ; a state of things that puts into the hands of her men of business the keys of the whole custom of the county — giving them an element of competition, against which no other trader can possibly make head ; a condition of things that brings to her bar fat terms and flowing fees at home — without any of the embarrassments and inconveniences of circuit service ; and, above all, a condition of things that enables her everywhere, acting upon the heart, the pride, and the fear, of this wide provincialism, distributed over that vast territory, to assert and hold fast a power — I do not say that it is not in the main beneficent and beautiful — but a power secret and resistless ? Permit me to ask — I intend to find in this fact an explanation of some of the evidence upon which so much stress has been placed by the other side — where there was ever a city, in the history of civilization, that at once tasted all the sweets of metropolitanism like this, and then voluntarily surrendered them without a sigh ? Where was there ever a state, or city, or man, that watched without emotion the dawning of a new and formidable rivalry like this ? Is it not perfectly natural that she should look upon the parvenue and rugged growth of Fitchburg, with something of the same feeling, scornful and jealous, with which the Earl of Wharton looked upon the twelve new peers, created in the reign of Anne, and expressed his contempt by asking if they did not vote by their foreman ? Every thing illustrates the same feeling every where. Just remember how hard those that loved us, as well as those that hated us, held on to us nevertheless in the great times before the breaking out of the Revolutionary war. Recollect how the government of Massachusetts Bay held on to New Hampshire — clear up to the crystal hills and the sources of the Merrimack — until, granite and all, she was wrenched out of our hands by the main strength of the mother county. Do you not believe that when, in 1793,

Norfolk was taken off from Suffolk ; and, in 1831, when Worcester herself was carved out of old Hampshire and Suffolk and Middlesex, every one of those old counties seemed to feel a pang as when a giant dies ; whereas it was nothing but a beetle being born ?

Now all this seems to me to be the most natural possible condition of things in the world ; and from a feeling like this, so far from being surprised to find opposition in our own circle and among our own numbers, I submit to you that I present a perfect explanation of the fact, irrespective of any supposition of any real change of opinion on our part, and irrespective of the real merits of the case. Suppose, for instance, that as long ago as 1819, the intelligence and forecast, by which the County of Worcester has always been governed, had conceived the alarm that there was danger of that happening — always a real danger — a mere question of time, as Mr. Wood says — would it be very extraordinary that she should have begun as far back as that to reach all her policy forward, here and there, and thus to anticipate, and if possible postpone the evil day ?

Would it be in the least degree extraordinary if, as long ago as that, — partly by her system of laying out highways ; partly by the palace-like style and cost of her county edifices ; partly by the general and unsleeping tone of her press ; partly by the offer of her corporation capital for subscriptions to railroad stock ; partly by her conventions here and there ; she should have begun to shape that policy against separation, with which, ten thousand times more than with the merits of the controversy, we find ourselves contending to-day ?

To show you that that proposition is not at all extravagant, — and to show how long ago Worcester took this alarm — a single exemplification of the myriad formed influence which she at once put in active operation to anticipate and prevent what she so much dreaded — will you permit me to read a page or two from a discourse delivered before the Worcester Agricultural Society, in 1819, by Levi Lincoln, then in the early flush of his justly deserved, and afterwards justly rewarded popularity.

He proceeds thus : —

"Permit me also, on this occasion, Citizens of the County of Worcester, to advert to the geographical extent of your territory, and the political importance of your population. Stretching a distance, almost of sixty miles, from New-Hampshire on the north, to Connecticut and Rhode-Island on the South, over a rich, improved, and highly fruitful country, comprising within its boundaries more than seven hundred thousand acres of land, already bearing upon its face of a free, a hardy, an enterprising, and, I trust, of a virtuous and patriotic people, exceeding seventy thousands souls — can you for a moment doubt of your physical resources, distrust your moral influence, or be regardless of your weight, through your right of representation, in the councils of the State? Now that Maine may be considered as separated from Massachusetts, this great county which you inhabit, and which, as an *integer*, you may be justly proud to contemplate, remains in territory almost *one-fifth*, and in numbers *one-seventh* of the whole commonwealth. With similar pursuits for employment, and common interests to cherish — with united feelings to direct, and combined efforts to accomplish, anticipation can neither graduate the rate, nor prescribe the limits of your future progress. Let this day be as a starting post in the career of your improvement. Be just to yourselves. Preserve, I conjure you, preserve your territorial integrity. Whatever else is suffered, let not the destroying spirit of *division* produce dismemberment. Look for admonition to the meagre, scrimped, and belittled things, the offspring of carved-up corporations — where from poverty there can be nothing wise which is liberal, nothing public which is noble! Regard with complacency the proud pre-eminence to which you have attained in your public establishments and edifices — the monuments alike of your wealth and of your munificence, in which every citizen has a property, and the community distinguished honor."

Behold there, gentlemen, an explanation, to some extent, of the influences which may very naturally have produced some appearance of hostility or indifference to our measure among ourselves. I wish I could leave that topic exactly there, but I