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PREGNANT WITH FUTURE CONSEQUENCES:  
POLITICAL CULTURE IN REVOLUTIONARY MASSACHUSETTS.

1774-1787

by

ANGELO T. ANGELIS

A dissertation submitted to the Graduate Faculty in History in partial fulfillment of the requirements for the degree of Doctor of Philosophy, The City University of New York.

2002

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## Abstract

PREGNANT WITH FUTURE CONSEQUENCES:  
POLITICAL CULTURE IN REVOLUTIONARY MASSACHUSETTS, 1774-1787

by

Angelo T. Angelis

Adviser: Professor Carol Berkin

This dissertation carries an unusual but very suggestive title—"Pregnant with Future Consequences." It originates in a quotation from Mercy Otis Warren, a major political and social critic and one of the first historians of the American Revolution. Warren used this term to refer to the year 1780 and the decade that followed, a decade that was punctuated by the end of the American Revolution and ratification of the U.S. Constitution. All historians agree with Mercy Warren that the period prior to 1787 was a critical era in American history. Most historians, however, see the political discourse of this period as one that is fixed in a national mold, as if the diverse debates at the state level were all addressing issues of central power, national government and federal constructions of sovereignty. Viewed from this perspective the era of state sovereignty becomes a neat—almost visionary—prelude and buildup to nationhood and the Constitution.

Using Massachusetts as a model, this dissertation argues that the transition from Revolution to Constitution can be viewed from an alternate perspective, the perspective of state sovereignty, using sources that reflect social and political change at the local level. From their first tentative steps in 1774 to their stubborn demise in 1787, the sovereign states served as the context and arena for political debate and action. This arena was heavily populated, not only by men with national or even statewide reputations, but also by new men who emerged from the cauldron of the Revolution to assume seats at every level of state and local government. In turn, politically active men and the state governments they supported, and just as often contested, served as the crucial link between the Revolution and the Constitution, carrying forward and simultaneously reshaping understandings of politics, government and society. Forged in the Revolutionary furnaces of the states, the transition in political culture was well advanced when the framers gathered in May 1787 at the statehouse in Philadelphia to design the structure of the new federal government.

## ACKNOWLEDGEMENTS

I may be the author of this work, but like most lengthy projects it is a mosaic of contributions and inspirations. I am therefore indebted to many persons for their assistance and support. At the head of this list is Carol Berkin, advisor, mentor and friend, whose guidance throughout my doctoral education and whose careful readings of this manuscript have been invaluable. I would also like to thank the faculty of the Graduate Center, City University of New York, in particular Barbara Welter and Thomas Kessner for their many lessons, but most of all for the example they set as caring, dedicated teachers and scholars.

Long hours of research are made that much easier by knowledgeable and cheerful archivists and librarians. In this vein, I would like to express my gratitude to the staff at the Massachusetts Historical Society as well as the staffs at the Massachusetts State Archives, Rare Books and Manuscripts Library at Columbia University, and the New York Public Library for the many services they have provided.

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Thankfully, my journey has not been a lonely one. For this I am indebted to my fellow students at the Graduate Center, who have accompanied me and supported me on the lengthy but rewarding path of higher education. Special thanks go to Cindy Lobel and Kathy Feeley for their many valuable suggestions during our Sunday dissertation salons and to Steve Levine for his willingness to listen to my ranting at moments of inspiration and, more so, during those trying moments of frustration.

Most of all, I want to thank my wife, Inara, for her support and for her patience throughout the writing of this dissertation and the work that led up to it.

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## INTRODUCTION

The title of this dissertation—“Pregnant with Future Consequences”—might seem odd to readers today. In Revolutionary America, however, the pregnancy of possibilities appeared frequently in writing and, I imagine, in speech. The times were described variously as pregnant with risk and pregnant with hope or, as Mercy Otis Warren noted in her history of the American Revolution, “pregnant with future consequences.”<sup>1</sup> Although it covered the Revolutionary experience as a whole, Warren’s lyrical assessment of the future referred specifically to the year 1780 and to her home state of Massachusetts. From Warren’s perspective the pivotal event of that year—one event in an era rich with turning points—was the ratification of the Massachusetts state constitution.

Warren’s native partiality for Massachusetts does not, however, lessen either her history or the value of her observation. It serves instead as an object lesson to historians of this era, reminding them that Warren, like most of her contemporaries, lived in a world dominated by colonial and state concerns. Nascent nationalism existed, of course, particularly among men who had served at Congress in Philadelphia or in the Continental Army. But for most Americans the state continued to dominate the political imagination and the United States of America was just that—a confederation of individually sovereign states bound by mutual needs and goals. The states, as Merrill Jensen argued

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<sup>1</sup> Mercy Otis Warren, *History of the Rise, Progress and Termination of the American Revolution*, 2 vols. (1805; Indianapolis: Liberty Fund, 1989), 2:385.

50 years ago, served as the laboratories for American government and every state was expecting, bursting with future consequences, not just Massachusetts.<sup>2</sup>

With few exceptions, however, the experience of state sovereignty is largely lost in the historiographical rush to the federal constitution.<sup>3</sup> Viewed from the national perspective, actions and ideas originating in the 1770s lead almost inevitably to the constitutional debate; outcomes and consequences emanate directly from the experience of ratification and legitimization. All historians agree that the era of state sovereignty was a critical period. Where I would like to disagree is with the prevailing convention that interprets the political discourse of this period as one that is fixed in a national mold, as if the diverse debates at the state level were all addressing issues of central power, national government and federal constructions of sovereignty. Historians make a point of declaring that history must be written by looking forward. To reason back from an existing reality inevitably invites distortion. To think only in national terms because the United States ultimately adopted a federal model is to lose sight of other possibilities and therefore to disregard the process that led to its adoption. Viewed from this perspective the era of state sovereignty becomes a neat—almost visionary—prelude and buildup to nationhood and the Constitution.

The “nation-building” approach to the Revolutionary era leaves a number of important questions unanswered. What effect did the experience of state sovereignty have on developing understandings of government and on political loyalties and

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<sup>2</sup> Merrill Jensen, *The New Nation: A History of the United States During the Confederation, 1781-1789* (New York: Alfred A. Knopf, 1950).

<sup>3</sup> Notable exceptions include: Van Beck Hall, *Politics without Parties: Massachusetts, 1780-1791* (Pittsburgh: University of Pittsburgh Press, 1972); Stephen E. Patterson, *Political Parties in Revolutionary Massachusetts* (Madison: The University of Wisconsin Press, 1973); Frederick Jackson Main, *Sovereign States 1775-1783* (New York: New Viewpoints, 1973); Ronald Hoffman and Peter J. Albert, eds., *Sovereign States in an Age of Uncertainty* (Charlottesville: University Press of Virginia, 1981).

strategies? To what extent did this experience reflect competition and negotiation among state and local rather than national interest groups? In what ways did the experience of political and social realignment at the state level anticipate and/or shape the constitutional debate of 1787-1788? As long as these questions remain unanswered a significant gap exists in our current understanding of the transition from Revolution to Constitution.

This transition can be viewed from an alternate perspective, the perspective of state sovereignty, a unique period in American history that lasted nearly fourteen years. Throughout this period the separate states served as the context and arena for political debate and action. This arena was heavily populated, not only by men with national or even statewide reputations, but also by new men who emerged from the cauldron of the Revolution to assume seats at every level of state and local government. In turn, politically active men and the state governments they supported, and just as often contested, served as the crucial link between the Revolution and the Constitution, carrying forward and simultaneously reshaping understandings of politics, government and society.

Drawing on Mercy Warren's keen observation and Merrill Jensen's call for a state-by-state examination of the Revolutionary era, my dissertation seeks to fill this gap by examining the development of political culture during the period of state sovereignty in Massachusetts. A careful examination of the Revolutionary experience in Massachusetts reveals the emergence of two competing political cultures that continued to influence the development of government and politics into the postwar period.

While it focuses on one state, this study does not treat Massachusetts as unique. Notions of expanded democracy emerged in nearly every state as a direct consequence of

the American Revolution. The Regulators in South Carolina; Constitutionals in Pennsylvania; rent protestors in Loudon County, Virginia; land rioters in New York; and the separationist movement in Maine were all tied in one way or another to the trend toward expanded democracy. This study is offered with these and other examples in mind as a model for future, comparative studies of political culture in the other Revolutionary states.

There is, of course, much more work to be done. Committees and conventions existed in one form or another in most of the states and our understanding of these institutions would profit from broader, comparative research. Additional research is also needed on the process of constitution-making at the state level. In particular, this research needs to be enriched with actual commentary from involved and uninvolved observers. Unfortunately, participants at the Massachusetts constitutional convention were an exceptionally tight-lipped lot and the evidence is largely limited to the convention journal and a handful of letters. Comparative studies of state experiences also show significant promise. As my own research revealed, connections between the disparate democratic movements in the states are suggested, but rarely confirmed in the evidence I have located. Comparative studies may yield the needed evidence, leading to new and revealing interpretations on the evolution of government and politics in the United States as they unfolded from disparate colonies to confederated sovereign states and finally to the federal-state relationship defined by the U.S. Constitution. Furthermore, comparative studies at the state level would provide a richer context for other disciplines, particularly students and practitioners of law and political science, encouraging them to reach back and beyond the U.S. Constitution in their own analyses.

Chapter 1, "The Inclinations of the People," opens in late 1773, just prior to Governor Thomas Gage's order suspending the Massachusetts colonial charter. In addition to inaugurating state sovereignty, Gage's decision unwittingly succeeded where patriot propaganda had failed, propelling Revolutionary politics beyond the confines of the political elite in Boston and into the distant reaches of western Massachusetts. The first chapter examines the consequences of this change, focusing on the development of a new political culture in western Massachusetts in which patriot leaders and their supporters refit old and developed new political institutions to match the needs of a colony in rebellion and a region cutoff from central authority.

A direct consequence of this experience was the emergence of the constitutionalist movement in western Massachusetts. The constant demand for a new constitution drafted by a special convention and ratified by the people set the political interests of the west against those of the revolutionary leadership in the east for the first time. After five years of struggle and multiple starts and stops, eastern revolutionaries finally agreed to a state constitutional convention in 1779. The process and consequences of this convention and the public ratification that followed occupy Chapter 2.

"Democracy—The Air Too Pure to Breathe." Included in this analysis is the political give and take on the convention floor itself. Western voters lost significantly in the process, but they gained legal sanction for their essential demand, popular sovereignty, and they secured a number of civil rights, including, at least in their interpretation, the right to assemble and instruct or otherwise criticize government. These rights were

heavily offset by a structure of government that clearly favored the interests of the eastern political leadership.

One major consequence of the new state constitution was the inauguration of popular state politics in 1780 in the form of an annually and popularly elected governor and lieutenant governor. Chapter 3, "A Public Revolution," examines the evolution of popular politics in Massachusetts. Included in this analysis is a comparison of political styles as they developed over the course of the first six gubernatorial elections (1780-1786). At the heart of this comparison are the opposing styles of John Hancock, a popular and highly adaptable politician, and James Bowdoin, whose campaigns were grounded in the traditional politics of the late colonial era.

Popular representational politics did not, however, address the needs of western voters. Economic and political concerns continued to simmer in western Massachusetts while the eastern political leadership, absorbed in their own political contests, abrogated their responsibility for statewide administration. Chapter 4, "The Discontents of the People," examines the consequences of competing western and eastern political interests, including the periodic resurgence of county conventions and public protests, mainstays of the early Revolutionary experience in the west.

Chapter 5, "This Incendiary and Turbulent Set of People," investigates the long-term consequences of east-west political conflict. Fueled by growing frustration and renewed interest in collective response, western voters returned in large numbers to conventions and protests and many joined or otherwise supported a reform movement or Regulation. In the process, westerners transcend immediate concerns with debt relief and decreased taxation, expanding their demands to include broad governmental and

constitutional reform. The constant demand for sweeping reforms induced a response from government, but not the response westerners were seeking. Chapter 5 examines this experience as an essential conflict of political cultures.

This conflict came to a head on January 25, 1787 at the federal arsenal in Springfield. Chapter 6, "To Check the Madness of Democracy," takes a thorough look at this confrontation, examining expectations on both sides, looking closely at the parties involved, both in the forefront and in the background, and, most importantly, assessing its effect on the future of the western reform movement. Accordingly, this chapter takes a broader look at the consequences of government's actions, not only on western but also on eastern politics, closing the analysis with the state elections in May 1787, which coincided with the opening session of the constitutional convention in Philadelphia.

## CHAPTER I

## THE INCLINATIONS OF THE PEOPLE

It was politic among patriot leaders in 1780 to discount conflict in order to portray the new state constitution—the embodiment of independence and democracy in Massachusetts—as the product of general consensus. “The People,” Theophilus Parsons reported, “discovered themselves to be steady sensible judicious and fond of a respectable Government.” Accordingly, Parsons claimed, the public accepted the constitution “without the alteration of an iota, though objections were made to every article.”<sup>1</sup> Samuel Adams painted a similar image of a “great Business ... carried through with much good Humour among the People, and even in Berkshire, where some Persons led us to expect it would meet with many Obstructions.”<sup>2</sup>

Parsons and Adams overstated the public quietude; and historians have perpetuated the perception of consensus by depicting the emergence of democracy in Massachusetts as the product of middle-class consensus. To a large extent, these depictions focus on the constitution as a finished product and ignore the context in which

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<sup>1</sup> Theophilus Parsons to Francis Dana, 3 August 1780, *Dana Family Papers*, Massachusetts Historical Society, Boston, MA.

<sup>2</sup> Samuel Adams to John Adams, 10 July 1780, *Samuel Adams Papers* [microform], Special Collections, New York Public Library, New York, NY.

it was conceived, drafted and ratified.<sup>3</sup> The movement for expanded democracy in Massachusetts was not the product of consensus, nor was it the embodiment of ideological debates among a select group of revolutionary thinkers. It did not spring fully born from John Adams' head and it did not evolve naturally from a longstanding experience with town government. Democracy in Massachusetts emerged struggling for life in the midst of a broader movement for economic and political independence from Great Britain that was already a decade old when a chorus of new voices entered the debate in 1774.

For the next six years western voters challenged the definition of democracy and sovereignty that had, to that point, drawn much of its meaning from the writings and actions of the eastern patriot leadership in Boston. This experience altered the political relationship of eastern and western Massachusetts, with the west emerging as a crucial piece of the Revolutionary whole, economically, politically and militarily. Colonial government which for many western voters had seemed so distant the year before loomed closer by the end of 1774. Throughout this process public assemblies emerged in western Massachusetts as the driving force in Revolutionary politics. Local committees of correspondence organized popular support for the patriot cause and opposition to the local and county gentry. These committees, in turn, served as the foundation for extralocal organizations that took the form of county conventions. There was little precedent for county conventions, however, either in British or in colonial political

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<sup>3</sup> Writing specifically about the Massachusetts constitution of 1780, Ronald Peters argues in favor of studying "ideas independent from the study of the context in which they were spawned." See Ronald M. Peters Jr., *The Massachusetts Constitution of 1780: A Social Compact* (Amherst: The University of Massachusetts Press, 1974), viii-xiii. See also: Bernard Bailyn, *The Ideological Origins of the American Revolution* (Cambridge: The Belknap Press of the Harvard University Press, 1967).

tradition. They represented a new political form and an influential one in western Massachusetts, where county conventions acted as both a surrogate government and as the collective voice of western voters.

If it was “laggard” by eastern standards, popular activism in western Massachusetts quickly established itself as an alternate force in state and constitutional politics. By 1776, county conventions had become the primary conduit for western politics, challenging the pre-Revolutionary county gentry and serving as the driving force for constitution-making in Massachusetts. Most historians, however, pay little or no attention to county conventions, either minimizing their importance in comparison to the committees of correspondence: treating them as provisional assemblies, whose effectiveness was limited to the period 1774-1775; or focusing exclusively on the experience of the “Berkshire Constitutionalists.”<sup>4</sup> County conventions and their antecedents, the committees of correspondence and the public protests they organized, played a crucial role in shaping revolutionary politics in Massachusetts. By 1779, these three institutions had hardened into a competing political culture. The movement for a new state constitution in Massachusetts was a product of this process: a process that was much more contentious than many contemporary commentators would publicly acknowledge.

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<sup>4</sup> For example, see: Robert J. Taylor, *Western Massachusetts in the Revolution* (Providence: Brown University Press, 1954); Theodore M. Hammett, “The Revolutionary Ideology in Its Social Context: Berkshire County, Massachusetts, 1725-1785” (Ph.D. diss., Brandeis University, 1976); Robert E. Brown, *Middle-Class Democracy and the Revolution in Massachusetts, 1691-1780* (New York: Harper Torchbooks, 1969); Richard D. Brown, *Revolutionary Politics in Massachusetts: The Boston Committee of Correspondence and the Towns, 1772-1774* (New York: W. W. Norton & Company, Inc., 1970); Newcomer, *The Embattled Farmers*; Gregory H. Nobles, *Divisions Throughout the Whole: Politics and Society in Hampshire County, Massachusetts, 1740-1775* (New York: Cambridge University Press, 1983); John L. Brooke, *The Heart of the Commonwealth: Society and Political Culture in Worcester County, Massachusetts, 1713-1861* (New York: Cambridge University Press, 1989).

In the early 1770s, Massachusetts appeared to be a colony divided into two parts, geographically and politically. A rider making the 150 mile trip from Boston westward to Pittsfield and the New York border would be struck by the changing landscape. The warehouses, workshops, ship masts and stately homes that typified the populated towns of the east quickly gave way to rolling hills, dotted with pastures and tilled fields. It was a pleasant view on the route to Worcester County, but the roads were poor, making for weary travelers and horses. Inferior routes separated Worcester from Hampshire County, where the wide Connecticut River cut through a deep and fertile valley. Leaving Hampshire County, the trail became more difficult, passing through deep forests and crossing a range of mountains that made the final leg to Pittsfield in Berkshire County torturous under the best of conditions and virtually impassable in winter.

Regional differences in the political landscape were perhaps even more dramatic in the early 1770s. The protests and crowd actions that typified political life in Boston and the eastern port towns were hardly noticeable in the western counties. At this point, Boston and the eastern port towns could be seen as anomalies in the British colonial system while western Massachusetts continued to appear like a haven of sanity in a colony gone mad. Frustrated by a seemingly endless stream of popular protests, including the recent dumping of the tea, Governor Thomas Hutchinson filled his letters to Israel Williams, an old friend and a powerful ally in western Massachusetts, with complaints about the "tyranny" and "barbarity" of Boston's radicals. Williams agreed

wholeheartedly with the comparison, offering refuge for Hutchinson at his home in Hatfield, a growing town in the western county of Hampshire.<sup>5</sup>

Life in western Massachusetts was, however, far from static. Population growth and the pressure for land pushed town boundaries to their limits, creating demands for new parishes, districts and townships along with a series of local political conflicts, like those experienced in Amherst (Hampshire County). Population growth fueled by settlers from nearby Hatfield led to the incorporation of Amherst in 1759. Among the principal migrants to the new settlement were Isaac Chauncy, a lesser member of the county gentry and a close ally of Williams, and various members of the Dickinson family, a large and locally prominent family from Hatfield. Like many other new towns in western Massachusetts, Amherst grew quickly, attracting additional settlers from more outlying areas.<sup>6</sup>

By 1772, a clear division had emerged between the wealthier settlers in the center of town, who were led by Chauncy and David Parsons, the local pastor, and farmers on the outskirts of the original settlement, who looked to men like Reuben Dickinson, an original settler, successful farmer and selectman, for leadership. Following a pattern that was common to many young towns and districts, the two sides struggled for control of the town meeting, using the local parish as a surrogate for larger issues. Defeated in 1772 in their attempt to establish a second parish, the outlying farmers seized control of the town committee the following April, electing five of their own members as selectmen.

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<sup>5</sup> Thomas Hutchinson to Israel Williams, 23 December 1773 and 14 May 1774, *Israel Williams Papers* [microform], Massachusetts Historical Society, Boston, MA.

<sup>6</sup> Commonwealth of Massachusetts, *Historical Data Relating to Counties, Cities and Towns in Massachusetts* (Boston: New England Genealogical Society, 1997), 13; John A. Schutz, *Legislators of the Massachusetts General Court, 1691-1780* (Boston: Northeastern University Press, 1997), 206-7.

which, in turn, allowed them to carry the vote to establish a new meetinghouse. Chauncy and his supporters did not despair, however. Instead they appealed the decision to Israel Williams, the reigning power in Hampshire County, and Thomas Hutchinson, Williams' patron in Boston and the newly appointed governor.<sup>7</sup>

Williams and Hutchinson negated the second parish as a favor to their ally, Isaac Chauncy, but they saw no general threat in the internal bickering of the Amherst town meeting. Notable for their parochialism and localism, even by eighteenth-century standards, the upper or western counties of Berkshire, Hampshire and Worcester continued to distance themselves politically from the disputes with Parliament that raged in Boston and the port towns of eastern Massachusetts. Western localism was not however so much a matter of choice as it was a matter of geography. Physical distance from the capital region and related costs excluded many western towns from regular representation in the colonial legislature. Distance, poor roads and poor communications also hindered timely availability of information. Newspapers from Boston were making their way west in the early 1770s, thanks to a small but growing force of dispatch riders; but the information was dated and many of the political issues that engrossed Boston and the eastern towns in the 1760s and early 1770s held little importance for western voters, who were not directly affected by disputes over taxation and trade.<sup>8</sup>

All of this was about to change in early 1773 with the publication of the "Boston pamphlet," a set of resolutions issued by the Boston town meeting and distributed

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<sup>7</sup> Nobles, 151-3; Newcomer, 218-19n.

<sup>8</sup> Isaiah Thomas established the first newspaper in western Massachusetts in 1775, *The Massachusetts Spy, or, American Oracle of Liberty* (Worcester, MA), when he was forced to evacuate Boston in order to avoid possible arrest by the British. See: Richard D. Brown, "Massachusetts Towns Reply to the Boston Committee of Correspondence, 1773," *William and Mary Quarterly* 25:1 (January 1968): 22-39; Nobles, 158-60.

colonywide by the Boston committee of correspondence. Distilling a decade of protest and negotiation into one comprehensive argument, the pamphlet rejected as unconstitutional Parliament's attempt to tax or to regulate the colony. "[W]hat liberty," the Boston pamphlet asked, "can there be where property is taken away without consent?"<sup>9</sup> At issue were the fundamental principles of English law and liberty—the sanctity of property and the right to representation. It was a compelling argument that garnered support in many western towns, which to this point had been either uninformed or indifferent about events in Boston. "[A]s we are in a remote wilderness Corner of the Earth," the town meeting in Lenox (Berkshire County) wrote, "... and the youngest Town in the Province we know but little of the Circumstances of the Affairs you write to us upon." But the townsmen, having read the pamphlet, were willing to place their faith in the Boston committee and support the demand for redress.<sup>10</sup> Voters in nearby Stockbridge were more decisive. "Startled" by the violation of rights "secretly laid by the Enemies of our free and happy constitution," the Stockbridge town meeting established a committee of its own to correspond with the committee in Boston. Similar committees were also established in Shrewsbury in Worcester County and South Hadley in Hampshire County.<sup>11</sup>

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<sup>9</sup> Town of Boston, *The Votes and Proceedings of the Freeholders and Other Inhabitants of the Town of Boston, in Town Meeting Assembled, According to Law* (Boston: Edes and Gill, 1772), 25. For a detailed analysis of the "Boston pamphlet", see: Richard D. Brown, *Revolutionary Politics in Massachusetts*, 68-91.

<sup>10</sup> Lenox Town Meeting to Boston Committee of Correspondence, 4 January 1773, *Boston Committee of Correspondence, Records* [microform], Bancroft Collection, New York Public Library, NY.

<sup>11</sup> As used in this passage, the reference to "our free and happy constitution" was most likely an allusion to the colonial charter and not the British constitution. Proceedings of the Town of Stockbridge, 12 January 1773; Committee of Correspondence (Stockbridge) to Committee of Correspondence (Boston), 5 February 1773; Correspondence (Shrewsbury) to Committee of Correspondence (Boston), 4 January 1773; Committee of Correspondence (South Hadley) to Committee of Correspondence (Boston) 18 January 1773, *BCC*.

Most western towns failed to respond, however, demonstrating the economic and experiential gap that separated the upper counties from Boston and the eastern towns. Westerners were keenly interested in property, but the property dispute in Boston involved taxes and goods, not land. Western voters could empathize with the argument over representation, but their concern with legislative authority involved the colonial assembly and not Parliament. Many westerners were also unfamiliar with arguments concerning natural rights that emerged in the text of the pamphlet. The patriot leadership in Boston responded with a plan to develop a series of local committees of correspondence that would span this gap by spreading patriot propaganda and serving as channels of information for the central committee in Boston.<sup>12</sup>

By the middle of 1773, committees of correspondence were operating in many western towns, including the influential towns of Worcester and Northampton, where they served as important links for the central committee in Boston, organizing resistance against supporters of the royal government.<sup>13</sup> The committee of correspondence in Hatfield (Hampshire County), for example, issued a list of resolutions condemning the actions of government and demanding restoration of various rights, including the right to a jury trial. In turn, the Hatfield town meeting instructed the local representative to use every constitutional means at his disposal to defend the colony's rights and privileges in the legislature as outlined in the Boston pamphlet.<sup>14</sup>

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<sup>12</sup> Samuel Adams and James Warren promoted these committees as early as 1772. Richard D. Brown, *Revolutionary Politics in Massachusetts*, 48-57; Hoerder, 243.

<sup>13</sup> Committee of Correspondence (Worcester) to Committee of Correspondence (Boston), 22 May and 10 September 1773, *BCC*.

<sup>14</sup> Committee of Correspondence (Hatfield) to Committee of Correspondence (Boston), 24 May 1773; Instructions from the Town of Hatfield and the District of Williamsburgh to John Dickinson, 31 May 1773, *BCC*.

The appearance of local committees like those in Hatfield, Worcester and Northampton did not, however, guarantee patriot control of local government in the western counties, where loyalist and neutral county gentry still held sway. The Stoddards in Berkshire, the Williamses in Hampshire and the Chandlers in Worcester controlled politics at the county level, operating in a manner similar to the Livingstons and Delanceys in New York, but on a smaller scale. Three generations of John Chandlers, aided by their sons, cousins and kin, held a firm grip on the economy in Worcester as land speculators, creditors and merchants, and they exercised significant influence at every level of government. Chandlers served a total of sixty terms in the General Court between 1717 and 1768, twenty-eight of them as members of the governor's council and they monopolized appointments as town officials and county justices.<sup>15</sup> As the direct beneficiaries of royal government, the Chandlers opposed the patriot movement in western Massachusetts, employing their authority at the town and county levels to obstruct the activities of the local committees of correspondence.

Local resistance to the Chandlers, whose economic and political strength was unequalled in Worcester County, required levels of organization that had no precedent in local politics. With this in mind a small group of men gathered in December 1773 in a private home in the town of Worcester to form the American Political Society. These men included Nathan Baldwin and Timothy Bigelow, small shopkeepers with limited land holdings and limited experience in government beyond that of the town, and Joshua Bigelow, a farmer with 300 acres of land, who had served multiple terms in the House of Representatives. Individually Baldwin and the Bigelows were no match for the

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<sup>15</sup> Schutz, 164, 185-6.

Chandlers; but they could count on the support of ordinary voters, who held longstanding resentments of their own toward the county gentry.<sup>16</sup>

Land, debt and currency—the triad of western politics—served as the foundation for popular animosity in Worcester County and the Chandlers and their kin controlled all three, monopolizing new land grants and holding numerous mortgages. The Chandlers also earned notoriety by campaigning against the Land Bank, a popular alternative to specie. As conceived, the Land Bank would issue paper currency based on negotiable credits that were, in turn, secured by mortgages of land. Led by the Chandlers, the county gentry in Worcester secured abolition of the Land Bank in 1749, but not before they had gained control of many of the outstanding mortgages. The death of the Land Bank left many small landowners cutoff from a major avenue of debt relief and it left them further indebted to the county gentry. These debts, as Joshua Bigelow rudely learned, would haunt him and many other subscribers to the failed Land Bank for the next two decades.<sup>17</sup>

If existing animosity toward the Chandlers and their allies motivated the first meeting of the American Political Society, fear of retaliation led the founding members to secrecy. The new organization operated in the shadows as a political caucus similar to those that were already functioning in Boston. Meeting regularly to consult on tactics and to coordinate voting, the American Political Society gained significant influence over the town meeting in Worcester. In turn, the American Political Society promoted the

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<sup>16</sup> Between them John and Clark Chandler and their kinsmen, Andrew Duncan and William Campbell, owned two shops that contained more than half the merchandise in Worcester. See: Kevin Joseph McWade, "Worcester County, 1750-1774: A Study of a Provincial Patronage Elite" (Ph.D. diss., Boston University, 1974), 160-1; William Lincoln, *History of Worcester, Massachusetts, from Its Earliest Settlement to September 1836: With Various Notices Relating to the History of Worcester County* (Worcester: Moses D. Phillips and Company, 1837), 76-7.

<sup>17</sup> Brooke, *The Heart of the Commonwealth*, 55-61, 136-7.

activities of the local committee of correspondence, which was also led by Joshua Bigelow, Nathan Baldwin and Timothy Bigelow.<sup>18</sup> Guided by their common leadership, the town meeting, the American Political Society and the local committee of correspondence initiated a concerted campaign to unseat the county gentry, voting in February 1774 to disqualify suspected Tories from holding office, including the Chandlers and their allies. Plans were also made to challenge the credentials of Chief Justice Peter Oliver, a powerful merchant, landowner, ally of the Chandlers and a key member of Governor Thomas Hutchinson's faction.<sup>19</sup> As conceived, the protest would involve direct action to obstruct the April session of the Worcester County court, if Oliver insisted on attending.<sup>20</sup>

The resolution to obstruct the court, a symbol of colonial government at the county level, revealed the localist foundations of the Worcester committeemen. The challenge to Oliver, on the other hand, transcended local politics, providing a direct and forceful show of support for the patriot leadership in the colonial assembly. The assembly had recently voted to impeach Oliver for refusing to accept grants of office directly from the legislature, a decision that reflected the ongoing debate over Parliamentary authority in the colonies.<sup>21</sup> The threat to obstruct the court succeeded when Oliver failed to show, demonstrating the potential for and value of organized opposition in the west. Bolstered by their success, the Worcester committee of

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<sup>18</sup> Joshua Bigelow, the principal leader and chairman of the APS, had the opportunity to observe political caucuses in Boston during his service as a representative to the General Court. See: Lincoln, 76-8; Brooke, *The Heart of the Commonwealth*, 140-3; Albert A. Lovell, *Worcester in the War of the Revolution: Embracing the Acts of the Town from 1765 to 1783 Inclusive* (Worcester: Tyler & Seagrave, 1876), 21-4.

<sup>19</sup> Joseph Hawley to Mercy Hawley, 20 January 1774, *Joseph Hawley Papers* [microform], Rare Books and Special Collections Division, New York Public Library, New York, NY.

<sup>20</sup> Lincoln, 78-81, 87-92; *Massachusetts Gazette* (Boston), 30 June 1774; *Massachusetts Spy*, 13 September 1774.

<sup>21</sup> *Massachusetts Gazette*, March 3, 1774.

correspondence promoted countywide cooperation as the most effective way of opposing the influence of the governor and his circle. "The happy fruit of the Appointment of Committees of Correspondence in almost every Town in this province," Timothy Bigelow wrote, "is the Advantage that last has of communicating any matter of common Concern & importance to ... any particular Town or County."<sup>22</sup>

Committees of correspondence in western Massachusetts received a second stimulus in June 1774, when General Thomas Gage, the newly appointed governor, suspended the assembly and the Council, replacing the latter with appointed officials or mandamus councilors, whose terms in office would be determined by the governor. Patriot legislators responded by removing to Concord, where they were joined by recently elected representatives from towns throughout Massachusetts. In Concord, and later in Cambridge, these men organized themselves into a Provincial Congress along the lines of the General Court. But they rejected the authority and the credentials of the current governor and his councilors.

Gage's assault on colonial government in Massachusetts did not end, however, with the legislature. Drawing his authority from the Massachusetts Government Act, a punitive measure enacted by Parliament in retaliation for the dumping of the tea, Gage issued orders prohibiting town meetings without prior approval of the governor. Under the new plan of government, appointment of all judges and sheriffs would be made by the governor without the consent of the legislature and all juries would be selected by the sheriff, instead of the usual method of drawing them by lot. Gage's actions were far-

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<sup>22</sup> Committee of Correspondence (Worcester) to Committee of Correspondence (Boston), 10 September 1773, *BCC*.

reaching, amounting to suspension of the colonial charter, and they cinched the issue for many western voters, leading to a wave of committee formation in the western counties.

Having shown little interest in the grievances against Britain and the royal government prior to 1774, the town of Pittsfield in Berkshire County threw itself headlong into the political turmoil, establishing a “standing committee” with full authority to initiate and coordinate actions in support of the patriot cause. As it had in Worcester, initial membership in the Pittsfield committee of correspondence reflected longstanding conflicts with the dominant family clique in Berkshire County—the Stoddards. Led by Israel Stoddard and his kinsmen, Moses Graves and Elisha Jones, the Stoddards controlled huge amounts of acreage and they held most of the appointed and elected offices at the county and colonial levels. In contrast, the leadership of the Pittsfield committee of correspondence included locally prominent men, like Thomas Allen, the Congregational minister, and David Noble, Charles Goodrich, Daniel Hubbard and Eli Root, substantial property owners who had little or no influence in county and colonial politics.<sup>23</sup> Economic competition also played a role in recruiting members to the Pittsfield committee, as it had in Worcester. Dr. William Whiting, Truman Wheeler, Mark Hopkins and John Brown, active members of the committee of correspondence, were all recent migrants from Connecticut who competed desperately against Stoddard, Graves and Jones for appointments, land grants and court fees.<sup>24</sup>

Rapid formation of local committees of correspondence in western Massachusetts like those in Pittsfield and Worcester proved crucial to the early success of the patriot

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<sup>23</sup> J. E. A. Smith, *The History of Pittsfield (Berkshire County,) Massachusetts, from the Year 1734 to the Year 1800* (Boston: Lee and Shepard, 1869), 172, 207-9. See also: Mason A. Green, *Springfield, 1636-1886: History of Town and City* (Springfield: C. A. Nichols & Co., Publishers, 1888), 267-75.

<sup>24</sup> Smith, 181, 189-90, 210-12, 233, 239, 289, 294.

movement in Boston and the east. Isolated in their temporary headquarters at Cambridge, the Provincial Congress encouraged local committees to take direct action wherever possible.<sup>25</sup> Committees of correspondence in western Massachusetts responded eagerly, replacing the county gentry with patriot moderators, selectmen and delegates to the House of Representatives.<sup>26</sup> Timothy Bigelow, a blacksmith, small shop owner and a founding member of the American Political Society in Worcester, had never held a major office prior to 1774. That year he was elected to the first of two terms in the House of Representatives, where he served with distinction as an active committee member during the crucial legislative confrontation with the royal government.<sup>27</sup>

The county gentry did not sit back idly, however. On May 14, 1774, Tories in Worcester, led by the Chandlers, attempted to regain control of local government, using their positions as county officers to call an emergency town meeting. The meeting was held but the committee of correspondence prevailed after an extended and heated debate.<sup>28</sup> Unwilling to yield, the Tory leadership entered a protest in the record of the town meeting—a member of the Chandler family was still serving as the town clerk—and secretly arranged to publish the contents of the record in two Boston newspapers. The published version denounced the committee of correspondence as “a modern invention ... with no legal foundation, contrived by a junto to serve particular designs and purposes of their own.” But the local committee, having gained a preponderance of

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<sup>25</sup> William Cooper to Theodore Sedgwick, 31 July 1774, *Sedgwick Family Papers I*, Massachusetts Historical Society, Boston, MA.

<sup>26</sup> David Syrett, “Town-Meeting Politics in Massachusetts, 1776-1786,” *William and Mary Quarterly* 21:3 (July 1964): 352-66; Newcomer, 13-14, 88-9; Nobles, 15-16, 113-15. For general information on town government see: John F. Sly, *Town Government in Massachusetts (1630-1930)* (Hamden, CT: Archon Books, 1967).

<sup>27</sup> Schutz, 164.

<sup>28</sup> Lovell, 26, 31.

power in the town meeting, retaliated, forcing forty-seven protestors to recant the declaration against committees of correspondence. Five men continued to resist, but they were publicly shamed and were permanently disqualified from holding office.<sup>29</sup>

Committees of correspondence throughout western Massachusetts followed Worcester's lead, making frequent use of public shaming to weaken the gentry's influence and wrest control of town politics. The committee of correspondence in Deerfield erected a liberty pole outside the shop of David Field, a committeeman, on which the town's residents—Tory and Whig—could exchange political opinions. The message center served two purposes, encouraging public debate outside the town meeting, which was still controlled by the town's conservatives, and providing an opportunity to identify suspected Tories. The strategy succeeded and the pole was quickly covered with Tory postings denouncing the committee of correspondence and patriot messages threatening reprisal. "When shall i get some tar," one patriot wrote? "i do command you to not defile the libertie poole with no more of your Dambd skrools." Riding on a wave of popular sentiment, some of it generated by the liberty pole, the local committee managed to seize control of the next town meeting.<sup>30</sup>

Public shaming had its limitations, however, particularly when it involved the most powerful members of the gentry, men like Israel Williams, a wealthy landowner, merchant and speculator from Hampshire County. His family connections, his wealth and his Harvard education gave Williams undisputed economic and political power in

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<sup>29</sup> Lincoln, 78-81, 87-92; *Massachusetts Gazette*, 30 June 1774; *Massachusetts Spy*, 13 September 1774.

<sup>30</sup> The patriotic posting on the liberty pole is quoted in Green, 681-2.

Hampshire County.<sup>31</sup> A trusted advisor to three governors—William Shirley, Francis Bernard and Thomas Hutchinson—Williams held multiple offices as a selectman, representative to the legislature, member of the governor's council, county justice, colonel in the militia and Chief Justice for Massachusetts. Throughout this experience, Williams used his political and economic power to become one of the largest landowners and creditors in Hampshire and Berkshire Counties.<sup>32</sup>

In the process, Williams made numerous enemies throughout Hampshire County, voting against a bill for a second county court in Northampton, even though popular opinion supported rotation of the courts between the county seat at Springfield and the thriving town to the north. The decision favored Williams' close ally John Worthington, patron of the dominant family in southern Hampshire County. In contrast, Williams' opposition to a second court showed little concern for the residents of the northern portion of the county, including his own town of Hatfield. And it was particularly offensive to Joseph Hawley, Williams' cousin, who was an important lawyer from Northampton and a leader of the local committee of correspondence.<sup>33</sup> Williams added to the growing list of personal enemies when he conspired with Governor Hutchinson to negate a second parish in Amherst, and he agitated local Baptists by ruling against a petition protesting the collection of mandatory taxes that were used to support the

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<sup>31</sup> Israel Williams was the youngest son of Reverend William Williams, minister of Hatfield, and his second wife Christian Stoddard, the daughter of Solomon Stoddard, one of the most powerful religious leaders in western Massachusetts. Williams' cousins included William Williams (Hatfield) John Williams (Deerfield) and Joseph Hawley (Northampton). On the experience of the river gods, see: Robert Zernsky, *Merchants, Farmers, and River Gods: An Essay on Eighteenth-Century American Politics* (Boston: Gambit, Incorporated, 1971).

<sup>32</sup> See Nobles, 24-35; Henry George Merriam, "Israel Williams, Monarch of Hampshire, 1709-1788" (Ph.D. diss., Clark University, 1961), 5-42, 80-2; Schutz, 383.

<sup>33</sup> Joseph Hawley to William Williams, 26 May 1770, *JHP*.

Congregationalist parish in Ashfield.<sup>34</sup> The complaints against Williams assumed a colonial dimension in 1774 when he became a member of the mandamus council and a conspicuous opponent of the non-importation agreement.

Williams was still a formidable opponent, however, and the local committee in Hatfield avoided direct confrontation until the evening of September 5, 1774, when the neighboring town of Williamsburg, which was in the midst of a patriotic rally, provided an opportunity for direct action. Later that evening the local committee in Williamsburg dispatched Benjamin Read as a messenger to Hatfield to coordinate a joint rally of both towns and a possible parade from Williamsburg to Hatfield. Arriving in Hatfield, Read was initially greeted with suspicion by Joshua Warner, a militia officer, and Israel Chapin, the local constable and a leader of the local committee of correspondence. Reassured that the crowd in Williamsburg posed no threat to private property, Chapin invited the men of Williamsburg to conduct a joint mob action in Hatfield against the local Tories, naming Israel Williams and his allies as the principal offenders. These men, Chapin proclaimed, all “Deserved to be Delt with in Severity.”<sup>35</sup> Read was shocked by the invitation and he was not alone. Seth Tubbs, a second resident of Williamsburg, rejected a similar overture received while he was dining with three men from Hatfield, who included Elihu Graves, a second member of the Hatfield committee of correspondence. “[I]t was said by one of the three Hatfield Men,” Tubbs testified at a

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<sup>34</sup> Growing resentment against Williams was evidenced as early as the election of 1768, when more than half the voters at the Hatfield town meeting chose to leave their ballots blank rather than reelect Williams as a representative to the General Court. Williams was elected nonetheless when the moderator ruled that the blank ballots were invalid. See: Merriam, 82, 95-6; Nobles, 150-3, 161-2; Robert E. Brown, *Middle-Class Democracy*, 305.

<sup>35</sup> Deposition of Benjamin Read, 14 September 1774, *IWP*.

later date. "it would not be safe to go to battle and leave a Mess of Torymen behind to Destroy the People at Home."<sup>36</sup>

The suggestion of a combined action against Israel Williams revealed the limitations of local committees of correspondence. Fearing Williams' extensive influence, the Hatfield committee seized on the idea of a surrogate crowd action. The men from Williamsburg were amenable to a combined protest, but they had no interest in anything bordering on violence, even though they shared a series of longstanding complaints against Williams. The Hatfielders had no taste for violence either and from its inception the Williamsburg-Hatfield crowd action was organized as a tightly controlled, non-violent protest, as evidenced by a post-rally investigation conducted by the local committee of correspondence.<sup>37</sup> In separate depositions, Benjamin Read and Seth Tubbs identified the Williamsburg rally as a "company" and the gathering at Hatfield as a "muster."<sup>38</sup> In the end, the simulated mob action failed when Williams refused to follow in the path of many Tories who had already relocated to the safety of Boston. But the action did succeed in one sense: Williams was forced to resign his appointment as mandamus councilor.<sup>39</sup>

Committees of correspondence throughout western Massachusetts used similar tactics to challenge the authority of the county gentry in town meetings, connecting old antagonisms to broader colonial issues. In the process, the committees subverted the

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<sup>36</sup> Deposition of Seth Tubbs, [?] September 1774; Deposition of James Hunt, [?] September 1774; Deposition of William Read, 15 September 1774. *IWP*.

<sup>37</sup> See Dirk Hoerder, "Boston Leaders and Boston Crowds, 1765-1776," in Alfred Young, ed., *The American Revolution* (DeKalb: Northern Illinois University Press, 1976), 242.

<sup>38</sup> See: George Sheldon, *A History of Deerfield Massachusetts*, 2 vols. (Somersworth: New Hampshire Publishing Company, 1972; 1895-96), 2:684-85; Nobles, 171-6.

<sup>39</sup> Bernard Bailyn, *The Ordeal of Thomas Hutchinson* (Cambridge: The Belknap Press of Harvard University Press, 1974), 295.

localist tendencies of the general populace by promoting a growing awareness of politics on the county and colonial levels.<sup>40</sup> The local committee in Amherst, which operated in a major Tory stronghold, rallied support for the patriot movement by connecting older grievances against Isaac Chauncy, Reverend David Parsons and a number of other prominent local officials with patriot resistance to royal government. The campaign succeeded in seizing control of the town meeting and electing John Billings, Moses Dickinson and Nathaniel Dickinson, active members of the patriot movement in Amherst, to the legislature. In turn, successful campaigns like the one in Amherst lent impetus to the effort to recruit a patriot militia in western Massachusetts, as exemplified by Reuben Dickinson, a selectman and committeeman in Amherst, who had little difficulty enlisting volunteers for his company of Minutemen, including Daniel Shays, a young farmer from neighboring Pelham.<sup>41</sup>

Out of this milieu the county convention emerged—a political entity with little precedent in colonial or British political tradition.<sup>42</sup> An outgrowth of the committees of correspondence and, at the same time, a response to their limitations, county conventions initially operated as ad hoc assemblies called to express support for the patriot opposition and the rebellious Provincial Congress. The first recorded county convention was held in Stockbridge (Berkshire County) on July 6, 1774 in response to the closing of the port of

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<sup>40</sup> Newcomer, 85-7, 90-1; Richard D. Brown, *Revolutionary Politics in Massachusetts*, 244-7.

<sup>41</sup> Newcomer, 70; Taylor, *Western Massachusetts in the Revolution*, 68; Schutz, 165, 206-7.

<sup>42</sup> County conventions had few precedents to draw on, most notably the political “convention” that operated briefly in England during the Revolution of 1688 as a quasi-parliament (a parliament not legally summoned by the king) and the 1768 convention of Massachusetts towns. See: Richard D. Brown, “The Massachusetts Convention of Towns, 1768,” *William and Mary Quarterly* 26 (January 1969): 94-104; J. Franklin Jameson, “The Early Political Uses of the Word Convention,” *The American Historical Review* 3 (April 1898): 477-87; Gordon Wood, *The Creation of the American Republic, 1776-1787* (New York: W. W. Norton & Co., 1969), 306-19; Edmund S. Morgan, *Inventing the People: The Rise of Popular Sovereignty in England and America* (New York: W. W. Norton, 1988), 78-121.

Boston.<sup>43</sup> Interest in county conventions spread quickly and nine additional conventions were held over the next two months in Worcester, Hampshire, Middlesex, Bristol, Suffolk, Essex, Plymouth and Cumberland Counties.

These early conventions were heavily attended and three of them were held in public venues, either on the courthouse steps or in the courthouse itself. More importantly, the early conventions attracted many leading politicians, including key members of the Provincial Congress, placing men with limited political experience in direct contact with prominent members of the patriot leadership. Joseph Warren, a founder of the Boston committee of correspondence and a leader of the anti-Hutchinson faction, served as a delegate from Boston to the Suffolk County convention. His distant cousin, James Warren, a major figure in the Provincial Congress who would become its president, presided over the convention in Plymouth County. The Hampshire County convention was chaired by Timothy Danielson, a wealthy landowner and shopkeeper from Brimfield with extensive experience in the colonial legislature.<sup>44</sup> Sponsored by men with legal and political influence, the county conventions quickly evolved into semi-autonomous political bodies, issuing resolutions in their own name. In this vein, delegates to the Suffolk County convention, which was held in Dedham on September 6, 1774, called for a general boycott against royal taxes and fees “until the civil government of the province is placed upon a constitutional foundation.”<sup>45</sup> The convention in Middlesex County announced a boycott of the courts for similar reasons, absolving in

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<sup>43</sup> See Taylor, *Western Massachusetts in the Revolution*, 75-7; Newcomer, 46-7; Richard D. Brown, *Revolutionary Politics in Massachusetts*, 211-12; Green, 276-7.

<sup>44</sup> Massachusetts Provincial Congress, *Journals of Each Provincial Congress of Massachusetts in 1774 and 1775, and of the Committee of Safety, with an Appendix, containing the Proceedings of the County Conventions ... and Other Documents* (Boston: Dutton and Wentworth, 1838), 601-27.

<sup>45</sup> *Ibid.*, 601-9.

advance all court officials, sheriffs and juries from any action they might take in support of the boycott.<sup>46</sup>

If they appeared cautious, the early conventions in eastern Massachusetts did place the delegates at significant risk. In 1774, condemnations of government, like those made against Parliament and the royal governor, could result in indictments of sedition or even treason, if those same denunciations included the king, an action that the patriot leadership scrupulously avoided. Western conventions, on the other hand, were protected from British military intervention by their distance from the capital. As a result, they were willing to take greater risks; but distance from the capital also prevented them from taking direct action against the governor and his council. In place of the governor, many western committees found a ready target in the county courts, earning praise from the patriot leadership in Boston for their creative opposition to royal government. “[N]othing in our opinion,” William Cooper wrote in reference to the first court obstruction in Berkshire County, “could have been better concerted than the measures come into by your County to prevent the Courts from sitting an establishment so repugnant to the Charter and Laws of this Province.” Cooper’s only hope was that “our Brethren in the County of Hampshire will emulate your illustrious example.”<sup>47</sup>

Unbeknown to Cooper the first convention in Hampshire County, held in Springfield in late July 1774, had already fulfilled his wishes, threatening to obstruct the courts unless the justices agreed in writing that their powers were derived from the charter and the General Court, and not from the governor or the Massachusetts Government Act. Reduced to its basic meaning, the resolution amounted to a statement

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<sup>46</sup> Ibid., 609-14.

<sup>47</sup> William Cooper to Theodore Sedgwick, 31 July 1774, *SFP I*.

of loyalty, either to the patriot cause or to Gage's royal government. Eleven justices, including Israel Williams, John Worthington and Jonathan Ashley, agreed that the original charter commissions were still in effect. But they also accepted the governor's right under the hated Government Act to "remove the said justices at his will without the advice of his Majesty's Council." The response was ruled unsatisfactory and a committee of the convention that included Reuben Dickinson informed the justices that "they would not sit contrary to the minds of the people."<sup>48</sup>

The committees of correspondence in Worcester followed suit, meeting in mid-August to "agree on what is proper to be done respecting the sitting of our County Courts."<sup>49</sup> The second Berkshire County convention, held in early August, took more immediate action. Demanding suspension of the county court in Great Barrington, the convention organized a crowd action to force compliance. On August 15, 1774, a contingent of about 1,500 armed men took possession of the courthouse under the sponsorship of the convention leadership. They held their positions, ignoring the sheriff's order to disband, until the justices suspended the session. Flush with success, the crowd marched to the home of Justice David Ingersoll, a leading member of the county gentry and an avowed Tory. Smashing his windows, they seized the judge and turned him over to a detachment of about 300 men from nearby Litchfield County, Connecticut. The Litchfielders, in turn, carried Ingersoll into Connecticut, where they were intercepted and forced to release the judge. But the experience shook Ingersoll's confidence to the core. The hapless judge fled Berkshire to a safe haven in Deerfield

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<sup>48</sup> Worcester County Convention to Boston Committee of Correspondence, 27 July 1774, *BCC*.

<sup>49</sup> Worcester County Convention to Boston Committee of Correspondence, 15 August 1774, *BCC*.

(Hampshire County), from there to Boston and eventually to England, blazing a trail for the flood of refugees who would soon follow.<sup>50</sup>

Impressed by the results of the action in Berkshire, the convention in Worcester County called for a plenary session to create a uniform “plan of operation” that would be potentially applicable in every county in the province.<sup>51</sup> The patriot leadership in Boston approved and delegates from Worcester, Middlesex and Essex Counties met in the capital on August 26, 1774 with the Boston committee of correspondence, which doubled as the delegation from Suffolk County. The resolutions that followed reflected the boldness of the meeting, which was held within close proximity of the governor. Condemning the current colonial government as unconstitutional, the delegates called for elections in every county for representatives to a Provincial Congress and they extended the claim of unconstitutionality to include all justices and officers of the court who operated under the governor’s commissions. These courts, the convention declared, “ought ... to be properly opposed in the Counties wherein they shall be attempted to be held.”<sup>52</sup>

Influenced by the decision from Boston and the example set in Berkshire, the Worcester County convention ordered its forces into action in early September 1774. In a remarkable display of manpower and discipline more than 6000 men filled the common in Worcester in two orderly rows under the command of their militia officers. It was a harrowing event for the “royalist justices, and officers, [who] were compelled to pass through the ranks, pausing, at intervals, to read their declarations of submission to the

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<sup>50</sup> The Litchfielders were intercepted in Connecticut and held for trial, but no jury would convict them. Ingersoll was released and eventually left for England the next fall. Smith, 195-6; Sheldon, 2: 681-2, 712.

<sup>51</sup> Worcester County Convention to Boston Committee of Correspondence, 15 August 1774; Boston Committee of Correspondence to Committee of Correspondence (Worcester), [?] August 1774, *BCC*.

<sup>52</sup> Meeting of Delegates from the Counties of Worcester, Middlesex and Essex with the Committee of Correspondence of the Town of Boston, 26 August 1774, *BCC*.

public will.”<sup>53</sup> Twenty-one justices, the sheriff and three attorneys yielded to the convention, committing their signatures to a written declaration in which they agreed to stay all judicial procedures. Victorious but still cautious, the crowd held its position throughout the afternoon, dispersing peacefully at the end of the day, when they were reassured that no government troops were forthcoming.

The Hampshire County convention took similar action at the end of September, dispatching a committee to Springfield to meet with the justices, who included Israel Williams and John Worthington—the “pillars of government in Hampshire County”—and Jonathan Ashley, a lesser figure in the county, but a man who was well known as a Tory sympathizer.<sup>54</sup> All three had wavered on an earlier demand for a pledge of loyalty and, not surprisingly, they refused to suspend the court. But the convention was prepared to force the issue and on a prearranged signal a large party of men from towns throughout Hampshire County, who had gathered across the river, marched into Springfield armed with staves to take possession of the courthouse steps. By early morning the crowd exceeded 1000 and may have grown as large as 3000. It was difficult under these circumstances for anyone, even a Williams or a Worthington, to resist and the justices quickly departed without holding court. The crowd lingered, however, seizing anyone suspected of toryism, marching them in front of the assembled protestors and forcing them to denounce the authority of the king. In every other way, the crowd remained non-violent and disciplined, clearly under the control of the convention committee.<sup>55</sup>

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<sup>53</sup> *Journals of Each Provincial Congress*, 635, 637.

<sup>54</sup> Bailyn, *Ordeal of Thomas Hutchinson*, 179; Schutz, 151, 384, 391.

<sup>55</sup> Sheldon, 2:682-4; Nobles, 166-7.

By the end of September 1774, county conventions had proven their effectiveness throughout western Massachusetts. Endorsed by the eastern patriot leadership and underwritten by influential westerners like Theodore Sedgwick in Berkshire County, Joseph Hawley in Hampshire County and Artemas Ward in Worcester County, they exercised enough collective authority to counter the most powerful members of the county gentry. David Ingersoll fled the county after his encounter with the Berkshire convention. John Worthington and Jonathan Ashley packed their kits and returned home abruptly when they were confronted by an organized and disciplined crowd under orders from the Hampshire County convention. In each instance, the conventions succeeded where local committees had failed by employing broad authority and sizeable crowds drawn from towns throughout their respective counties. These successes were generally permanent, with the notable exception of Israel Williams.

Indomitable and stubborn, Williams continued to vacillate, propped up in part by his prominence in the county and in part by Joseph Hawley and a number of influential patriots, who interceded to forestall direct action against Williams while they waited patiently for his voluntary submission. But the local committees and the public had run out of patience. Anticipating retaliation, Williams converted his homestead in Hatfield into a makeshift stronghold, garrisoning it with family and friends, all of them armed. On January 17, 1775, a well-organized crowd gathered in front of his house, announcing that they were prepared to stay until Williams delivered assurances that he was not an enemy of the rebellion. The "siege" succeeded, at least for the moment, and the crowd dispersed peacefully, having secured a pledge of neutrality from Williams. But Williams was recalcitrant and he continued to speak out against the patriot cause and the local

committee of correspondence. Two weeks later, Williams became the target of a third action, this one led by outsiders from nearby Hadley, who were sponsored and directed by Joseph Hawley and the Northampton committee of correspondence. In a well-disciplined exercise, the crowd seized Williams and his son, removed them from Hatfield to a cabin in Hadley, where they were "smoked" until they agreed to sign the articles of neutrality.<sup>56</sup>

Once again Israel Williams professed neutrality when he was confronted with a crowd, but he quickly returned to his original position when the immediate threat had dissipated.<sup>57</sup> Continually frustrated, the Hatfield committee escalated the case against Williams, declaring him a threat "not only in the Town but ... more or less in every Town in the County."<sup>58</sup> A meeting was called to secure countywide sponsorship and, in particular, the support of the Northampton committee and its chairman Joseph Hawley. The Hatfielders also obtained an official list of charges from sympathetic committees in Berkshire County.<sup>59</sup> After two-years of fruitless effort, the campaign to suppress Williams finally ended when he and his son were arrested and charged with sedition. Found guilty, the Williamses were imprisoned until they agreed to confess to their "crimes" and to remain on good behavior as a condition of their parole.<sup>60</sup>

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<sup>56</sup> John Dickinson to Israel Williams, 23 May 1775; Elijah Morton to Israel Williams, 12 June 1775; James Easton to Israel Williams, [?] 1775. *IWP*; Green, 695-8.

<sup>57</sup> John Dickinson to Council [Provincial Congress], 7 March 1777; Order of the Council to the House of Representatives [Provincial Congress], 18 March 1777; Resolution of the Committee of Safety of Hatfield to the Provincial Congress, 29 March 1777; Resolution of the House of Representatives [Provincial Congress], 15 April 1777. *IWP*.

<sup>58</sup> Resolution of the Committee of Safety of Hatfield to the Provincial Congress, 29 March 1777. *IWP*.

<sup>59</sup> Numerous settlers in Berkshire County had come from the anti-Williams towns of Hatfield and Northampton in Hampshire County. John Dickinson to Council [Provincial Congress], 7 March 1777. *IWP*. See also: Thomas Allen, *An Historical Sketch of the County of Berkshire, and Town of Pittsfield* (Boston: Belcher and Armstrong, 1808), 11.

<sup>60</sup> Committee of Correspondence and Inspection to House of Representatives [Provincial Congress], [?] September 1779; Application of Israel Williams and Israel Williams Jr. to Town of Hatfield, 26 June 1779. *IWP*.

As the actions against Williams demonstrated, a hierarchy of revolutionary authority had developed in western Massachusetts by the middle of 1775, partly out of necessity and largely as a direct product of western activism. Committees of correspondence operated at the town level, coordinating demonstrations, boycotts and internal security. Local committees also supplemented and frequently overlapped town government, repairing roads, collecting taxes, conducting inventories of estates of "absentee" owners and maintaining the local jail.<sup>61</sup> But they yielded to the newly formed conventions on issues of countywide importance. Together committees and conventions carried the Revolution into the western counties, creating a new arena for political participation. In turn, participation in local committees and conventions, and in the protests they sponsored, stimulated western voters, awakening them to the broader possibilities of political action and change. A debate over the legality and morality of slavery, for example, would have never appeared on the agenda of an eighteenth-century town meeting in western Massachusetts. But it became a topic for heated debate during the June 1775 session of the Worcester County convention. Acting on a petition from black slaves seeking their freedom, the convention resolved that "whenever there shall be a door opened," the associated committees of correspondence would do their utmost to assist in the emancipation of blacks.<sup>62</sup> The convention had no practical authority to put the resolution into action, but the political nature of the debate signaled an important transformation in the western convention movement. By mid-1775, county conventions

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<sup>61</sup> I. Hurd (Haverhill) to William Whipple, 19 November 1776, *Charles Lowell Papers*, Massachusetts Historical Society, Boston, MA; Inventory of the Estate of David Sears, 6 May 1778; Records of the Committee of Correspondence, Inspection and Safety of the Town of Lenox, [?] 1778; Instructions of the Town of Lenox to their Committee of Correspondence, Safety &c, [?] 1776, *Walker-Rockwell Papers*, New York Historical Society, New York, NY.

<sup>62</sup> *Massachusetts Spy*, 21 June 1775.

in western Massachusetts had fully transcended their role as brokers for the Provincial Congress, emerging as agents for collective political action and political expression.

The eastern patriot leadership acknowledged the importance of countywide coordination and they praised strategic obstruction of the courts. More importantly, the Provincial Congress drew its authority from resolutions issued by the conventions. But the eastern patriot leadership already harbored suspicions about the county conventions and the implied challenge to centralized authority they represented. The frequency and success of convention-ordered court closings led one observer to doubt if any of the superior courts would open in the western counties, "nor any courts at all after this, till Civil Broils are ceas'd."<sup>63</sup> More importantly, the patriot legislators worried about the growing independence and authority of the county conventions. Favoring tightly controlled bodies that acted as administrative bureaus and not as political assemblies, the Provincial Congress issued a resolution on April 12, 1775, establishing five man county committees that would act as intermediary bodies between the towns and the Provincial Congress. These committees would meet regularly every two months and would be required to submit quarterly reports to the Provincial Congress, detailing activities in their county. In exchange, the county committees would receive congressional funding.<sup>64</sup>

The Worcester County convention responded to the congressional resolution by adapting it to its own needs. A standing committee was appointed with Joshua Bigelow as chairman, but the committee remained completely independent from the Provincial Congress, meeting when the convention was not in session to interpret resolutions from the legislature; to vote on countywide issues; and to issue appropriate instructions to the

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<sup>63</sup> I. Hurd to Charles Lowell, 6 May 1775. *Charles Lowell Papers*.

<sup>64</sup> Resolution, 12 April 1775 in *Journals of Each Provincial Congress*, 139-40.

local committees of correspondence.<sup>65</sup> In every other way, the “county committee” model was a failure in western Massachusetts. Political leaders and voters in Berkshire and Hampshire Counties ignored the resolution in its entirety and the conventions in all three counties continued to act as independent coordinating bodies for the towns.<sup>66</sup>

Negative reaction among western leaders and voters to legislative mandates like the county committee system served as an early signal of emerging conflict between the conventions and the eastern patriot leadership. These differences were temporarily set aside on June 17, 1775, when the county conventions became the only effective government in western Massachusetts above the level of the towns. On that day British troops and American militia clashed on Breed’s Hill (incorrectly recorded by British officers as Bunker’s Hill).<sup>67</sup> It was a Pyrrhic victory for the British, who secured control of the strategic elevation, but at a significant cost in lives and prestige. More importantly, the battle altered the role of the British army in Boston from a police force to a hated army of occupation, producing the first American military martyr, Joseph Warren, and the first collateral damage to civilians and property when British artillery inadvertently set fire to Charlestown. News of the battle and the destruction—amply heightened by patriot propaganda—galvanized support for the patriot cause throughout the colonies.

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<sup>65</sup> See *Massachusetts Spy*, 24 May and 5 July 1775; Brooke, *The Heart of the Commonwealth*, 155. See also Richard D. Brown, *Revolutionary Politics in Massachusetts*, 210-36.

<sup>66</sup> Chairman, Hampshire County Convention to the Committee of Correspondence of Northampton, 16 December 1776. *JHP*.

<sup>67</sup> The battle on Breed’s Hill is popularly, but inaccurately celebrated as the Battle of Bunker’s Hill. An excellent summary of the battles at Concord, Lexington and Breed’s Hill can be found in Robert Middlekauff, *The Glorious Cause: The American Revolution, 1763-1789* (New York: Oxford University Press, 1982), 260-92.

“[T]he late conflagration of Charlestown.” Mercy Warren reported to her British contact, “is considered by the Americans an instance of unparalleled barbarity.”<sup>68</sup>

Less than a month later Continental troops under the command of George Washington, augmented by militia, many of them from towns in western Massachusetts, ringed the city with dirt fortifications, securing the land routes out of Boston. The British navy retained control of the water route, ensuring continued supply and a possible escape. But the navy contributed little else to the stalemate. As the two opposing forces sat and waited, conditions worsened within the city. There were daily reminders of occupation and siege: a lack of supplies, illness, poverty and random firing from the rebel forces, which served as a constant reminder that the siege could easily turn into an open battle. “We are at present invested by an [patriot] army of about 14000 Men,” Henry Pelham wrote, “whose almost Continual Firing of Shot has in a gr[ea]t degree reconciled us to Noise of Cannon: and we are daily spectators of the Operations of War.”<sup>69</sup>

Hemmed in and undermanned, the British army was in no position to invade and control an area as remote and forested as Berkshire, or a territory as extensive as Worcester and Hampshire. Any attempt to mount a major inland campaign would be without the support of the British navy, the irreplaceable element of British power overseas. Nor could the British win a war of attrition. Berkshire and Hampshire were not economically dependent on the east for export and import: and Worcester County was still self-sufficient enough to survive the closure of the ports.

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<sup>68</sup> Mercy Otis Warren to Catharine Macaulay, [?] August 1775, *Mercy Otis Warren Papers* [microform], Massachusetts Historical Society, Boston, MA.

<sup>69</sup> Henry Pelham to Susanna Copley, 23 July 1775 in John Singleton Copley, *Letters & Papers of John Singleton Copley and Henry Pelham, 1739-1776* (Boston: Massachusetts Historical Society, 1914), 344-7. For an additional account of the siege, see: Love Rawlins Pickman to Benjamin Pickman, [?] April 1775 in George Francis Dow, ed., *The Diary and Letters of Benjamin Pickman (1740-1819) of Salem, Massachusetts* (Newport: 1928), 58-60.

If the occupation and siege of Boston limited the effectiveness of the British army in Massachusetts, it also reduced the influence of the eastern revolutionary leadership. The Boston committee of correspondence surrendered its coordinating function during the occupation and siege to focus almost exclusively on the situation in the capital.<sup>70</sup> Meanwhile, the Provincial Congress operated in safety and was well attended, but it exercised little direct control, a reality that worried many eastern patriots. "I am glad to hear the provincial congress is so full, and that you are not apprehensive of immediate danger from the kings troops." Mercy Warren wrote to her husband James, who was serving as president of the Provincial Congress. "[Y]et," she added derisively, "I cannot say I am altogether so well pleased with the expression that you are all very easy without mentioning any thing energetic that you are about to do."<sup>71</sup>

John Adams agonized over the ineffectiveness of the Provincial Congress as well, certain that delays and half-measures had already initiated an undesirable trend toward local self-government in the west. And he was thoroughly convinced that these same tendencies would threaten any sense of order in Massachusetts, if they were left unchecked.<sup>72</sup> Adams' lack of confidence in the political stability of western Massachusetts was typical of the eastern patriot leadership as a whole. Misinformed and with little firsthand information, most eastern legislators assumed that the western counties could not manage on their own. But the Provincial Congress left the outlying areas with little alternative. Burdened with lawyers and judges, the Provincial Congress

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<sup>70</sup> Brown, *Revolutionary Politics in Massachusetts*, 236. See also Newcomer, 32-7; Nobles, 159-68.

<sup>71</sup> Mercy Warren to James Warren, [?] 1775, *MWP*. This quotation has been edited to omit a confusing repetition without altering the meaning of the statement.

<sup>72</sup> John Adams, *Diary and Autobiography of John Adams*, ed. L. H. Butterfield, 4 vols. (Cambridge: Belknap Press of Harvard University Press, 1962), 3:351-3.

insisted on a legal foundation—a fiction, as Edmund Morgan calls it—to reconstitute colonial government.<sup>73</sup> Unwilling to draw on new sources of sovereignty, the Provincial Congress dispatched a message in early June 1775 to the Continental Congress requesting, “explicit advise respecting the taking up and exercising the powers of civil government.”<sup>74</sup>

John Adams took the initiative in the Continental Congress, urging forthright action. But the request from Massachusetts arrived when the Continental Congress was trapped in its own cycle of immobility, wavering on a declaration of independence while one more attempt was made at reconciliation with Britain. Acting in its own best interests, the Continental Congress advised against anything that approached a declaration of independence. In 1775, the colonies were still structured as separate political entities under a variety of charters that tied each colony directly to the British Empire. Individual colonies could and perhaps from a legal perspective should declare their own independence by rewriting their charters of government. But congressional authority, which was contingent on unanimity among the colonies, precluded individual assertions of independence until the colonies could agree on a united declaration of independence that would tie them to a united defense.<sup>75</sup> Accordingly, Congress advised Massachusetts to take the most cautious route by preserving the colonial government

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<sup>73</sup> Edmund Morgan argues that all governments derive and maintain their authority—whether by divine right or popular sovereignty—through some theoretical justification that is, in effect, a fiction. Morgan, 13-15.

<sup>74</sup> John Adams, *Autobiography and Diary*, 3:351-3.

<sup>75</sup> Many states did, in fact, issue their own declarations of independence after the Congressional Declaration of Independence was made public on July 4, 1776, either as separate documents or as statements within the new state constitutions. See Pauline Maier, *American Scripture: Making the Declaration of Independence* (New York: Alfred A. Knopf, 1997), 163-7.

minus the executive. "until a Governor of his Majestys Appointment will consent to govern the Colony according to its Charter."<sup>76</sup>

The Provincial Congress in Massachusetts embraced the recommendation, employing the fiction outlined by the Continental Congress to assume executive, legislative and judicial authority for Massachusetts. Elections for representatives were held in June 1775 under the authority of the charter of 1691. When the elections were completed the new House of Representatives elected twenty-eight of its members to serve on a Council. Together the House and the Council assumed responsibility for colonial government in the "absence" of the governor. "Thus after living more than twelve months without law," Mercy Warren beamed, "and without any regular administration of Government, we are just returning from a state of nature to the subordinations of civil society."<sup>77</sup>

Warren's assessment exaggerated the legitimacy and effectiveness of the new colonial government. On the surface, the plan of government conformed to the resolutions of the various county conventions. But it quickly became clear that county conventions throughout western Massachusetts were not prepared to cede automatic allegiance to any distant authority—British, loyalist or patriot—on the basis of a legislative act. More importantly, the conventions were unwilling to return to the charter of 1691 in the wake of the Government Act, with or without a governor. On December 15, 1775, the Berkshire County convention voted to reject the legal fiction that the Provincial Congress had employed to proclaim its legitimacy, arguing that government

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<sup>76</sup> John Adams, *Diary and Autobiography*, 3: 351-3.

<sup>77</sup> Mercy Otis Warren to Catharine Macaulay, [?] August 1775, *MWP*.

by legislative fiat was thoroughly unconstitutional and that this disability extended to legislative appointments as well, particularly the county courts.<sup>78</sup>

Once again, western activists targeted local courts as surrogates for the provincial government, as they had done two years earlier in protests against the royal government. In the process, they added a new demand for local nomination of judges. In this same spirit eight Hampshire County towns assumed the authority to question the fitness of two attorneys, “who have always been viewed as Inimical to the Liberties of American By the People at Large.”<sup>79</sup> In challenging judicial and legal appointments, however, the Berkshire convention was not advocating anything as rash as doing away with the court system. Instead, the delegates to the convention were correcting what they saw as an old injustice. The charter of 1691 granted the General Court and Council the exclusive right to appoint local and county judges. Under this same charter, towns had no right to advise the General Court on appointments or legislation.<sup>80</sup> In contrast, the county gentry and the eastern political elite in Boston thrived under this system, whether it involved gubernatorial appointments or appointments made by the Provincial Congress. In either case, the courts were still dominated by easterners.

The western demand for local nominations for county officers also reflected an understanding of home rule that was not consistent with the Charter of 1691 and certainly

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<sup>78</sup> Resolves of Stockbridge Convention, 15 December 1775 in Robert J. Taylor, ed., *Massachusetts, Colony to Commonwealth: Documents on the Formation of the Constitution, 1775-1780* (Chapel Hill: The University of North Carolina Press), 1961, 16-17.

<sup>79</sup> The eight towns included Deerfield, Conway, Ashfield, Shelburne, Colrain, Charlemont, Maxfield and Greenfield. The court agreed on general principle with the petition, but refused to disbar the two men since no crimes of treason had been filed or proven. David Wells, Chairman to the Superior Court at Springfield, 22 September 1778; Decision of the Superior Court at Springfield, 22 September 1778, *William Cushing Papers*, Massachusetts Historical Society, Boston, MA.

<sup>80</sup> Earlier bills issued by the General Court between 1636-1647 specified and therefore restricted town government to the administration of local highways, schools and livestock and to legislation limited to the

not consistent with the perspective of the eastern revolutionary leadership. In asserting their objections to old practices in a modern era, the convention was also suggesting that the suspension of royal government in Massachusetts justified and, in fact, necessitated broad rethinking of government. Many westerners would eventually identify this concept with the Lockean “state of nature” and some already did. But for most westerners the concept represented an expanded understanding of politics that was a direct outgrowth of the Revolutionary committees and county conventions.

Accustomed to direct action in their own county, the Berkshire convention had no intention of waiting for permission from the legislature, voting to initiate countywide primary elections that would nominate four men to serve as county justices, whose names would then be submitted to the Council for confirmation. Sixteen delegates, including three prominent attorneys—John Ashley, Theodore Sedgwick and Mark Hopkins—dissented, denouncing the resolution as a deviation from established rules of good government. At risk, the dissenters insisted, was the “present civil Constitution of this colony, which has been taken up by the people ... and agreeable to, the advice of the Continental Congress.”<sup>81</sup> The depiction of government as the product of popular agreement was not only false, it was self-serving, since these were the very men who would benefit under the colonial system of appointment, which favored educated men who were trained in the law over men whose claim to office might be based more on popularity or notoriety than on professional qualifications.<sup>82</sup>

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town itself, provided the legislation did not involve criminal law and was not repugnant to the laws of the colony. See Kavenagh: 1:203-18, 587-90.

<sup>81</sup> Resolves of Stockbridge Convention, 15 December 1775 in Taylor, *Massachusetts, Colony to Commonwealth*, 16-17.

<sup>82</sup> John Ashley, a lawyer from Sheffield in Berkshire County, should not be confused with Jonathan Ashley, a lawyer, justice and Tory from Deertfield in Hampshire County, mentioned earlier in connection with the court closing in Springfield. Schutz, 151, 254, 336.

The Berkshire convention and the dissenters did agree on one point, however. The legitimacy of the new "constitution" was in question, an argument that was restated in clearer terms in a petition from the town of Pittsfield declaring "our abhorrence of that Constitution now adopting in this province." A lengthy introduction replete with revolutionary rhetoric preceded a lengthier list of resolutions that included demands for popular election of the governor and local nomination of county justices. "If the right of nominating to office is not invested in the people," the petition asserted, "we are indifferent who assumes it whether any particular persons on this or the other side of the [w]ater."<sup>83</sup>

It was a radical demand for distribution of state power and for popular participation at every level of government and, not surprisingly, the Provincial Congress refused to yield any of its authority and certainly not to the county conventions. Eastern politicians had become increasingly suspicious of conventions, and many worried that left unchecked, the county conventions might evolve into a parallel government in the form of an even larger state convention of committees.<sup>84</sup> But the legislature had no practical ability to enforce its claim of authority. Instead the Provincial Congress issued a proclamation on February 13, 1776 calling for a thorough restructuring of local committees of correspondence. Under the congressional plan committees would be tied exclusively to town meetings and they would operate under the direction of the central committee in Boston, bypassing the "diversely denominated" county conventions, which the Provincial Congress identified as the main source of "Confusion and Mischiefs."

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<sup>83</sup> Petition of Pittsfield, 26 December 1775, Taylor, *Massachusetts, Colony to Commonwealth*, 17-19.

<sup>84</sup> *Massachusetts Spy*, 16 October 1775.

Elections would also be held in March to select new representatives to the local committees of correspondence who were “friendly to the Rights and Liberties of *America*” and remove any whose principles were deemed unfaithful to their office.<sup>85</sup>

Joseph Hawley saw the congressional initiative as a blatant attempt to discredit the county conventions and the western patriot leadership.<sup>86</sup> In contrast, conservatives and moderates in western Massachusetts saw the proclamation as an opportunity to reassert their authority. In April 1776, a conservative caucus in Berkshire issued a petition to the Provincial Congress, requesting congressional action against committees and conventions. Assemblies of this type, conservatives insisted, defied the colonial structures of authority, creating unwarranted expectations among the common people. “We would hope,” the petitioners argued, “the people may soon see the folly of their proceedings, and return to their sense of duty; but as long as such incendiaries are tolerated it is hardly to be expected.”<sup>87</sup> These incendiaries included Thomas Allen, a minister with a Harvard education, who was also an influential leader in Pittsfield and Berkshire County politics.<sup>88</sup>

Allen’s detractors were not Tories, however. They were men like John Ashley, a young and promising attorney who had attended the early Berkshire county conventions as a delegate, but had now become an outspoken opponent of the conventions and their leadership. These conventions, Ashley and his cohorts charged, had fallen under the influence of irrational radicals and anarchists like Thomas Allen, a man who was known

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<sup>85</sup> Resolution of the House of Representatives, 13 February 1776, *JHP*.

<sup>86</sup> Joseph Hawley to Committee of Inspection in Southampton, 29 February 1776, *JHP*.

<sup>87</sup> Petition of John Ashley and others, 12 April 1776 in Taylor, *Massachusetts, Colony to Commonwealth*, 23–4.

<sup>88</sup> Affidavit on Thomas Allen, 2 March 1776 in Taylor, *Massachusetts, Colony to Commonwealth*, 24–6.

for his Painite sympathies. Allen was, however, far from being an anarchist and his greatest crimes appear to have been his devotion to county conventions and his itinerant speechmaking. Blunt and outspoken, Allen traveled about the countryside like a minister riding the circuit to spread the news and ideas of the Revolution, which included the writings of Tom Paine. This, more than anything else, worried men like Ashley, who saw themselves at the helm of a more moderate government.<sup>89</sup> Playing to the self-interest of the Provincial Congress, Ashley and his cohorts charged Allen with sedition for a speech he had given “to a large Number of the Inhabitants of *Richmond*, in said County, wherein he informed his Auditory that the present Constitution of this Colony, as established in Consequence of the Advice and Recommendation of the Continental Congress, is oppressive, defective and rotten to the very Core.”<sup>90</sup>

The Provincial Congress responded to the Berkshire conservatives by authorizing a committee to investigate the allegations against Allen and the county conventions.<sup>91</sup> But neither the best efforts of the conservatives nor the resurgence of Boston as a political center following the evacuation of the British in March 1776 had any significant effect on the convention movement. County conventions continued to command the support of voters and committees of correspondence in western Massachusetts, and they continued to operate as the primary authority for issues that transcended the immediate concerns of the towns.<sup>92</sup> Eastern observers might call it obstinacy or political immaturity; but the preference for county conventions in western Massachusetts reflected increasing

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<sup>89</sup> Smith, 166-7, 190-1, 229-30; Samuel Burnham, *Rev. Thomas Allen* (Cambridge: Welch, Bigelow, and Company, 1869) 17.

<sup>90</sup> *Journal of the House of Representatives* (12 April 1776), 51:3:116.

<sup>91</sup> *Ibid.*, (18 April 1776), 51:3:143.

<sup>92</sup> See Committees of Correspondence of Worthington, Chesterfield and Williamsburgh to Committee of Correspondence of Northampton, 13 February 1776; Committee of Inspection of Southampton to Committee of Correspondence of Northampton, 20 February 1776. *JHP*.

demands for expanded democracy that many western voters believed could not be gained by returning to government as usual. “[T]ill last fall,” a petition from Pittsfield noted, “your Memorialists had little or no Expectation of obtaining new privileges beyond what our defective Charter secured to us.” “Now,” the petitioners concluded in May 1776, “is the only Time we have reason ever to expect for securing our Liberty ... on a permanent Foundation.”<sup>93</sup>

What the Pittsfield petitioners were describing was not merely a matter of timing—seizing individual liberty while the issue was still hot. It represented a significant shift in the meaning of independence. The eastern revolutionary leadership had initiated the contest over home rule by challenging Parliament’s authority to tax and regulate the colony. Under this definition, home rule equated to legislative autonomy, which could be achieved by transferring the authority of the royal government to the colonial legislature without altering the basic foundation of government. The Pittsfield petition expressed a second and competing definition of home rule, which emerged in the whirl of town meetings, committee actions and county conventions. In western Massachusetts the movement for independence had initiated a demand for the dissolution of colonial government. Within a few years the “happy constitution” had become a “defective charter” and the congressional plan to reconstitute colonial government under the Charter of 1691 no longer satisfied the “inclinations of the people.”<sup>94</sup> Restated in numerous resolutions and petitions issued by the town meetings and county conventions, western voters demanded increased distribution of power and constitutional reform as a

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<sup>93</sup> Petition of Pittsfield, 29 May 1776 in Taylor, *Massachusetts, Colony to Commonwealth*, 26-9.

<sup>94</sup> For “our happy constitution,” see: Committee of Correspondence (South Hadley) to Boston Committee of Correspondence, 18 January 1773, *BCC*. For “the inclinations of the people,” see: Mercy Otis Warren to Catharine Macaulay, [?] August 1775, *MWP*.

logical consequence of freedom from Britain, which could only be achieved through wholesale reconstruction of government on a new foundation.<sup>95</sup>

Already weakened by the challenge from the west, the legislature's claim of authority was thoroughly shaken by the Declaration of Independence.<sup>96</sup> In one broad sweep of the pen, John Hancock, acting as a delegate from Massachusetts to the Continental Congress and president of that same body, placed the first signature on a document that invalidated the British colonial charters. Faced with an overwhelming lack of support and no legal argument, the Provincial Congress yielded to the clamor for a new charter of government. A resolution followed on September 17, 1776, instructing the towns to hold elections to determine if they would give their consent to the House and Council to draw up a new constitution and form of government. The completed constitution would then be made available for the "inspection and perusal of inhabitants" prior to ratification by the Assembly. The resolution also encouraged towns that were qualified to elect representatives, but had not done so in the past, to hold elections prior to the legislative debate over the constitution.<sup>97</sup>

The call for elections was somewhat disingenuous, however, since the Provincial Congress was fully aware of an impending change that would shift the balance of power in favor of the eastern leadership. A coalition of eastern towns that included Boston and the port towns in Essex County were demanding a complete reversal of the traditional

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<sup>95</sup> Pittsfield Memorial, 26 December 1775 in Oscar Handlin and Mary Handlin, ed., *The Popular Sources of Political Authority: Documents on the Massachusetts Constitution of 1780* (Cambridge: The Belknap Press of the Harvard University Press, 1966), 61-4.

<sup>96</sup> The rejected Massachusetts Constitution of 1778 cites the Declaration of Independence as the underlying reason for enacting a new constitution to replace the colonial charter. Handlin, *Popular Sources*, 190.

<sup>97</sup> *Journal of the House of Representatives* (17 September 1776), 52:1:110; Resolution of the House of Representatives, 17 September 1776, *Massachusetts Archives Collection*, Massachusetts Archives, Boston, MA, 156:133.

plan for apportioning representatives. The plan had merit from a democratic perspective, calling for reapportionment on the basis of population. But it altered the original scheme for equal allocation of representatives without substantive debate at the state and local levels. At issue was the balance of legislative power: western towns benefited from equal and eastern towns from proportional representation.<sup>98</sup> The demand caught the immediate attention of the Provincial Congress and an appointment was made to meet with a committee of delegates from Essex County.<sup>99</sup> The immediacy of the response and the ease of access to the legislature testified to the existing influence of the eastern towns, particularly those from the more affluent counties of Essex and Suffolk. It also testified to the eastern orientation of the Provincial Congress. Sponsored by the eastern leadership, the bill flowed smoothly through the labyrinth of legislative obstacles, making its way from proposal to enactment in little more than a week.<sup>100</sup>

With reapportionment in hand, the Provincial Congress established a number of committees to discuss and draft the new plan of government.<sup>101</sup> Samuel Adams, for one, had significant doubts concerning the assembly's ability to craft a suitable constitution. "They are at present an unwieldy body," he wrote to John Adams. "I will inform you more of this when I shall have the Materials."<sup>102</sup> Samuel Adams worried unnecessarily, since the Provincial Congress never got the opportunity to serve as a constitutional convention. If the surviving results offer a true indication of the pattern of town voting

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<sup>98</sup> Essex County Convention, 25-26 April 1776; Boston's Instructions to its Representatives, 30 May 1776 in Handlin, *The Popular Sources*, 73-5.

<sup>99</sup> *Journal of the House of Representatives* (2 May 1776), 51:3:213.

<sup>100</sup> *Journal of the House of Representatives* (3, 4 and 10 May 1776), 51:3, 220, 222, 255; *Massachusetts Spy*, 10 May 1776.

<sup>101</sup> *Journal of the House of Representatives* (4 and 5 June 1776), 52:1:13, 16.

<sup>102</sup> Samuel Adams to John Adams, 16 September 1776, Robert J. Taylor et al., eds., *Papers of John Adams*, 10 vols. (Cambridge, MA: The Belknap Press of Harvard University Press, 1977), 5:25-6.

on the resolution to draft a new constitution, a slim majority of the towns voted in the affirmative. But the same towns rejected the plan for legislative confirmation, insisting that the final vote on ratification be made at the town level.<sup>103</sup> John Adams blamed the movement against a legislative constitution on western voters.<sup>104</sup> A closer inspection of the returns from the various towns reveals broad support for a special constitutional convention. Voters from the town of Stoughton (Norfolk County) rejected the proposal, arguing that the sitting legislature was unqualified to draft the constitution “because they were never elected by the people for that purpose.” Stoughton offered an alternative plan, suggesting town elections to select delegates for special county conventions. Each of these county conventions would create a draft, appoint a county committee and the various county committees would then meet in a state convention to compare their drafts and arrive at a final consensus.<sup>105</sup>

A number of towns echoed the opinion of Stoughton, most notably Boston, Lexington and Concord, the eastern trinity of the early rebellion. But the collected towns of Worcester County delivered what may have been the most overwhelming vote against the congressional plan and the most radical departure from the original instructions issued by the Provincial Congress. On November 26, 1776, delegates from towns throughout Worcester County gathered in convention to debate the congressional proposal for a new constitution. Declaring the Provincial Congress unqualified to draft and ratify a

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<sup>103</sup> If the returns from Worcester County, which were published as a group in the *Massachusetts Spy*, are representative, then a more thorough accounting of town votes would have rejected the proposal by a slim majority. See the individual town returns and the Resolution of Worcester County Towns, 26 November 1776 in Handlin, *Popular Sources*, 101-66.

<sup>104</sup> John Adams to James Warren, 19 June 1777 in Massachusetts Historical Society, *Warren-Adams Letters: Being Chiefly a Correspondence Among John Adams, Samuel Adams, and James Warren*, 2 vols. (New York, AMS Press, 1972), 1:332-3.

<sup>105</sup> Handlin, *Popular Sources*, 106-7.

constitution, Worcester County demanded a special constitutional convention comprised of delegates who were chosen by the people "for the sole purpose of forming a Constitution of Government."<sup>106</sup>

The decision to assemble in convention may have been as significant as the final resolution. In calling the convention, the voters in Worcester County reflected a growing awareness of common interests and a willingness to use numerical strength and cohesion to counter the consolidated authority of the Provincial Congress. The emphasis on majority voting and the publication of dissenting opinions reflected a second transition in western politics. Prior to 1776, conformity typified town government and dissent was treated as an open break with the community. Departing from the tested formula, the resolution issued by the county convention included a list of affirmative and dissenting opinions. Democracy—replete with contest and dissension—had taken a major step forward in western Massachusetts under the aegis of the county convention.

Perhaps the most momentous change to emerge from the Worcester convention was the sudden and sharp deviation from older understandings of sovereignty. Under existing theories, contracts for government—expressed either as covenants, charters or constitutions—were drawn by the highest authority, an earthly or a heavenly monarch, and bequeathed to the citizenry. In different ways and at varying times, Jean-Jacques Rousseau, John Locke, Tom Paine and Thomas Jefferson challenged this assumption on an ideological level. The theoretical understanding of government as a social contract did not, however, preclude the congressional approach to the constitution, in which a governing body—the Provincial Congress in Massachusetts, for example—could originate and define its own authority. By 1776, an alternate understanding of the social

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<sup>106</sup> *Ibid.*, 135-7, 149-53, 64-6.

contract had emerged as a byproduct of the practical experience of revolutionary government. Political leaders and voters in towns throughout Massachusetts challenged the right of government to constitute itself, claiming this right exclusively for the people in the form of a specially designated convention to draft the constitution and popular ratification to enact it.

Once again, committees of correspondence and county conventions contributed significantly to the new understanding of constitution-making. Having stepped beyond their traditional localist boundaries, voters throughout western Massachusetts demanded a share of state power and a new constitution framed and ratified in specially designated public assemblies. The movement for a new state constitution and the county conventions that spawned it were not, however, universally popular. The eastern political leadership was already closing ranks to obstruct the growing authority of the popular assemblies. Town governments and committees of safety, one editorialist argued, “are officers made by, and known in, the law; therefore the law must be their rule.” But no law exists that sanctions an assembly of these same committees from several towns. County conventions of this kind, the editorial concluded, may have been necessary when government was suspended, but “at this time of the day, [they] can do no good, and may be productive of lasting mischief.”<sup>107</sup>

Editorialists and politicians might argue otherwise, but the statewide public had spoken for the first time in Massachusetts and the plan for a new constitution had been summarily rejected. “When we shall form our Constitution, or in what manner we shall

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<sup>107</sup> Editorial signed Speculator, 14 September 1776 in Peter Force, ed., *American Archives: Fifth Series. Containing a Documentary History of the United States* ... (Washington, D.C.: M. St. Clair and Peter Force, 1851), 2:340.

do it I am unable to say.” James Warren wrote despondently. “Our own delays have embarrassed us and I am persuaded the longer we delay this business the greater will be the difficulty in executing it.”<sup>108</sup> Some legislators were in favor of doing nothing; others flirted with the idea of a special constitutional convention. Warren supported neither alternative, remaining obstinately in favor of a legislative solution. His position prevailed when the Provincial Congress overwhelmingly rejected (85-25) the plan for a special convention, voting in favor of a legislative draft.<sup>109</sup> On April 4, 1777, Congress advised the public to choose representatives in the upcoming election who will, as part of their duties, have responsibility for forming the new constitution. The Provincial Congress made a major concession, however, announcing that the constitution would be drafted by the legislature and would then be submitted to the towns for ratification.<sup>110</sup>

Three months later, the Provincial Congress, ignoring the demand for a special convention, reorganized itself into a constitutional body. Left with no alternative, a western bloc of representatives worked from within to promote the western vision of government, including the demand for a unicameral legislature, an idea popularized in the Pennsylvania constitution, which many western voters saw as the preferred democratic alternative. In contrast, the eastern political leadership, ever mindful of the “fatal Experience of Pennsylvania,” held firm, designing a structure of government that included a bicameral legislature, an executive and a judiciary. Not surprisingly, the overwhelming share of power was given to the legislature—the governor had no veto. More importantly from the western perspective, the sitting legislature cited itself as the

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<sup>108</sup> James Warren to John Adams, 22 February 1777, *Warren-Adams Letters*, 1:294-7.

<sup>109</sup> *Journal of the House of Representatives* (27 March 1777), 52:2:285.

<sup>110</sup> *Ibid.*, 12 and 13 June 1777, 53:1: 24-5; Resolution, House of Representatives, 4 April 1777, *MAC*, 156:200-2; Handlin, *Popular Sources*, 177-89.

convening authority for the new constitution, effectively negating the demand for popular sovereignty.<sup>111</sup>

Some concessions were grudgingly made, however. The new qualifications for voting fell just short of universal suffrage for white males, imposing relatively low requirements for residency and payment of taxes, an idea that appalled many influential patriots. "Do you intend to make every Man of 21 a Voter for the Council," John Adams wrote in a letter to James Warren? "I have nothing to say, but I fear you will find a Fountain of Corruption, in making so many voters."<sup>112</sup> James Warren had, in fact, lobbied strenuously for higher property qualifications, but he, like many other delegates, surrendered on this issue for strategic purposes. "I question whether that would not render the whole abortive," Warren replied, "and from that principle have conceded to it as it is."<sup>113</sup> Voters also gained the right to elect the governor and lieutenant governor, which some easterners saw as yielding far too much to the "Caprices and trifling accidents [that] too often actuate and govern the populace."<sup>114</sup> Beyond this there were no specific guarantees of rights to the people, other than the guarantee of religious freedom for Protestants of every denomination.<sup>115</sup>

With the final draft approved, the constitution was ready for ratification. Many political leaders had serious doubts, however, questioning the potential for success under a system that included popular confirmation. "God Prosper your new Constitution," Adams wrote from Europe. "But I am afraid you will meet the Disapprobation of your

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<sup>111</sup> Samuel Cooper to John Adams, 29 May 1777, *Papers of John Adams*, 5:211-13; John Adams to James Warren, 11 June 1777, *Warren-Adams Letters*, 1:328-9; Handlin, *Popular Sources*, 190-201.

<sup>112</sup> John Adams to James Warren, 7 July 1777, *Warren-Adams Letters*, 1:339-40.

<sup>113</sup> James Warren to John Adams, 22 June 1777, *Ibid.*, 1:334-6.

<sup>114</sup> Nathan Rice to John Adams, 10 December 1777, *Papers of John Adams*, 5:354-6.

<sup>115</sup> Handlin, *Popular Sources*, 190-201.

Constituents. It is a pity you should be obliged to lay it before them: it will divide and distract them."<sup>116</sup> Looking past these objections, the Provincial Congress published the draft, submitting it to the towns for ratification on March 4, 1778, as agreed in the original plan. Over the next three months voters gathered in town meetings, where they vigorously debated the main points of the draft at length, while the returns trickled into the legislature. "You will see by the publick papers," Abigail Adams reported, "some squabbling about the constitution, and some *dissinssion* in consequence of it."<sup>117</sup>

Benefiting from better sources of information, James Warren offered a more accurate reading of the situation. "The returns are not yet made," Warren reported. "But I believe it is pretty Clear that the Majority have decided against it in much less time than the Convention took to decide in its favour."<sup>118</sup> The final tally reflected much more than a simple majority. Town meetings rejected the constitution of 1778 at a ratio of 3:1 and the constitution fared worse in the popular vote, which was nearly 4:1 against. Many of the town votes were unanimous, including the vote held in the Boston town meeting, where to the horror of the eastern leadership 968 individual votes were cast against the constitution.<sup>119</sup>

Widespread opposition to the constitution was also reflected in the grievances that many towns incorporated into their returns. As a whole, these grievances focused on two

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<sup>116</sup> John Adams to James Warren, 3 April or May 1777 in *Papers of John Adams*, 5:173-5.

<sup>117</sup> Abigail Adams to John Thaxter, 9 April 1778 in L. H. Butterfield, ed., *Adams Family Correspondence*, 6 vols. (Cambridge: The Belknap Press of Harvard University Press, 1963), 3:6.

<sup>118</sup> James Warren to John Adams, 7 June 1778 in *Papers of John Adams*, 6:187-90.

<sup>119</sup> The ratio of town and popular votes has been calculated from the collection of town returns listed in Handlin, *Popular Sources*, 202-323. This ratio corresponds with contemporary newspaper accounts, which gave the total vote as 9972 against and 2083 in favor of the constitution. See: Samuel Eliot Morison, "The Vote of the Massachusetts on Summoning A Constitutional Convention, 1776-1916, *Proceedings of the Massachusetts Historical Society*, 50 (1916-1917): 244, 244n. For the instructions to the towns see: Handlin, *Popular Sources*, 188-9.

major issues: the proposed structure of government and the method for drafting the constitution. Voters in Sutton (Worcester County) disagreed with the constitution in almost every point, offering a litany of objections that focused on the monopolization of power by the proposed state government. Brookline (Suffolk County) emphasized the relationship between the individual and the state, demanding constitutional guarantees of civil rights and specific limitations on the powers of government. Voters in Lexington (Middlesex County) objected to the process of amendment, which was limited to the legislature. “[I]t appears to us,” they argued, “... That a Door should be left open for the People to move in this Matter.”<sup>120</sup> The town meeting in Lenox (Berkshire County) protested the disproportionate power granted to the Senate and the Governor.<sup>121</sup> Meeting in convention on April 29, 1778, Essex County produced the most elaborate and detailed return, including a list of eighteen specific objections and amendments along with a lengthy disquisition on the nature and role of government. Voters in the town of Hardwick punctuated public hostility to the 1778 legislative constitution by renewing the twin demands for a special constitutional and popular ratification of the constitution.<sup>122</sup>

In all respects the constitution of 1778 was a dismal failure for the Provincial Congress and, in particular, for James Warren and the eastern political leadership, who found little support among enemies and allies alike. William Gordon, a close associate of James Warren, boasted at a latter date that he had lobbied against the 1778 draft of the constitution, contributing heavily to “demolishing” what he described as “that paltry

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<sup>120</sup> Ibid., 230-8, 269, 316-20.

<sup>121</sup> Ibid., 253-8.

<sup>122</sup> Ibid., 215-17, 324-65.

performance.”<sup>123</sup> Planned as a new beginning for government, the constitution of 1778 highlighted the flaws in the legislative process and, in turn, heightened the demand for a separate convention, and popular ratification. Wasting little time in reflection, the Berkshire County convention petitioned the Provincial Congress on August 26, 1778 for immediate authorization to convene a special constitutional convention, backing its demand with two explicit threats. All courts would be closed until a new constitution had been achieved and an independent constitutional convention would be held, if the Provincial Congress failed to call a separate convention on their own initiative. As proof of their resolve, the Berkshire conventioners put the second threat into motion, forwarding copies of the petition to committees of correspondence in Hampshire and Worcester Counties.<sup>124</sup>

Legislators could not be faulted if they took the threats as realistic. A statewide assembly of town committees might be out of reach, at least for the moment; but a regional convention of western counties was possible, as was wholesale obstruction of the local courts. County conventions in Berkshire, Hampshire and Worcester had been uniformly successful in closing courts in the recent past and they commanded broad support in their own counties. Material reasons also came into play, since the combined western counties represented a sizeable portion of the population, a major segment of the military force and a crucial source of supply. Viewed as dangerous in itself, the threat edged closer to reality when several committees in Hampshire County responded to the resolution from the Berkshire convention with a call for a convention of their own “to

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<sup>123</sup> William Gordon, “Letters of Reverend William Gordon, Historian of the American Revolution, 1770-1799,” *Proceedings of the Massachusetts Historical Society* 63 (June 1930): 441-8.

<sup>124</sup> Petition from Berkshire, 26 August 1778, *JHP*. An alternate copy of the petition can be found in Taylor, *Massachusetts, Colony to Commonwealth*, 93-4.

Consult on Some proper method of Setting forward. and procuring a Constitution of Civil Government for the State of Massachusetts Bay."<sup>125</sup>

The Provincial Congress responded by delegating a committee to meet in Pittsfield in November 1778 with a committee of representatives from Berkshire County. The meeting resulted in a joint resolution in which the Berkshire representatives agreed with the need for restraint and for centralized authority and the congressional committee, in turn, agreed that a new constitution drafted and ratified by the voters of the state was an absolute and immediate necessity.<sup>126</sup> Theodore Sedgwick saw the compromise as a major loss for the constitutional movement. "When the com[mit]tee were here the matter of Govt. was in a Convention of the County discussed, and the Party who have so long given us disturbance by opposing the reestablishment of order were obliged for very shame to submit to the Weight of superior Arguments."<sup>127</sup>

In reality, the agreement placed the onus on the legislature to call a special constitutional convention. Caught off guard, the eastern leadership stalled for time, sending yet another resolution asking the towns if they desired a new constitution and if they would authorize their representatives to call a state convention. Town meetings throughout Massachusetts responded overwhelmingly in favor of a new constitution, including all thirty-four towns that reported from Berkshire and Hampshire Counties. In Worcester County, twenty-nine of thirty-three towns voted in favor. Opposition was strongest in the coastal counties of Barnstable, Essex, Plymouth, Cumberland (Maine),

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<sup>125</sup> Petition from Several Towns in the County of Hampshire to the Committee of Correspondence in Northampton, 16 December, *JHP*.

<sup>126</sup> Statement of Berkshire County Representatives, 17 November 1778, Handlin, *Popular Sources*, 374-9.

<sup>127</sup> Theodore Sedgwick to [James] Sullivan, 10 January 1779, *SFP I*.

and York (Maine). But the largest eastern county, Suffolk, and its principal town, Boston, were decidedly in favor of a new constitution. Towns were less decisive concerning the second portion of the congressional resolution: the election of representatives to a special state convention. Eighty-nine of the returns failed to address this issue. Those that did voted overwhelming in favor of a separate convention (42-3).<sup>128</sup>

The ambiguity of the wording may have triggered widespread reluctance to vote on the second resolution, since voters were asked to consider “[w]hether they will empower their Representatives for the next year to vote for the Calling of a State Convention, for the sole Purpose of forming a new Constitution.” On the surface, the proposal sounded strikingly similar to the earlier, unpopular plan for a legislative draft of the constitution. The proposal also stubbornly returned to the issue of lawful authority, invoking once again the authority of the legislature to draft the constitution. Added to this was the obvious omission of ratification by the towns. A number of the returns, including the one from Sutton (Worcester County), addressed this issue by amending the resolution to include a proviso that the constitution would be submitted to each town for their approval or amendment.<sup>129</sup>

The second portion of the resolution also failed to mention the composition of the state constitutional convention. Voters were left to wonder whether the state convention would be comprised of representatives who were specifically selected for this purpose and this purpose alone, or whether it would be one more attempt on the part of the sitting

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<sup>128</sup> The results, which represent reports from two-thirds of the towns, are tallied in Handlin, *Popular Sources*, 389-93.

<sup>129</sup> *Ibid.*, 398.

legislature to draft the constitution. Two returns addressed this issue specifically. The town of Ward (Worcester County) voted in favor of a new constitution “upon Condition that the same be Chosen by the people at large.”<sup>130</sup> The town of Middleborough (Plymouth County) offered a more complex amendment that began by suggesting that the Provincial Congress was too burdened to assume the responsibility for drafting a constitution. Instead, the voters in Middleborough recommended a three-tier approach that included the county convention in the larger matrix of government. The process would begin with the election of representatives at the town level, who would convene in county conventions, which would then appoint delegates to a state constitutional convention.<sup>131</sup>

If the ambiguity in the wording of the resolution was intended to mask a congressional maneuver, that intention was nullified by overwhelming support for a new constitution to be drafted and ratified by a process that included the will of the voters. On March 30, 1779, the Hampshire County convention offered a theoretical elaboration on the popular understanding of constitution-making.

We are of the Opinion that the Power is originally in the People and that no Select Body of men can Lawfully Legislate for them. Unless the People have by Some mode of form Delegated their Power to them as their Representatives, which form of Government we Call a Constitution of the State or Kingdom.<sup>132</sup>

In early May 1779, delegates to a second convention in Hampshire County joined forces with their cohorts in Berkshire County to demand suspension of all county courts “until

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<sup>130</sup> *Ibid.*, 401.

<sup>131</sup> *Ibid.*, 396-7.

<sup>132</sup> Resolution of the Convention of the Western Part of Hampshire County, 30 March 1779. *JHP*.

there is a Constitution ... with a Bill of Rights explicitly approved of and firmly established by a Majority of the Freeman of this State."<sup>133</sup>

The patriot leadership weakened under the constant barrage of demands. "Things at present Appear to be in a strange way." James Warren uttered in despair from his vantage point in Boston. "[W]e have no Constitution nor have we any probability of getting one." Conditions looked even worse to Theodore Sedgwick one hundred and fifty miles to the west in Berkshire County. "Affairs grow worse continuously," Sedgwick wrote. "[S]omething decisive must be done or we shall be reduced to the Dilemma of leaving the County or making the best Terms we can.—I tremble for the other Parts of the State."<sup>134</sup> Sedgwick was determined to attend the next session of the Provincial Congress and he implored his friend, James Sullivan, a Massachusetts Supreme Court justice and a prominent eastern legislator, to do the same. Situated on the other end of the state, James Warren shared the same fears and sense of urgency concerning the constitution. Both men had their answer the next month, when after three false starts and obdurate resistance to popular demands, the Provincial Congress finally yielded, issuing a call on June 15, 1779 for a separate constitutional convention to be comprised of delegates elected by the towns and districts. This convention would debate and draft the constitution, which would then be submitted to the towns for ratification.<sup>135</sup>

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<sup>133</sup> Handlin, *Popular Sources*, 387-8.

<sup>134</sup> Theodore Sedgwick to [James] Sullivan, 16 May 1779, *SFP I*.

<sup>135</sup> Resolutions, House of Representatives, 19 February and 15 June 1779, *MAH*, 160:32, 125.

## CHAPTER 2

## DEMOCRACY—THE AIR TOO PURE TO BREATHE

On October 25, 1780, the Massachusetts legislature met in Boston's statehouse for the first time under the authority of a newly ratified constitution. The inaugural assembly of government, with both houses and the governor in attendance, opened with a sermon by Samuel Cooper, a noted revolutionary leader and Congregationalist minister, who was also a close friend of John Hancock. As an orator, Cooper had an unnatural and studied style. His delivery, John Adams had once observed, was "too flowery, too figurative" for the pulpit.<sup>1</sup> But Cooper, who was better known for his composition, had worked long and hard to create a text equal to the occasion, choosing the ancient Israelites as the main theme for his oration on the constitutional labors of Massachusetts. Like the Israelites, Cooper argued, Massachusetts had successfully carved a civilized state out of a forbidding wilderness, completing a religious and missionary vision begun two centuries earlier. God provided the ultimate authority for the new government: wise delegates—many of them direct descendants of the original founders—crafted the foundation: and the people had freely consented to it. The result was a perfectly balanced

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<sup>1</sup> In a similar vein, William Bentley, pastor of the East Church in Salem, described Cooper's sermons as "agreeably delivered." John Adams, *Diary and Autobiography*, 2:71; William Bentley, *The Diary of William Bentley, D.D., Pastor of the East Church Salem, Massachusetts*, 3 vols. (Salem: Essex Institution, 1905), 1:52.

constitution. "How effectually it makes the people the keepers of their own liberties." Cooper gushed. "How nicely it poizes the powers of the government ... How wisely it has provided for the impartial execution of laws."<sup>2</sup>

Cooper's effusive appraisal of the Massachusetts constitution continues to echo in the work of many historians, who dwell on the constitution's democratic innovations and its popular ratification.<sup>3</sup> To an extent the Massachusetts Constitution of 1780 does fit this profile. Although it was among the last state constitutions to be ratified during the revolutionary era, it was the first to be drafted by a special convention comprised of delegates elected for that specific purpose and the first to be submitted for popular ratification. On closer examination, however, the Massachusetts Constitution of 1780 does not emerge as a simple model of popular democracy or as the direct result of a democratically minded leadership. It was the product of conflict, of two forces pushing against each other. In 1779, eastern delegates to the constitutional convention could not ignore the popular demand for expanded democracy that emanated from the west; but many hoped to temper it with what they saw as a healthy dose of stability. The result was an elaborate blend of old and new understandings of government, crafted by a handful of powerful legislators in the name of the convention and ratified—or perhaps rejected—by the slimmest of majorities.

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<sup>2</sup> Samuel Cooper, *A Sermon Preached Before His Excellency John Hancock, ESQ: Governour, the Honourable Senate, and House of Representatives of the Commonwealth of Massachusetts, October 25, 1780: Being the Day of the Commencement of the Constitution and the Inauguration of the New Government* (Boston: T. and J. Fleet, and J. Gill, 1780).

<sup>3</sup> For examples, see: Richard E. Brown, *Middle-Class Democracy*, 384; Peters, 13-15; Wood, 434-5; David McCullough, *John Adams* (New York: Simon & Schuster, 2001), 222-5; John Quincy Adams and Charles Francis Adams, *The Life of John Adams* (Philadelphia: J. B. Lippincott & Co., 1871), 401-2.

A favorite simile of the time likened politics to theater. If, in fact, politics was theater, then Massachusetts had once again taken center stage in the American political arena.<sup>4</sup> No other state had chosen to proceed in the same manner. Nine state constitutions were drafted and ratified by the sitting legislatures and two additional states—Connecticut and Rhode Island—avoided the constitutional process altogether by voting to retain their colonial charters. Only in Massachusetts and New Hampshire did the concept of popular sovereignty outweigh the presumed authority of the legislature; and the struggle for a popular constitution in New Hampshire would continue until 1783. In the interim, Massachusetts blazed a new path in constitution-making by calling for elections to a special constitutional convention.<sup>5</sup>

The mere existence of a special convention was a victory of sorts for western voters, having originated in the county conventions of Berkshire, Hampshire and Worcester. Tied to a demand for popular ratification, the constitutional convention was an innovative, untested and, for some, an overly democratic notion. The clamor for popular sovereignty had achieved a second result as well: the convention was a sea of new faces. 133 of the 311 delegates listed on the official roster for the opening phase of the convention had no previous experience in the legislature. In keeping with recent trends, western voters showed a particular preference for new faces, electing first-timers

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<sup>4</sup> "America," Mercy Warren wrote, for example, "is a theatre just created." Mercy Otis Warren to Abigail Adams, 15 March 1779, *MWP*.

<sup>5</sup> The constitutions for New York, Maryland, North Carolina, Delaware, Pennsylvania, and Georgia were framed and ratified by legislative bodies whose representatives were elected with the understanding that they would consider the new state constitution, in addition to their regular lawmaking duties. Connecticut and Rhode Island did not implement state constitutions until 1818 and 1842, respectively. Vermont ratified a constitution—a virtual copy of the Pennsylvania constitution—in convention in June 1777 in order to declare independence from New York and New Hampshire, but Vermont's statehood was not recognized until 1791. See W. F. Dodd, "The First State Constitutional Conventions, 1776-1783," *The American Political Science Review* 2:4 (November 1908): 545-61; Willi Paul Adams, *The First*

to 50 percent of the seats, as compared to 42 percent from the east.<sup>6</sup> But the new men who claimed many of the seats at the convention were not necessarily younger men. In terms of average age, first-time delegates and experienced legislators were separated by less than four years.<sup>7</sup> There were, however, significant ranges in age for first-time delegates, as exemplified by Richard Flagg, a 72 year old representative from Holden in Worcester, who was half a century older than Edward Hutchinson Robbins, the youngest first-timer at the convention.<sup>8</sup> Missing were many of Flagg's contemporaries, members of the old colonial order who had left the country in the great exodus of Loyalists. Accordingly only 39 of more than 300 delegates had served in the legislature prior to the suspension of government in 1774.<sup>9</sup>

The absence of old faces and the presence of a sizeable contingent of newcomers reflected the sweeping changes wrought by the war against Britain and the democratizing influences that it unleashed. Responding to the demand for increased participation in the constitutional process, the Provincial Congress had loosened voting qualifications for

*Constitutions: Republican Ideology and the Making of the State Constitutions in the Revolutionary Era* (Chapel Hill: The University of North Carolina Press, 1980), 63-95.

<sup>6</sup> It is unclear how many of the delegates participated in the convention on a regular basis. Votes were not always recorded, delegates arrived late—some did not arrive at all—and attendance was somewhat irregular. It is clear, however, from recorded votes that at least 251 delegates attended one session of the first phase of the convention, which ended in mid-November 1779. See: Ellen Mudge Burrill, *A Monograph on the Charters and Constitution of Massachusetts* (Lynn, MA: Thos. P. Nichols & Son Co., Publishers, 1932), 30; Massachusetts Legislature, *Journal of the Convention for Framing a Constitution of Government for the State of Massachusetts Bay, from the Commencement of Their First Session, September 1, 1779, to the Close of Their Last Session, June 16, 1780* (Boston: Dutton and Wentworth, 1832); Table 1. Delegates to the Massachusetts Constitutional Convention, 1779-1780.

<sup>7</sup> The average age of first-time delegates was 46 years; the average of delegates with one or more terms of service in the legislature prior to the convention was 50 years. See: Table 1. Delegates to the Massachusetts Constitutional Convention, 1779-1780.

<sup>8</sup> Schutz, 220, 326.

<sup>9</sup> Less than one-fifth of the seats in the convention were held by men who were currently serving as representatives to the Provincial Congress. See: Table 1. Delegates to the Massachusetts Constitutional Convention, 1779-1780. Statistics concerning the electoral experience of the delegates are drawn from John Schutz's biographical dictionary (cited earlier). Unless otherwise noted, details concerning elected and appointed offices have been compiled from Schutz. For the original list of delegates see: Massachusetts General Court, *Journal of the Convention*, 8-19.

electing delegates to the constitutional convention and many ordinary voters used the opportunity to elect men with similar interests. Accordingly, farmers accounted for a sizeable percentage of the new faces, comprising 86 percent of the first-time delegates from the western and 68 percent from the eastern counties.<sup>10</sup> Voters were also eager to reward men who had distinguished themselves during the American Revolution, electing 150 delegates (64 of them first-timers) who had served as members of committees of correspondence or as officers in the militia. These veterans included nineteen Minutemen who answered the call for the battles at Concord, Lexington and Bunker Hill. On the whole, however, military veterans and committeemen fared significantly better in the western counties than they did in the east, accounting for 58 percent of delegates overall (54 percent of the first-timers) as opposed to 40 percent of the eastern delegates (42 percent of the first-timers).<sup>11</sup> Among the new western delegates was Abel Wilder, a small farmer from Winchendon in Worcester County, who had held numerous local offices but had never served at the county or colonial level prior to the American Revolution. Capitalizing on his militia experience, which included service at the Battle of Bunker Hill, Abel secured a seat at the constitutional convention.<sup>12</sup>

Although changes in the status and experience of the delegates were clearly noticeable, the colonial system of privilege was still largely intact. Wealth, status and education continued to rule government at its highest levels and young men with all three of these qualifications could look forward to productive political careers, similar to the experience of Samuel Phillips Jr., who at the age of 27 had already served five terms in

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<sup>10</sup> See: Schutz, 326; Table 1, Delegates to the Massachusetts Constitutional Convention, 1779-1780.

<sup>11</sup> See: Table 1, Delegates to the Massachusetts Constitutional Convention, 1779-1780.

<sup>12</sup> Schutz, 381.

the legislature, one of them as a member of the Council. A graduate of Harvard College, merchant and mill owner, Phillips followed his father (Samuel Phillips Sr.) into the legislature and, later, surpassed him by achieving state office as Lieutenant Governor.<sup>13</sup> Edward Robbins, the 22 year old scion of a prominent merchant family from Plymouth County and a recent graduate of Harvard, was on the verge of repeating this pattern in 1779, using the convention to launch a political career that would see him through fourteen terms in the state legislature, ten of them as speaker of the House of Representatives.

The future held no similar promise for most of the first-time representatives, particularly farmers from the west with no formal training in law, men like Richard Flagg and Abel Wilder, who were now at the apex of their political careers. Both men returned to their homes in Worcester County when the convention concluded, where they continued to serve in town government. But neither one of them ever returned to state office. Like many of the first-time delegates, Flagg and Wilder were restricted by their lack of education and by limited funds. Successful politicians, on the other hand, were as they had always been, men with connections who could afford to attend. This included many of the experienced delegates described as "farmers," who were far removed from the image of the rugged New England yeomen, plowing sufficient land to support their families and stopping long enough to answer the alarms at Bunker Hill, Lexington and Concord. Although they earned their primary income from agriculture, the majority of

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<sup>13</sup> Ibid., 220, 310.

these men owned sizeable tracts of land, operated stores and mills and left considerable estates.<sup>14</sup>

The privileged route to political office was even more pronounced among delegates from Boston and the eastern port towns, where lawyers, merchants and large landowners continued to dominate the seats, as they had done prior to the war. More notably, the eastern delegation included no laborers and only twelve artisans. But nine of these artisan-delegates had previous legislative experience and most had already expanded beyond the traditional boundaries of their crafts. Daniel Spofford, a carpenter and millwright from Rowley in Essex County, boasted a substantial homestead, a small library, a chaise and multiple appointments to local offices. Thomas Dawes, a delegate from Boston, was a commercially active mason and architect, whose financial and political success could be measured by his commission as a colonel in the militia and by his connection to prominent Revolutionaries.<sup>15</sup>

The convention also boasted a number of Revolutionary era celebrities, who stood out in the milling sea of new and old faces. Samuel Adams and John Hancock brought a wealth of experience as legislators, popular leaders and former delegates to the Continental Congress. John Adams, the author of a well read tract on republican government, had only recently returned from his assignment as ambassador to France. James Bowdoin, the current president of the legislature, boasted a political career that spanned twenty-three terms in the General Court, nineteen of them as a member of the

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<sup>14</sup> See: Table I Delegates to the Massachusetts Constitutional Convention, 1779-1780. For additional information on farmer-delegates, see the corresponding entries in Schutz.

<sup>15</sup> Thomas Dawes served as an important link to Boston's artisans and laborers during the 1760s, and his South End home served as the meeting place for the Caucus Club, whose members included Samuel Adams and John Hancock. John Adams, *Diary and Autobiography*, 1:238-9; Schutz, 204, 344.

Council. Two distinguished jurists were also in attendance: Robert Treat Paine, the current attorney general, and William Cushing, a future Supreme Court Justice.<sup>16</sup> Present as well was an impressive delegation from Essex county that included Theophilus Parsons, a youthful lawyer from Newburyport who had made his mark as the author of the “Essex Result,” and a bloc of twelve representatives who three years earlier had joined as members of the Essex County convention to petition for proportional representation, a demand that ran counter to the interests of western Massachusetts. Three of these men—John Pickering, John Lowell and Jonathan Jackson—would play important roles in every phase of the convention.<sup>17</sup>

Conspicuously absent from the eastern delegation were James Otis Jr. and James Warren. Otis, a brilliant jurist and orator from Boston and a key member of the Whig opposition in the 1760s and early 1770s, was plagued by mental illness and was no longer politically active. Still fuming over the failure of the constitution of 1778, James Warren, Otis’ ally and brother-in-law, and a perennial leader of the Provincial Congress, was currently out of favor with his constituents in Plymouth.<sup>18</sup> Overall, however, the eastern delegation contained a remarkable number of experienced and influential delegates, placing it in sharp contrast with the delegation from western Massachusetts.

Western voters did send four delegates who had served in the legislature when it drafted the failed constitution of 1778. Their accumulated experience did little, however, to strengthen the western cause at the convention. With the exception of Seth Washburn,

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<sup>16</sup> Six delegates in all served in the Continental Congress prior to the constitutional convention: Samuel Holton, Daniel Whitney, John Adams, Samuel Adams, Robert Treat Paine, John Hancock and Caleb Strong.

<sup>17</sup> The other nine members of the Essex bloc included: Stephen Choate, Daniel Noyes, Richard Adams, Jr., Jonathan Glover, Samuel Burrill, Samuel Phillips, Daniel Spafford, Winthrop Sargeant and Peter Russell. See Essex County Convention, Ipswich, April 25, 26, 1776 in Handlin, *Popular Sources*, 73-6.

<sup>18</sup> Mercy Warren to James Warren, 2 June 1778, *MWP*.

a delegate from Worcester County, these men were virtually invisible during the constitutional convention: and Washburn's commitment to western constitutionalism was suspect. A justice of the peace and a substantial farmer from Leicester with extensive experience as a legislative committeeman, Colonel Washburn identified more readily with eastern rather than western political interests, sponsoring the rejected constitution of 1778 and offering little support for the convention movement.<sup>19</sup>

Missing were most of the leading revolutionaries from Worcester County, including Joshua Bigelow, a founding member of the American Political Society and an able statesman with eight years of extraordinarily active service in the Massachusetts assembly. In his stead Worcester voters sent Levi Lincoln, a Harvard educated attorney, a former law student of Joseph Hawley and author of a series of patriotic appeals that were highly supportive of the western cause. But Lincoln lacked the legislative experience to lead the western delegation at Cambridge.<sup>20</sup> The westernmost county of Berkshire fared no better, even though voters there elected ten delegates who had been active in the county conventions, causing moderates like Theodore Sedgwick to worry about the presence of men "who have used all their influence to perpetuate our distractions."<sup>21</sup> Sedgwick worried unnecessarily, since moderates and conservatives had clearly reasserted themselves in Berkshire County following the visit from the congressional committee, opening the door to men like William Whiting, William Williams and Caleb Hyde, who had become decidedly antagonistic to constitutionalism

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<sup>19</sup> Seth Washburn (Worcester) would serve as a member of six committees during the 1779-1780 constitutional convention. Noah Goodman (Hampshire) played a more limited role. Jonathan Bacon (Berkshire) and Isaac Stone (Worcester) were largely invisible throughout the convention. *Ibid.*, 177-8; Schutz, 372.

<sup>20</sup> *The National Cyclopaedia of American Biography*, 10 vols. (Clifton, NJ: J. T. White, 1892), 1:112.

<sup>21</sup> Theodore Sedgwick to James Sullivan, 16 May 1779, *SFP I*.

and county conventions, and closing the door to leaders who were labeled radicals. Conspicuously missing, therefore, were David Noble, Charles Goodrich and Eli Root, three experienced legislators and county conventioners, and Reverend Thomas Allen, the principal voice of the Berkshire constitutionalists. Without their leadership, the remaining delegates lacked the skill needed to consolidate western representation at the constitutional convention into a deliberative and voting bloc.<sup>22</sup>

The most notable absentee from the west was Joseph Hawley, the firebrand leader from Northampton in Hampshire County. Hawley was indeed interested in the convention and its outcome, writing explicit instructions on how it should proceed. "It is difficult to imagine any Trust greater," he advised Samuel Adams, "than that with which the Convention (whereof you Sir are a member) is charged, the forming of a Constitution for a great State."<sup>23</sup> But Hawley's rapidly declining mental health, which he described as "the Small remains of mental vigor," prohibited his attendance, depriving the western delegation the one leader with credentials equal to those of John Hancock and Samuel Adams. Like Hancock and Adams, Hawley had been intimately involved in the early stages of the Revolution in Hampshire and Boston. Hawley's legislative experience rivaled Bowdoin's, and many contemporaries would argue that his familiarity with law and theoretical politics was equal to that of John Adams.<sup>24</sup> Caleb Strong, his stand-in and ally, shared Hawley's convictions, but he lacked his legislative experience and forceful personality. Western leadership in the convention was, therefore, limited to Levi Lincoln

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<sup>22</sup> The other seven delegates included Asa Douglas, Daniel Kinney, Jonathan Smith, Elisha Baker, Jabez Ward, William Walker, and Asa Beaman. See: Handlin, *Popular Sources*, 203, 366-8, 374-9.

<sup>23</sup> Joseph Hawley to Samuel Adams, 18 October 1779, *SAP*.

<sup>24</sup> Samuel Adams saw Joseph Hawley as a valuable advisor. Hawley had also influenced John Adams' decision in 1775 to petition the Continental Congress for immediate action on state constitutions. John Adams, *Diary and Autobiography*, 2:74, 3:351.

and Caleb Strong, delegates with little prior experience in legislative procedure, and it was hindered by Washburn, Williams and Whiting, whose interests were no longer representative of the west as a whole.

Although they were lacking in experience and determined leadership, the western delegations were strong numerically. Attendance at the convention was particularly high (85 percent), testifying to the importance politicians and voters throughout Massachusetts placed on the outcome of the convention. The glaring exception was the delegation from Maine, the potential swing vote that would have likely favored the western position on certain crucial issues. Influenced by distance, the cost of attendance and growing sentiment for separation from Massachusetts, only 8 out of 52 delegates attended from Maine, leaving the east with a numerical advantage of 35 delegates.<sup>25</sup>

This mixed collection of men—statesmen, lawyers, merchants, professionals, farmers and artisans—more than 300 strong, crowded into the Cambridge meetinghouse on the morning of September 1, 1779. It was a familiar and perhaps a nostalgic return for fifty-six of the delegates, who had taken their degrees at Harvard College, and for those delegates who had served as officers in the Continental army during the siege of Boston or as representatives to the first Provincial Congress. Many of these same men would have been more comfortable in Boston. Conversely, western representatives would have felt more at ease in Worcester, a county seat with a central location and an active newspaper. But the Provincial Congress had good reason for selecting Cambridge as the site of the convention. Boston would have undoubtedly raised suspicions in western Massachusetts and the constitutional convention would be too vulnerable to western

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<sup>25</sup> See: *Journal of the Convention*, 8-19.

activism in Worcester. The site of a number of county conventions and court closings, Worcester was within reasonable reach of the committees and conventions in Hampshire and Berkshire Counties. Cambridge, on the other hand, lay close enough to Boston and the eastern port towns to facilitate travel and communication for the eastern delegations, but far enough from Berkshire and Hampshire to dissuade any immediate response from the forces of constitutionalism.

Settling into their seats, the delegates immediately busied themselves with the details of parliamentary procedure. From the beginning, experienced eastern delegates dominated the important offices in the convention. With little or no debate James Bowdoin—a Boston merchant with extensive legislative experience—was elected president of the convention, a position equivalent to the one he held in the legislature. Bowdoin, in turn, sponsored Samuel Barrett, a Harvard graduate, established member of the Boston legal fraternity and an early leader in the patriot movement, for the position of secretary.<sup>26</sup> Experienced easterners also dominated the first committees that were formed to address one facet or another of parliamentary order and discipline.<sup>27</sup>

Members for these early committees were nominated in open convention and confirmed by voice votes in a manner similar to the system of committees that operated in the state legislature. Theoretically, this would open the committees to the convention as a whole. But many of the new delegates, whose experience was limited to town government, were unfamiliar with the committee system and unprepared for the process of selection. Town meetings followed the broad outlines of parliamentary procedure, setting agendas, choosing moderators, holding votes and maintaining meetings; and

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<sup>26</sup> Schutz, 160.

<sup>27</sup> *Journal of the Convention*, 7-22.

selectmen occasionally operated as a standing committee. But town government was not complex enough to warrant a system of ad hoc committees, particularly the investigative committees that were extensively employed in the legislature. Instead, town officials were generally appointed on an individual basis to oversee specific functions as tax collectors, fence inspectors and constables.<sup>28</sup>

First-time delegates could, of course, gain a basic understanding of the committee system by reading George Peyt's *Lex Parliamentaria*. Culled from a variety of rulings and precedents, Peyt's treatise provided a guide to the British parliamentary system, including a brief introduction to the concept of select or ad hoc committees.<sup>29</sup> Experience, however, was a better guide to the Massachusetts system of legislative committees, which had never been codified. These committees were incestuous and their membership was usually filled from a small group of men who used appointments to committees to steer legislation and to secure alliances within the assembly. New legislators traditionally waited multiple terms before they could secure a choice assignment, unless they had the patronage of leading men. Most first-time delegates to the constitutional convention had no such connections and few were willing to challenge nominations made by and for prominent political leaders like Samuel Adams.

Small in physical stature, Samuel Adams cut an imposing figure as a politician and statesman, fitting exactly the requirements of the two-man credentials committee, which was given responsibility for reviewing applications from delegates to ensure that

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<sup>28</sup> *The County and Town Officer: or an Abridgement of the Laws of the Province of the Massachusetts Bay: Relative to County and Town Officers* (Boston: T and J. Fleet, 1768), 94-7; Robert M. Zensky, "Power, Influence, and Status: Leadership Patterns in the Massachusetts Assembly, 1740-1755," *William and Mary Quarterly* 26 (October 1969): 13n.

<sup>29</sup> George Peyt, *Lex Parliamentaria: Or A Treatise of the Law and Custom of Parliaments* (London: J. Stagg, 1748).

no one was seated at the convention without appropriate authority from the selectmen of his town. Adams's reputation for moral character was also beyond reproach, as was the reputation of his cohort on the committee, Walter Spooner, a Quaker from Dartmouth in Bristol County. A different set of factors determined the nominees for the committee of monitors (or sergeants-at-arms), who were charged with maintaining punctuality and adherence to the rules of deliberation. In choosing the monitors, the convention elected a committee that was equally divided between eastern and western representatives, but the members were drawn primarily from the ranks of men who had distinguished themselves as militia officers.<sup>30</sup> In sharp contrast, the east dominated the important five-member committee on rules, which was given a single day to prepare a set of parliamentary procedures for the convention. A motley crew—an artisan, an innkeeper, a merchant and two lawyers—the committee shared one common characteristic. Each member, including William Goodman, the lone delegate from western Massachusetts, was thoroughly experienced with the committee system, not only as a process, but also as an integral element of the legislative political culture.<sup>31</sup>

It took little time, therefore, for the committee to prepare a list of ten pointed rules that adhered closely to British parliamentary practice, including strict procedures for gaining the floor, offering motions or points of order, nominating members to committees and holding votes in general assembly.<sup>32</sup> The rules for voting did not, however, allow for

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<sup>30</sup> The committee of monitors included: Lemuel Kollock (Suffolk), Colonel John Cummings (Middlesex), Colonel Peter Coffin (Essex), Major Seth Washburn (Worcester), Captain George Kimball (Worcester), Colonel William Williams (Berkshire). Between them, Kollock, Kimball and Williams had served 23 terms in the legislature.

<sup>31</sup> The committee on rules included: Thomas Dawes (Boston artisan), John Pickering (Essex lawyer and former speaker of the House of Representatives), Nathaniel Gorham (Middlesex merchant), James Sullivan (Middlesex lawyer) and Noah Goodman (Hampshire innkeeper).

<sup>32</sup> *Journal of the Convention*, 20-3.

roll call votes and, with few exceptions, nominations, motions and ballots as recorded in the journal of the convention were not identified with any specific delegate. A separate and somewhat curious rule admonished the delegates that once they were claimed, seats in the assembly hall remained the property of their original occupants throughout the convention.<sup>33</sup>

On the surface, the rule on seats represented a simple expression of civility made necessary by the presence of a sizeable number of neophytes, particularly from the “unsettled” western counties. The rule on seats also delivered a clear message to the assembled delegates that the popular movement for a special constitutional convention may have removed constitution-making from the hands of the Provincial Congress, but the convention itself would be run as an organized assembly of legislators and not as an ad hoc assembly of county conventioners who, as Theodore Sedgwick described them, intimidated opponents with ungentlemanly behavior that included direct and implied threats.<sup>34</sup> The insistence on legislative discipline was further underscored by the addition of an unpublished rule—that the “doings” of the convention would not be made public until deliberations were concluded.<sup>35</sup>

With credentials properly checked, monitors organized and rules instituted, the delegates addressed the rationale and purpose of the convention, passing a resolution that confirmed the convention’s authority as derived “from the People of Massachusetts to proceed to the framing of a new Constitution of Government, to be laid before them agreeably to their instructions.”<sup>36</sup> In itself, this resolution represented a major concession

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<sup>33</sup> Ibid., 20.

<sup>34</sup> Theodore Sedgwick to James Sullivan, 16 May 1779, *SFP I*.

<sup>35</sup> Caleb Strong to Joseph Hawley, 25 October 1779, *JHP*.

<sup>36</sup> *Journal of the Convention*, 22.

to popular demands that had emerged over the past few years and it stood in stark contrast to earlier commentary on constitution-making by leading politicians.<sup>37</sup> By 1779, many of these same men had grudgingly accepted popular will as the authority for the constitutional convention, even though they still harbored doubts about the practicality of the process. Joseph Hawley, for example, studiously reminded Samuel Adams that, “Your Power is not derived from the Gen[era]l Assembly, But the People.” Hawley also stressed the need for some practical offset to the public’s penchant for “imaginary faults.” “[H]owever Perfect the Production of the Present Convention may be,” Hawley wrote, “I dare Venture a Guinea against a Copper that unless Some such method be Taken the fate of it will be to be rejected.”<sup>38</sup>

Hawley’s plan involved patient deliberation on the part of the convention and careful attention to ideas from all sources, including the general public. “If the best part of a year Spent therein diligently by committees, subcommittees and the whole Convention Should produce a good Constitution, it would be time as Well Spent as any has ever been Since time began.”<sup>39</sup> But few delegates were willing to follow Hawley’s process of thoroughness and the convention proceeded without delay to the central issue, offering a motion to appoint a committee to draft the declaration of rights. The motion led to a lengthy and heated debate that cut sharply through the harmony of the first two days. No one, it appears, doubted the need for expediency, and it is clear from the minutes that the majority of the convention accepted the declaration of rights and the frame of government as separate albeit related sections of the constitution. Where the

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<sup>37</sup> For example, see: Samuel Adams to John Adams, 16 September 1776; John Adams to James Warren, 3 April or May 1777, *Adams Papers*, 5:75, 173.

<sup>38</sup> Joseph Hawley to Samuel Adams, 18 October 1779, *SAP*.

<sup>39</sup> *Ibid.*

delegates disagreed was which took precedence—individual rights or the structure of government.<sup>40</sup>

The fundamental necessity of a declaration of rights protecting person and property from the interference of government, a key demand among constitutionalists in western Massachusetts, reflected a pessimistic view of the state as inherently tyrannical and in need of control. Many eastern delegates held the opposing opinion, which reflected an equally pessimistic view of popular democracy. What the state needed most, they argued, was a system of laws, capable of checking what they saw as the anarchic tendencies of democracy. The debate over rights versus laws continued into the morning of the third day, when the motion to draft a declaration of rights prior to a frame of government was reintroduced. It passed (250-1) in an amended version that simply confirmed the convention's responsibility to prepare a declaration of rights. Motions were then made to appoint a committee to proceed immediately with the new frame of government, initiating another lengthy debate.

At this point, John Hancock intervened. Stately and elegant, Hancock had a gift for oratory and a facility for parliamentary politics, having honed these skills as president of the Continental Congress during the intense debates over the Declaration of Independence.<sup>41</sup> Hancock, sensing an opportunity for compromise and a matching opportunity to position himself as the voice of moderation, moved to postpone the issue until noon the next day, when a committee would be chosen to prepare both a declaration of rights and a frame of government. The motion passed and an ad hoc committee of five

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<sup>40</sup> *Journal of the Convention*, 22.

<sup>41</sup> John Adams described Hancock's 1774 speech commemorating the Boston Massacre as "an elegant, a pathetic, a Spirited Performance," both in composition and presentation. John Adams, *Diary and Autobiography of John Adams*, 2:89-90.

legislative veterans was elected to determine the method for selecting the committee to draft the constitution.<sup>42</sup> The selection committee withdrew and the convention returned to a more harmonious temper, voting overwhelmingly to construct a "Free Republic" in which the "People be governed by Fixed Laws of Their Own Making."<sup>43</sup>

Given until the next morning to prepare their report, the selection committee wasted little time, returning that same afternoon with a proposal for a drafting committee of thirty-one members to be chosen from the 311 assembled delegates. Twenty-seven seats on the committee would be assigned proportionally by county. Appointments to these seats would be made by the various county delegations, subject to confirmation by the convention; and the convention as a whole would select four additional at-large members. The recommendation met with broad approval and the county delegations returned the following morning with a list of twenty-four nominees. Cumberland and Lincoln failed to report and the list was amended with the addition of two candidates, one from each county. The twenty-seventh committee member was assigned to Nantucket and Dukes Counties, but no one was present to represent either of these two counties and the slot was left unfilled. All were confirmed and the convention voted on the at-large members, electing Samuel Adams, John Pickering, Caleb Strong and William Cushing. A motion was carried for adjournment to allow the drafting committee sufficient time to deliberate.<sup>44</sup>

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<sup>42</sup> The committee was comprised of five men with extensive experience on legislative committees: John Lowell, a Boston lawyer; John Pickering, a Salem merchant and speculator; Nathaniel Gorham, a Charlestown merchant; Seth Washburn, a prosperous farmer from Worcester; and Noah Goodman, an innkeeper and miller from Hampshire County. Pickering, Washburn and Goodman had served on drafting committees during the legislative convention of 1777-1778. See *Journal of the Convention*, 22-4.

<sup>43</sup> *Ibid.*, 24.

<sup>44</sup> *Ibid.*, 24-31.

After only six days of meetings the convention recessed until October 28, a period of 52 days, when the delegates would reassemble in Cambridge to read and debate the draft of the new constitution. In the interim, the drafting committee would meet at the new courthouse in Boston on September 13 to compose the declaration of rights and frame of government.<sup>45</sup> If the committee to draft the constitution was divided geographically, the eastern delegation to the committee held a 17-9 voting advantage over the west.<sup>46</sup> The east also had a clear advantage in political experience. Twelve of the eastern representatives were graduates of Harvard or Yale, as compared to only two of the representatives from the west (and only one from Maine). With the exception of Caleb Strong, who had studied law under Joseph Hawley, the eastern delegation claimed all of the distinguished jurists. Robert Treat Paine, an admired if somewhat irritable attorney and legislator, was the current attorney general; William Cushing, a jurist with experience at all levels of the Massachusetts judicial system, was currently serving as chief justice for Massachusetts. At 37 years of age, John Lowell, one of the most successful attorneys in Boston, had already served two active years in the assembly. Theophilus Parsons, only 30 years old when the convention assembled, had already established himself as a constitutional theorist with his lengthy critique of the ill-fated Massachusetts constitution of 1778. The committee also included James Bowdoin, president of the convention, and John Adams, a prominent lawyer and author of a widely read political treatise, *Thoughts on Government*, that had influenced some of the early state constitutions.<sup>47</sup>

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<sup>45</sup> Ibid., 32-4.

<sup>46</sup> See: *Journal of the Convention*, 28-30..

<sup>47</sup> The treatise was published anonymously, first in Philadelphia and later in Boston. By 1779, John Adams was widely recognized and admired as the author of the pamphlet. John Adams, *Thoughts on*

Finally, there was Samuel Adams, who did not fit any of the eighteenth-century categorizations. A failure as a merchant, Adams had published numerous political and social essays, but he earned no income as a journalist. Known for his high moral standards, knowledge of divinity and his facility with the jeremiad, Adams had never been ordained. Instead he had become a permanent fixture in state politics, but he did so without any formal legal training. Unlike his compatriots, Adams had no discernable source of income independent from his activities in government. In the end, Samuel Adams was an oddity who could best be described as a professional officeholder.<sup>48</sup>

Given the make up of the committee, it was not surprising that three prominent easterners—James Bowdoin, Samuel Adams and John Adams—were elected as a subcommittee to prepare the actual draft. Bowdoin and Samuel Adams immediately ceded the task to John Adams, repeating a similar action that occurred three years earlier, when Thomas Jefferson was given responsibility for the first draft of the Declaration of Independence.<sup>49</sup> The parallels were not coincidental: both committees acted on the common understanding that a single author would expedite the draft. Joseph Hawley's pleas for patience had, it appears, made little impression on the leading delegates, but his call for thoroughness fit the man chosen for the assignment.

John Adams coveted the opportunity to act as the "principal engineer" of the constitution.<sup>50</sup> "[T]he blessings of society," he had written in an earlier thesis, "depend

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*Government Applicable to the Present State of the American Colonies, in a Letter from a Gentleman to his Friend.* (Boston: John Gill, 1776).

<sup>48</sup> For additional information on the career of Samuel Adams, see: Pauline Maier, *The Old Revolutionaries: Political Lives in the Age of Samuel Adams* (New York: Alfred Knopf, 1980); Jean Fritz, *Cast for a Revolution: Some American Friends and Enemies, 1728-1814* (Boston: Houghton Mifflin Company, 1972).

<sup>49</sup> John Adams to Edmund Jennings, 7 June 1780, *Papers of John Adams*, 9: 388-9.

<sup>50</sup> *Ibid.*

entirely on constitutions of government ... there can be no employment more agreeable to a benevolent mind, than a research after the best."<sup>51</sup> Having just returned from an eighteen-month mission to Europe, Adams willingly rushed to the convention after spending no more than a week with his family. At the convention, Adams, according to his own description of events, dominated discussions during the first session, acting as the "Constitution monger" in a "chaos of absurd sentiments concerning government."<sup>52</sup> It was a bold claim but Adams had, in fact, developed the only formal plan for a new constitution in his *Thoughts on Government* and his expertise had been sorely missed during his absence in Europe.<sup>53</sup>

Viewing Adams' experience from another perspective, one could argue that his theories on government were somewhat dated and that he was personally out of touch with state politics, since he had not witnessed firsthand the struggle over the 1778 draft of the constitution.<sup>54</sup> An initial reading of Adams' draft for the preamble of the constitution suggests this possibility. Drawing in part on classical republicanism, Adams defined government as a "social compact by which the whole people covenants with each citizen, and each citizen with the whole people, that all shall be governed by certain laws for the

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<sup>51</sup> John Adams, *Thoughts on Government*, 3.

<sup>52</sup> John Adams to Benjamin Rush, 4 November 1779 and 11 April 1809, *Papers of John Adams*, 9:507-9, 616-19.

<sup>53</sup> James Warren grew progressively more frustrated when he was serving as president of the Provincial Congress during the debates over the 1778 draft of the constitution. "We want you much," Warren wrote to John Adams. "This is a subject of such magnitude and extent that I feel myself very unequal to, and in want of the judgment and wisdom of those who I have the greatest confidence in and opinion of instead of the narrow sentiments, trite trifling, and sometime ludicrous observations of those whose abilities and judgments I despise." James Warren to John Adams, 22 June 1777, *Warren-Adams Letters*, 1:334-6.

<sup>54</sup> This analysis draws on the draft of the constitution as reported by the drafting committee. There is no copy extant of John Adams' original draft. Adams' own comments (cited later in the text and footnotes) suggest that the draft reported by the committee differed in no significant way from his original draft. For a copy of "The Report of a Constitution or Form of Government" as reported by the drafting committee, see: *Journal of the Convention*, 191-221.

common good.”<sup>55</sup> Adams’ social compact also reflected the Congregationalist understanding of covenant in which a higher authority than the people designs the compact and the people agree to abide by it on a voluntary basis. In keeping with this principle, Adams named the assembled delegates—the representatives of the people—as the authority for the constitution, ignoring the demand for popular sovereignty.

A closer reading reveals an author who was clearly cognizant of popular sovereignty, but one who had difficulty reconciling it to republican theory and to his own experience as a legislator and lawmaker. This becomes evident in Adams’ confusing statement on the role the “whole people” played in the social compact or constitution. If the authority to construct the constitution was vested in the representatives, as Adams described it, then who were the “whole people” and what role did they play in the formation of government? Pondering this same issue sixty years later, John Quincy Adams explained his father’s reasoning as the application of two different definitions of the “whole people”. As interpreted by the younger Adams, the first reference—the whole people who covenant with each individual—referred specifically to the qualified voters; the second to everyone who was bound by the constitution.

John Quincy’s attempt to reconcile his father’s understanding of the people would appear purely apologetic, if it were not for his concluding thoughts, which touch firmly on John Adams’ perception of republican versus democratic forms of government. “It [the constitution] is not Democracy,—nor Aristocracy, nor Monarchy.” John Quincy Adams concludes,

but a compound of them all, of which Democracy is the oxygen or vital air, too pure in itself for human respiration, but which in the union with other elements

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<sup>55</sup> *Ibid.*, 192.

equally destructive in themselves and less pure, forms that moral and political atmospheric air, in which we live and move and have our being.<sup>56</sup>

John Adams expressed a similar concern with political equilibrium in his *Thoughts on Government*, arguing that any combination of democracy, power and authority, if it were out of balance, could undermine the republic. This, then, forms the thread that runs through Adams' draft of the constitution. John Adams was not out of touch with current trends in constitution-making: he was presenting a forceful argument for a republican form of government in which rights, duties and powers would balance and check each other under a strict system of law.

When the convention reassembled on October 28<sup>th</sup>, John Adams was not among the returning delegates. Having completed the draft at home, Adams submitted it to the committee, participated in the committee's discussions in Boston over a two-week period, and then returned home to Braintree, where he remained until he sailed for Europe. The decision to skip the second session of the convention may have been influenced in part by the memory of Thomas Jefferson's discomfort during the debate over the draft of the Declaration of Independence, which Adams had witnessed firsthand. Adams also had more pressing business to attend to once the draft had been completed. Throughout the drafting process Adams was in constant communication with his colleagues in the Continental Congress, who worked successfully to restore his commission as ambassador. Aware of his impending return to Europe, Adams chose to spend the remaining time with his family.<sup>57</sup>

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<sup>56</sup> John Quincy Adams, *The Social Compact, Exemplified in the Constitution of the Commonwealth of Massachusetts . . . A Lecture, Delivered Before the Franklin Lyceum, at Providence, R.I., November 25, 1842* (Providence: Knowles and Vose, Printers, 1842), 6-11, 31-2.

<sup>57</sup> Adams' participation in the committee's discussions is implied by James Lovell, who was serving in the Continental Congress as a delegate from Massachusetts. Lovell, in turn, garnered his information from

Although he was absent for the debate and ratification phases of the constitution, John Adams remained the author, as Thomas Jefferson had remained the author of the Declaration of Independence. The final version included many of Adams' original concepts, particularly his design for government, but it also included numerous changes. Most of these were cosmetic, but a few effected major alterations to the basic fabric of the original draft. Adams exaggerated, therefore, when he described the final version of the constitution as consistent with his original draft, less the inclusion of "some few unessential Amendments."<sup>58</sup> Adams' statement becomes all the more confusing when his participation in the post-draft deliberations is considered, since the drafting committee undertook an intense and thorough review of Adams' draft while he was present.<sup>59</sup>

The committee meetings dragged for days, causing Caleb Strong to worry that the drafting committee would not complete its responsibilities in time for the convention's return. The committee's review of the declaration of rights alone had taken an inordinate

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Abigail Adams. See James Lovell to John Adams, 27 September 1779, *Adams Papers* [microform], Massachusetts Historical Society, Boston, MA. According to Samuel Elliot Morrison, L. H. Butterfield and Stephen Patterson, John Adams attended the second session of the convention, which lasted from 28 October to 11 November, and sailed immediately for Europe two days later. Correspondence written by Adams on 4 November 1779 and addressed from his home in Braintree suggests otherwise. Added to this was Adams' absolute invisibility during the second session of the convention. He served on none of the committees to amend the declaration of rights and is not mentioned in any capacity in the minutes. The fact that Adams remained at the convention does not support his attendance during the second session. Adams did not formally forfeit his seat until his departure for Europe, which occurred after the second session had adjourned. This explains the delay in the convention's request to Braintree to provide a substitute delegate, which was not made until 6 January 1780. See: Samuel Elliot Morrison, "The Struggle Over the Adoption of the Constitution of Massachusetts, 1780," *Proceedings of the Massachusetts Historical Society* 50 (1916-1917): 357; John Adams, *Diary and Autobiography*, 2: 400-1, 4: 175-8; Stephen E. Patterson, *Political Parties in Revolutionary Massachusetts* (Madison: The University of Wisconsin Press, 1973), 226-7; John Adams to Benjamin Rush, 4 November 1779, *Papers of John Adams*, 9:507-9, *Journal of the Convention*, 51-2; John Quincy Adams and Charles Francis Adams, *The Life of John Adams*, 407.

<sup>58</sup> John Adams to Comte de Vergennes, 19 May 1780, *Papers of John Adams*, 9:327. At a later date Adams wrote that: "The Committee made some alterations, as I am informed the Convention have made a few others in the report. But the frame and Essence and substance is preserved." John Adams to Edmund Jennings, 7 June 1780, *Ibid.*, 9:388-9.

<sup>59</sup> Caleb Strong to Joseph Hawley, 25 October 1779, *JHP*.

amount of time. Time was also lost debating the name of the new state. Western members of the committee were dissatisfied with Massachusetts Bay, the original charter name for the colony, since it seemed to venerate the eastern portion of the state over the balance. A few recommended Oceana in its place; others simply preferred to omit the word "Bay." More crucial to the committee's discussion were the executive veto, a major feature of Adams' system of checks and balances, and the issue of representation in the legislature. After days of haggling the committee agreed on the necessity of increased executive authority. "[T]he more I think on the Subject," Caleb Strong wrote, "the more satisfied I am that if the Governor has no Voice or Influence in the Legislature he will not only be of little importance but even the Constitution will be in Danger."<sup>60</sup> But the committee remained divided on the issue of representation. With the deadline looming, they agreed to bypass the obvious roadblocks to consensus and submit the draft to the convention as amended. Copies of the draft were printed and distributed on October 29, 1779, the second day of the second session, and deliberations began that afternoon.

From the beginning, the debate in convention over the draft echoed political conflicts that had emerged as a consequence of the Revolution. One observer who was not a delegate saw this as a process of "circumstantial alterations."<sup>61</sup> But the disputes over wording contained within them deeper conflicts over fundamental issues. This was the case in the extended debate over the preamble to the constitution.<sup>62</sup> The original version of the preamble drafted by John Adams survived the committee largely intact.

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<sup>60</sup> Ibid.

<sup>61</sup> Bezaleel Howard to Nathan Howard, 11 November 1779, *Dwight-Howard Papers*, Massachusetts Historical Society, Boston, MA.

<sup>62</sup> *Journal of the Convention*, 37.

including a closing statement that promised to inflame the longstanding contest over sovereignty. As drafted, the preamble granted only indirect authority to the people by vesting it squarely in the hands of their representatives.

We ... the Delegates of the People of Massachusetts, in GENERAL CONVENTION ASSEMBLED ... Do, by virtue of the authority vested in us, by our constituents, agree upon the following ... *as the* CONSTITUTION OF THE COMMONWEALTH OF MASSACHUSETTS.<sup>63</sup>

Disputes over popular sovereignty had already negated two attempts at forming a new government and it was unlikely that town meetings and county conventions, particularly those in western Massachusetts, would accept a structure of government that discounted the constitutional authority of the people. Sundry amendments to the preamble were offered on the floor and a majority of the delegates, who were unwilling to test Adams' thesis in the popular arena, approved a final version that reworded the closing passage to reflect popular sovereignty as the foundation of the constitution.

We ... the people of Massachusetts ... entering into an original, explicit, and solemn compact with each other ... DO agree upon, ordain and establish the following ... as the CONSTITUTION of the COMMONWEALTH of MASSACHUSETTS.<sup>64</sup>

From the preamble the delegates moved on to the declaration of rights, working their way through an unwieldy list of thirty-one individual articles ranging from civil liberties and responsibilities to simple statements of theory, confirming all but two of them with minor amendments. The convention made a significant change to the 1<sup>st</sup> article in the declaration of rights, in which Adams proposed that, "All men are born equally free and independent," altering the wording to "All men are born free and equal," which brought the statement in line with the Declaration of Independence. Adams would

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<sup>63</sup> Ibid., 192.

<sup>64</sup> Ibid., 222.

have undoubtedly balked, if he were present, at the unscientific notion of equality contained in this popular sentiment. Once again, however, the convention made a concession to popular understandings of liberty that had emerged out of the cauldron of the American Revolution.<sup>65</sup>

The process of confirmation also faltered on the 3<sup>rd</sup> article of the declaration of rights that sanctioned government support of public worship.<sup>66</sup> No one debated the rationale for encouraging individual Godliness—that good morals were a necessary adjunct to civil society. As drafted, however, the 3<sup>rd</sup> article appeared to contradict the limited freedom of conscience guaranteed in the 2<sup>nd</sup> article by converting the right to worship into an obligation. The seeming contradiction reflected the presence of a second author at this point in the draft, with Samuel and not John Adams as the likely engineer or, at the very least, the principal influence for the 3<sup>rd</sup> article.<sup>67</sup> Calling for mandatory taxes to support religious training and a minister in every town, the 3<sup>rd</sup> article favored the Congregational Church, unless a concerted effort was made to distribute funds in some other way. Not surprisingly, the 3<sup>rd</sup> article found most of its support among the delegates from eastern Massachusetts, where the Congregational Church was strongest, both in numbers and influence. As expected, resistance to religious taxation was heaviest among delegates from the western counties, home to a sizeable dissenting population and to religious conflicts that predated the Revolution. But the movement against religious establishment found strong support throughout the state, especially among Baptists.

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<sup>65</sup> Ibid., 37, 193, 223.

<sup>66</sup> Ibid., 37–44.

<sup>67</sup> Isaac Backus, *The Diary of Isaac Backus*, ed. William G. McLoughlin, 3 vols. (Providence: Brown University, 1979), 2:1033–4n.

At the center of this debate was Isaac Backus, an outspoken Baptist minister from Plymouth County. Backus had already invested two years rallying Baptists to the cause of religious freedom through a series of speaking engagements, pamphlets and newspaper editorials, transforming the debate from a contest over religious taxation to a conflict over separation of church and state. In doing so, Backus emphasized the political consequences of the 3<sup>rd</sup> article, arguing that the effort to establish the Congregational Church on a constitutional basis had nothing to do with religion and everything to do with maintaining the political influence of the eastern, Congregationalist leadership.<sup>98</sup> Not content to limit himself to sermons and editorials, Backus extended his fight against religious establishment to the constitutional convention, meeting with four Baptist delegates in mid-November 1779 to plan a strategy against confirmation of the 3<sup>rd</sup> article.<sup>99</sup> Backus also worked through his friend and ally, Noah Alden, a Baptist minister and delegate to the convention, remaining in constant contact with him throughout the debate over religious establishment.<sup>100</sup>

Led by Alden, the Baptist delegation initiated what Samuel Barrett, who was particularly stingy with words, described as a “very extensive” debate. Everyone

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<sup>98</sup> Isaac Backus, “Government and Liberty Described” (1778) and “Policy As Well As Honesty” (1779) in William G. McLoughlin, ed., *Isaac Backus on Church, State, and Calvinism: Pamphlets, 1754-1789* (Cambridge: The Belknap Press of Harvard University Press, 1968), 345-83. The debate over the 3<sup>rd</sup> article, led on one side by Backus and on the other, by Robert Treat Paine (who published under the pseudonym “Hieronymus”), was heated, erudite and frequently bitter. See: *Boston Gazette*, 2 November 1778; 14 and 28 December 1778; 22 February 1779. See also: Morison, “The Struggle Over the Adoption of the Constitution of Massachusetts”: 371.

<sup>99</sup> In May 1779, Reverend Samuel Stillman, a moderate Baptist, had been chosen to present an election speech before the legislature. The choice of a Baptist minister as speaker was a rare concession from the Congregationalists who dominated the legislature. And Backus made sure that that Stillman focused on the “important subject of distinguishing ... betwixt the government of Christ and that of civil states.” Backus, *Diary*, 2:1021.

<sup>100</sup> Backus, *Diary*, 2:1025. The four delegates included Peter Werden, a Baptist minister from Berkshire, William Ewing and William White, Baptist ministers from Hampshire, and Asaph Fletcher, a Baptist minister from Middlesex County.

clamored to be heard and no one cared to listen. Finding themselves no closer to compromise after two days of constant wrangling, the convention responded positively to Alden's motion to commit the article for review to a seven-man special committee that included two very capable lawyers, Theophilus Parsons from the east and Caleb Strong from the west, and two veteran legislators, Samuel Adams from Boston and Timothy Danielson, a shopkeeper and general from Hampshire County.<sup>71</sup> David Sanford, a Congregationalist, and Noah Alden, who served as chairman of the committee, provided the religious expertise. Robert Treat Paine, a veteran eastern legislator, former preacher and a noted jurist, who was also highly antagonistic to Backus and the Baptists, added versatility and what became the deciding vote.<sup>72</sup>

After two days of deliberations, the committee voted 4-3 to submit an amended version of the 3<sup>rd</sup> article. The close vote in committee anticipated a second heated debate in the general assembly where delegate after delegate rose to offer amendments and counter-amendments to every passage in the article.<sup>73</sup> Votes were held on each of the proposed amendments and a new draft of the 3<sup>rd</sup> article was constructed incorporating all of the accepted changes. Dissenting faiths gained a partial victory when the original role

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<sup>71</sup> Stephen Patterson incorrectly identifies John Adams as the author of the 3<sup>rd</sup> article and as a member of the committee to amend the same article. The *Journal of the Convention*, on the other hand, recognizes Samuel Adams in this capacity. Patterson, 226.

<sup>72</sup> Robert Paine was the author of a series of articles published under the pseudonym "Hieronymus" that were very critical of Backus' pamphlet, "Government and Liberty Described" in McLoughlin, 368. See also: Reuben A. Guild, *Chaplain Smith and the Baptists, or, Life, Journals, Letters, and Addresses of the Rev Hezekiah Smith, D.D., of Haverhill, Massachusetts, 1737-1805* (Philadelphia: American Baptist Publication Society, 1885), 265-7; Backus, *Diary*, 2:1025-6; Schutz, 216; *Journal of the Convention*, 39-40.

<sup>73</sup> Samuel Adams opposed any change to the 3<sup>rd</sup> article and he probably received willing support from Theophilus Parsons and Robert Treat Paine. David Sanford undoubtedly joined forces with Noah Alden to oppose the article as written. It is unclear which of the two western delegates—Caleb Strong or Timothy Danielson—supported Adams, but Danielson was the more likely candidate. Caleb Strong to Samuel Adams Wells, 31 May 1819, as quoted in William V. Wells, *The Life and Public Services of Samuel Adams* (Boston: Little, Brown, and Company, 1866), 87-8; Backus, *Diary*, 2:1033n-4n.

of the legislature was altered, removing it from direct involvement in the collection of taxes and investing it with the “power to authorize and require, the several towns ... and other bodies-politic, or religious societies, to make suitable provision, at their own expense.” In other words, the legislature could enact laws compelling towns to support a minister and a meetinghouse, but funding had to originate on the local level. It was a limited expression of separation of church and state, but the amended article left the Congregationalists as the established church in Massachusetts.<sup>74</sup>

Anxious for a recess after the grueling debate over the 3<sup>rd</sup> article, many delegates pushed for adjournment, but one important piece of business remained before the convention could break. Numerous motions had been made and rejected to relocate the convention to Boston. If Caleb Strong was any indication of the mood of the western delegation as whole, the timing was right for one more attempt at a change of venue. It was mid-November, court sessions were looming and Strong, an attorney with a thriving practice, was eager to adjourn, even though he had no desire to reconvene in Boston. Similar pressures motivated many of the western delegates, particularly the farmers, who had numerous duties to attend to before the onset of winter.<sup>75</sup> With the declaration of rights completed and other demands on their time, the delegates voted overwhelmingly to adjourn until January 5, 1780, when the convention would reassemble in Boston to debate the frame of government.

Leaving Cambridge, the eastern leadership pondered a different set of concerns that emerged out of the drawn out battle over religious freedom. The process of debate,

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<sup>74</sup> *Journal of the Convention*, 41-7. The revised version of the 3<sup>rd</sup> article also addressed the lingering doubts of the dissenting faiths by guaranteeing equal protection and freedom from interference on the part of any other sect.

<sup>75</sup> *Ibid.*, 47-52; Caleb Strong to Joseph Hawley, 25 October 1779, *JHP*.

amendment and confirmation would be multiplied many times over when the convention reassembled in January to consider the frame of government. Every delegate could potentially rise and offer a modification, resulting in an unworkable list of amendments and counter-amendments reminiscent of the wrangling over the 3<sup>rd</sup> article in the declaration of rights. Significant potential also existed for the formation of new alliances during the recess, something the eastern political leadership could do little to prevent. But they could limit the potential for public debate. With this in mind, the convention leadership issued no public reports concerning the first session and they limited availability of the draft. As Bezaleel Howard, a student at Harvard and an eager follower of the convention, learned, "only a sufficient number of copies of the committees report [were] printed, to supply each member of the convention so that there are none to be purchased."<sup>76</sup>

In doing so, the convention risked charges of unnecessary secrecy during what amounted to a public debate over the foundation of government. Historically-minded delegates might be concerned about the perception of secrecy, if any thought this way. But few citizens outside a very small ring of influential men, who received their information from confidential connections within the convention, expected ongoing reports about the convention's activities. In 1779, legislative deliberations were generally held in confidence: no preliminary reports were issued; individual votes were rarely tallied; and journalists did not hang about the chamber doors waiting for fresh news. Eastern political leaders were more worried about the immediate consequences of public debate. Delayed completion of the draft could jeopardize the entire project, particularly if it became the target of a new wave of county conventions. Accordingly,

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<sup>76</sup> Bezaleel Howard to Nathan Howard, 11 November 1779, *Dwight-Howard Papers*.

the public statement issued by the convention secretary at the close of the first session reinforced the need for timely completion of the constitution, enjoining punctual attendance by all delegates when the convention reassembled in Boston.<sup>77</sup>

Nature intervened, however, putting a crimp in the plan for steady progress on the design of government. A harsh winter—the harshest in 60 years, according to one observer—made travel impossible in early January and only those delegates who lived in or near Boston were able to make their way through the “mountains of snow” that blocked the roads and paths.<sup>78</sup> Unable to assemble anything approaching a quorum on the scheduled opening day, January 5, 1780, the convention was postponed on five separate occasions. Additional delegates straggled in over the next few weeks, but travel remained difficult. January ended with the promise of clearing weather, but rain and a sudden thaw created deep mud, further impeding travel, particularly on less improved roads from the western counties.<sup>79</sup> In contrast to the first two sessions of the convention, which attracted more than three hundred delegates, attendance at the third session peaked on February 20 at merely 80 delegates and it declined steadily after that, until the last week of the convention when only 35 delegates were present to vote.<sup>80</sup>

A number of factors explained the continued lack of attendance. Already delayed by snow and mud, many of the delegates decided against attending, expecting the third session to conclude soon after their arrival. Other delegates were dissuaded by the new location of the convention and by the expense of attendance.<sup>81</sup> But logistics alone do not

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<sup>77</sup> *Journal of the Convention*, 49-50.

<sup>78</sup> Abigail Adams to John Adams, 18 January 1780, *Adams Papers*.

<sup>79</sup> *Journal of the Convention*, 51-7; Backus, *Diary*, 2:1040-1.

<sup>80</sup> For representative vote counts see: *The Journal of the Convention*, 124, 126, 133, 138, 142.

<sup>81</sup> The journal notes the return of moderate weather on February 1, 1780. *Ibid.*, 69. N.B. Distant towns and districts traditionally neglected to send representatives to the General Court in order to avoid the cost.

fully explain western apathy toward the third session of the convention. Western voters and delegates placed less importance on the frame of government than they did on the declaration of rights and the third session was devoted exclusively to John Adams' design for government. The west also placed more importance than the east on public review and ratification as key components of the constitutional process. The requirement for public ratification, a principal demand of western county conventions, would—or at least should—allow western voters to express their opinion and to reject or amend the decisions of the constitutional convention.

Having already delayed for three weeks waiting for new arrivals, the convention voted on January 27 to “proceed to the business assigned them” with only 60 delegates present. Although the clerk did not record the distribution of yea and nay votes on the motion to proceed, the numerical count (42 in favor and 18 opposed) suggests a division along regional lines, since thirty-seven eastern towns were represented at the third session of the convention against only ten from the west, with no delegates present from Maine or the two island counties.<sup>82</sup> The convention also voted to open the galleries to the general public. The sudden shift from secrecy to access reflected both the new location of the convention and the best interests of the eastern majority.<sup>83</sup> The general public could now theoretically attend the convention as spectators; but few artisans and laborers and even fewer farmers could afford the time needed to attend even one session. In practice, the open galleries provided access for Boston's leading citizens and, in particular, the city's lawyers and merchants. More importantly, the presence of these men would put significant pressure on the delegates below, especially the least

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<sup>82</sup> *Ibid.*, 55.

<sup>83</sup> *Ibid.*, 57.

experienced members of the convention, when they rose to make a motion or address an issue.

Armed with a majority of delegates and “public” support, the eastern delegation voted to begin deliberations with the 6<sup>th</sup> chapter of the constitution, the section devoted to education and, in particular, to Harvard College. This decision did not reflect a desire to delay action on more important sections in the frame of government. Instead, the eastern leadership, cognizant of the struggle over the 3<sup>rd</sup> article of the declaration of rights, saw an opportunity to quickly confirm a potentially controversial section of the constitution that would protect Harvard’s unique institutional status. They succeeded in confirming the first two articles, guaranteeing Harvard’s franchise and its assets, which were derived from a combination of public funds and private grants.<sup>84</sup> But a motion halted the confirmation process, raising questions about an article that restricted the legislature’s authority over Harvard to actions that were “conducive to its advantages” and consistent with colonial policy. The motion included a proposal to eliminate all protections, transferring legislative control over Harvard to the House of Representatives. At issue was Harvard’s future: Would it remain a privileged institution beyond the reach of ordinary politicians or would it become a public institution subject to the day-to-day control of a popularly elected assembly?

It was a crucial point of argument for the western delegation, since resentment toward Harvard College was especially virulent in the upper counties, where the college was seen as a privileged institution that served the needs of the Massachusetts economic

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<sup>84</sup> The confirmation process did not unfold without opposition. One delegate attacked the presumption of privilege by offering a motion requiring that all powers and immunities granted to Harvard remain consistent with “the fundamental rights of the People.” The eastern dominated convention immediately rejected this amendment and the 1<sup>st</sup> article of Chapter 6 was confirmed as drafted. *Ibid.*, 57-8.

and political elite. Harvard-trained ministers dominated postings to town parishes, expanding the influence of the Congregational Church. Harvard had also evolved into a school for lawyers and politicians, becoming a key link in the state system of political and economic privilege. Lawyers without college degrees abounded in late eighteenth-century Massachusetts and many men served in elected positions with nothing more than a grammar school education. But Harvard graduates, who were primarily from the east, monopolized the courts and dominated appointments to county and state posts.<sup>85</sup> Distance and tightly controlled admissions, on the other hand, made attendance at Harvard difficult for most young men from western Massachusetts, with the exception of those from the wealthiest families. An attempt was made in 1762 to correct the imbalance by establishing a second college in Hampshire County, but the proposed charter was immediately quashed by politically connected Harvard alumni, who saw it as "greatly prejudicial to Harvard College."<sup>86</sup>

Harvard had changed somewhat in the face of this resistance, surrendering the practice of ranking students by the status of their families. But the Provincial Congress had recently reaffirmed Harvard's privileged position during the Revolution by exempting its instructional staff and students from the same military service that had drained the western counties of their young men. Now the Harvard alumni were once again seeking special protections for the college through a constitutional resolution.<sup>87</sup> It was a flammable issue that could easily divide or, at the very least, distract voters, even if

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<sup>85</sup> Brooke, 31-2.

<sup>86</sup> Taylor, *Western Massachusetts in the Revolution*, 15-16.

<sup>87</sup> The drafting committee for the constitution included 15 alumni of Harvard. See: Newcomer, 107. Oscar Handlin and Lillian Handlin, *A Restless People: Americans in Rebellion, 1770-1787* (Garden City, NY: Anchor Press, 1982), 60, 64.

the eastern leadership could force passage by means of its accidental majority. But the opposition was vocal and the eastern leadership was painfully aware that the constitution—whatever form it took—had to appear as the product of fair deliberation and majority consent in order to succeed in a public ratification. Accordingly, the eastern leadership avoided confrontation by postponing further debate on the college.<sup>88</sup>

After only one morning of deliberation, it was clear that the convention had returned to the divisiveness and dissension that had marked the earlier discussions on the declaration of rights. With postponement a temporary solution, at best, and momentum a real concern, the eastern leadership turned to a second strategy, establishing a five-member committee—four of them easterners—to develop an agenda that would expedite discussion and confirmation over the next few days. The delegates returned the following morning to find a selective schedule of specific articles plucked from particular chapters of the draft.<sup>89</sup> Deliberations would begin with the 2<sup>nd</sup> chapter, which outlined the frame of government in broad terms. But the convention would deal only with the “2d paragraph in the 1<sup>st</sup> article in the first section”—the proposed name for the legislature and the date that it would assemble. They would not, for the moment, discuss the composition of the legislature or its relationship to the executive.<sup>90</sup> The strategy was well-conceived from the perspective of forward motion and the convention made some progress by adhering to the new agenda. But the delegates continued to insist on a

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<sup>88</sup> The convention concluded its discussions on the 6<sup>th</sup> chapter of the proposed constitution by confirming the second section, a popular resolution acknowledging the need for public education. *Journal of the Convention*, 58.

<sup>89</sup> The committee for an arrangement of business consisted of: John Lowell (Boston); John Pickering (Salem); Jonathan Jackson (Newburyport); John Haven (Dedham); and Levi Lincoln (Worcester).

<sup>90</sup> As drafted and confirmed, the name of the legislature (General Court) and the meeting dates remained unchanged from colonial practice. See: *Journal of the Convention*, 59.

paragraph-by-paragraph (and occasionally a sentence-by-sentence) analysis of the text, a time-consuming and, for the leadership, exasperating process.

The limitations of scheduling became painfully evident when the convention came to a jarring halt over a paragraph concerning the state's authority to assess and collect taxes. A motion was made to substitute the term "duties and excises" for "persons" and a lengthy debate erupted over this seemingly cosmetic change. At issue was the fundamental basis for taxation. Taxes assessed on persons would place the burden on landowners and households, a scheme that favored eastern merchants and professionals. Duties and excises, on the other hand, favored western interests, since the lion's share of taxes would be paid by merchants and consumers. Debate was immediately halted in the face of stiff resistance, but the issue was not postponed. Instead the paragraph was assigned to a committee led by two seasoned legislators—John Lowell, a Boston attorney and John Pickering, a merchant and speculator from Salem. The new approach showed immediate results when the committee returned late that afternoon with an amendment so broadly worded that it suited enough of the delegates to secure passage.<sup>41</sup>

From this point forward the eastern leadership turned almost exclusively to committees as the safety valve for discussions that threatened to embroil the convention in undue debate and delay.<sup>42</sup> There was nothing new or innovative in the decision to make broader use of committees. The committee system served as the day-to-day operating mode of the legislature, as exemplified by the 1776 session, which accounted

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<sup>41</sup> Ibid., 59-62.

<sup>42</sup> The convention appointed 36 select committees during the third session, 25 of them to amend the frame of government, as compared with a total of 11 committees during the first two sessions, only 4 of which were assigned to amend the bill of rights.

for more than 1600 committees and over 5,000 committee assignments. The committees also served as a nexus for common interests in a system of government devoid of formal political parties, allowing a small group of men—averaging about one-quarter of the membership—to dominate the assignments. Not surprisingly, leading committeemen drawn from the ranks of the eastern political elite formed the de facto leadership of the Massachusetts legislature.<sup>93</sup>

Among the leaders in this system were James Bowdoin and John Lowell.

Bowdoin, a Harvard graduate from a wealthy family, entered the legislature as a young man, where he experienced a meteoric rise in responsibility that included an increasing number of assignments to investigative and legislative committees.<sup>94</sup> By 1779, Bowdoin had served in every legislative capacity, becoming a highly respected moderator of political tempers.<sup>95</sup> He put this experience to good use as president of the constitutional convention, setting the pace for discussions, ruling on motions and checking the passions of the more ardent delegates, who included John Lowell, a successful and determined attorney from Boston.<sup>96</sup> Although they differed in age and legislative style, the younger delegate could easily identify with Bowdoin. Like Bowdoin, Lowell used his social position and Harvard education to secure appointments to numerous committees and, after only two years of service in the legislature, he was already ranked among the most

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<sup>93</sup> Since the mid-1740s the colonial legislature had become more dependent on smaller bodies of men to tame the growing volume and complexity of petitions and bills. For additional information on the committee system in the Massachusetts General Court see: Schutz, 50-87; Zemsky, "Power, Influence, and Status": 502-20.

<sup>94</sup> Robert Zemsky points out that, although his rise in the House was spectacular, Bowdoin's experience was not unique for legislators who were born into wealthy and prominent eastern families. See Zemsky, *Merchants, Farmers, and River Gods*, 30-1.

<sup>95</sup> John Adams described James Bowdoin's politics as "sedate, cool, Moderation." See John Adams, *Diary and Autobiography of John Adams*, 2:5.

<sup>96</sup> *Ibid.*, 1:299-300.

active and influential legislators. A brilliant speaker and a thoughtful scholar, Lowell would play his most important role in the convention as a committeeman, which would, in turn, enhance his standing in state politics.<sup>97</sup>

As employed in the constitutional convention, the committee system reduced the impression of conflict, since debates and final votes that were a matter of public record in open convention left no such record when they were held behind the closed doors of the committee. Looking at the convention from the outside, the general public would see delegates working to achieve consensus in a fair and democratic manner, which would lend credibility to the final draft. Committees also disguised the imbalance in representation during the third session of the convention by allowing the eastern leadership to employ its numerical advantage in a less obvious way through appointments to committees. Eastern delegates received 73 percent of the committee assignments. More notably, five prominent easterners—Samuel Adams, John Lowell, Robert Treat Paine, John Pickering and Nathaniel Gorham—shared more than 25 percent of the committee seats among them.<sup>98</sup> The change in tactics moved the convention forward, but in ways that compromised the premise of popular sovereignty, since most of the leading committeemen were also active members of the legislature. In the end, the eastern leadership succeeded in confirming a frame of government that clearly favored the eastern political strategy, as exemplified by the convention's actions on the issue of representation.

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<sup>97</sup> Samuel Cooper to John Adams, 23 May 1780, *Papers of John Adams*, 9:334-6; *National Cyclopaedia of American Biography*, 7:62.

<sup>98</sup> For the various committee assignments, see the *Journal of the Convention*.

Equal representation in the legislature was a fundamental demand of voters in western Massachusetts, where rapid settlement and constant migration created many new towns. In contrast, growth in the east was measured in total population rather than new townships and, as a result, eastern voters favored the proportional plan. Western voters, who were already agitated by the premature enactment of proportional representation by the legislature during the prior year, saw the convention as an ideal opportunity to reverse the new scheme of representation. Fearing a possible stalemate on this issue alone, the eastern leadership consciously postponed the debate on representation until February 18, when they were finally prepared to tackle the question by resolving the convention into a committee of the whole.<sup>96</sup> It was a neat legislative tactic that allowed the convention to debate an issue and test potential resolutions using preliminary votes without arriving at a final conclusion. More importantly, it yielded the desired result, permitting the eastern leadership to marshal enough support to carry the vote in open convention with no significant changes in the eastern plan for proportional representation and no record of the debate.<sup>97</sup>

Employing variations on the committee strategy along with a set agenda, demanding workdays and limited adjournments, the eastern leadership steered the convention through the lengthy frame of government. The committee system was so successful that within a month of the delayed opening of the third session the delegates were busying themselves with the final touches on the constitution. From February 28 to March 2, the closing day of the third session, the convention edited the language and the format of the final draft, adding a clause that prohibited amendment for 15 years

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<sup>96</sup> Ibid., 121-2.

<sup>97</sup> Ibid., 123.

following ratification. Conscious of the upcoming public vote, the convention also altered the title of the document from John Adams' simplified "A Constitution or Form of Government" to a more marketable "Constitution or Frame of Government. Agreed Upon by the Delegates of the People ... *In Convention*."<sup>101</sup> Finally, the convention voted to distribute eighteen hundred copies of the constitution along with an explanatory address drafted by a five-man committee dominated by easterners.<sup>102</sup>

The address was part advertising and part plea, urging the voters to consider the difficulty of the task: the impossibility of pleasing everyone; the undesirability of starting over; and the needs of "Posterity yet unborn." "We may not expect to agree in a perfect System of Government," the committee reasoned. "This is not the Lot of Mankind. The great End of Government, is, to promote the Supreme Good of human Society." In this vein, the committee offered an explanation of what might become the most controversial sections of the constitution, including the reasoning behind proportional representation: the consolidation of power in the state legislature; the distribution and balance of power among the three branches; and the creation of an independent judiciary, with lifetime appointments on good behavior.<sup>103</sup>

The final two days of deliberations were taken up with the question of ratification, resulting in a final plan for the public phase of the constitutional process. In keeping with the demand for popular sovereignty, the plan expanded suffrage on the issue of

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<sup>101</sup> The original draft submitted by the drafting committee treated the declaration of rights as the first of six chapters. The final version of the constitution separated the declaration of rights and the frame of government into two distinct sections. The chapters for the frame of government retained their original order in the final version of the constitution, but they were renumbered, beginning with Chapter 1 as opposed to Chapter 2.

<sup>102</sup> The committee to draft the address consisted of Samuel Adams, John Lowell and Ellis Gray from Boston; James Sullivan from Groton (Middlesex); and Caleb West from Greenwich (Hampshire).

<sup>103</sup> *Journal of the Convention*, 216-21.

ratification by omitting the usual property requirements. At the same time, the plan retained the traditional venue for voting. All male inhabitants twenty-one years of age and older would meet by township and plantation to vote on the constitution, with all returns due no later than June 7, 1780, when the delegates would reassemble in Boston to count the votes. The constitution would be considered ratified, if “two thirds of the male Inhabitants ... voting in the several town and plantation meetings, shall agree to the same, or the Convention shall conform it to the sentiments of two thirds of the People aforesaid.”<sup>104</sup> At first glance, it was a simple plan with a high standard (two thirds) for ratification. In practice, the instructions for ratification represented a premature, preemptory and somewhat duplicitous application of proportional representation and centralized authority.

Drawn up by three eastern jurists—James Sullivan, Robert Treat Paine and the ever-present John Lowell—the plan for ratification altered the original instructions outlined in the legislative resolution for a constitutional convention.<sup>105</sup> Under the original authorization, ratification would be accomplished if two thirds of the *towns* voted in the affirmative, a practice that was thoroughly consistent with prior experience and with the demands of the county conventions. But votes tallied by town—or equal representation—would potentially favor the west. As a result, the eastern-dominated convention altered the voting process, disguising the change under a veneer of legalistic

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<sup>104</sup> *Ibid.*, 168-9.

<sup>105</sup> Samuel Elliot Morrison argues otherwise, describing the decision of the committee on ratification as a “new grant of authority by the sovereign people to the Convention.” The convention, Morrison concludes, was not bound by the original mode of ratification since it drew its authority from the people and not the legislature. In reaching this conclusion, however, Morrison ignores the fact that the people had already voiced their approval of the legislative plan for ratification by voting for their delegates. With only 30-plus delegates present, the convention could not claim to be acting in the name of the people. In fact, the convention clearly overstepped the limits of its authority when it altered the plan for ratification. See: Morrison, “The Struggle Over the Adoption of the Constitution of Massachusetts”: 355-6, 360.

language that suggested but did not adhere to the town-meeting tradition. Votes would be taken in town meetings, but they would be tallied on a statewide basis. Under this rubric, the constitution would be ratified by two thirds of the total voters, a concept that was arguably in keeping the spirit of popular sovereignty, but one that had no precedent in Massachusetts. Added to this was expanded suffrage, which clearly favored the east, where the population density was high and property ownership was low.

The eastern leadership did not, however, limit their options to numerical guarantees. Drawing on their experience with the rejected constitution of 1778, the convention omitted a vote on the constitution as a whole.<sup>106</sup> As presented to the public, the instructions for ratification allowed for only one possibility—affirmation by exception. Selectmen were instructed to conduct voting on an article-by-article basis and to record the total yea and nay votes for each article, along with an explanation for any article that was rejected by a majority of the voters, a process that did not serve, as one historian argues, as a “safety valve for the airing of democratic prejudices and notions.”<sup>107</sup> Instead it diffused the public’s objections, reducing the possibility that the constitution would be rejected on the basis of one or a few issues. Given the length and detail of the proposed constitution, it was unlikely that one third or more of the towns would concur in the negative on more than a few articles and it was less likely that these same towns would agree on the reasoning for their dissent. In any case, under the new instructions for ratification, the delegates to the convention were not only authorized to

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<sup>106</sup> Many voters, including a few savvy politicians, continued to assume that votes would be taken on the constitution as a whole. See: William Gordon to John Adams and Francis Dana, 8 March 1780, *Papers of John Adams*, 9:25-8.

<sup>107</sup> Morison, “The Struggle Over the Adoption of the Constitution of Massachusetts”: 362.

count the votes, they were authorized to interpret dissenting opinions and to amend them or in some other way reconcile them to two thirds of the voters throughout the state.<sup>108</sup>

These instructions reflected widespread anxieties concerning the constitution's future. Assessing the situation from his vantage point in France, John Adams remained cautious concerning the potential for ratification. "My Countrymen are so nice and so difficult to please in the Choice of a Constitution of government," Adams wrote, "that I cannot say how long it will be, before they adopt one."<sup>109</sup> There were numerous reasons for concern, including the conflict-ridden issues of public worship, representation, legislative appointment of justices, suffrage and qualifications for holding office. Under the right conditions these issues could potentially unite voters across regional and economic boundaries. But the instructions for ratification limited deliberation to town meetings, precluding an extensive public debate over the constitution. At the same time, it opened the confirmation phase to broad interpretation by the convention, leaving many eastern observers in an optimistic mood. "The Convention is adjourned till June." William Gordon reported: "and I am in good hopes the gay [wild] cards in and out of the pack will lose the game, and that we shall carry it for a good constitution."<sup>110</sup>

The strategy was successful: the state's six newspapers carried very few articles concerning the constitution during the ratification phase and the public debate was largely limited to the town meetings.<sup>111</sup> Voters turned out in sizeable numbers, including many in towns that had failed to send representatives to the convention: and they accepted their

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<sup>108</sup> *Journal of the Convention*, 169.

<sup>109</sup> John Adams to Richard Henry Lee, 15 March 1780, *Papers of John Adams*, 9:49-51.

<sup>110</sup> William Gordon to John Adams and Francis Dana, 8 March 1780, *Papers of John Adams*, 9:25-8.

<sup>111</sup> A survey of ordinary printed sources conducted by Samuel Eliot Morrison revealed very few editorials and pamphlets concerning the constitution, ratification and amendment. My own research supports Morrison's conclusion. Despite this, the voting public was deeply interested in the constitution, as

responsibilities seriously, even if they did not always follow the procedures outlined by the convention.<sup>112</sup> The convention was partially to blame for this, since the delegates had failed to give any specific instructions concerning the structure of the meetings or the format for the returns. Accordingly, the length and organization of the town meetings varied, from short sessions to detailed deliberations that met over a few days and the format used in the returns ran the gamut from brief statements to lengthy, itemized lists of votes taken and amendments suggested.

The town meeting held in Salem, for example, opened on May 18 in an orderly fashion to a full and enthusiastic crowd of voters. A moderator was elected; the constitution was read in its entirety; and after five days of detailed discussion the town voted on each article individually. But the Salem town meeting did not adhere to the convention's instructions in their entirety, submitting a final return that included an article-by-article tally of votes without the required reasons for amendment. Salem's omission was not the product of misinterpretation, according to William Pynchon. The town purposely ignored the convention's instructions, "because the convention had no right to require reasons other than the delegates might verbally give them."<sup>113</sup>

Many town meetings followed similar patterns; others varied in time spent and in the length and detail of the return. Voters in Boston met over the course of three days, agreeing unanimously on the constitution minus a few amendments.<sup>114</sup> The lengthiest

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evidenced in the town returns. See Morrison, "The Struggle Over the Adoption of the Constitution of Massachusetts": 363.

<sup>112</sup> In Hampshire County, for example, only 36 towns had sent delegates to the convention, but 46 towns submitted returns for ratification.

<sup>113</sup> For the Salem return see: Handlin, *Popular Sources*, 920-6. See also: William Pynchon, *The Diary of William Pynchon of Salem*, edited by Fitch Edward Oliver (Boston: Houghton, Mifflin and Company, 1890), 64.

<sup>114</sup> Samuel Adams to John Adams, [?] May 1780, *SAP*.

reply and one of the most hostile came from Northampton in Hampshire County, more specifically from the pen of Joseph Hawley.<sup>115</sup> Neighboring Brimfield ignored the procedure entirely, voting to accept the constitution as a whole (81-1), but omitting the required article-by-article tally of votes. Thomaston in Lincoln County submitted a return in which the townsmen “declined passing any Vote” on the constitution, offering no reason for their decision to abstain. Dunstable in Middlesex County included detailed reasons for suggested amendments, but omitted any tally of votes for articles that did not meet with major objections.<sup>116</sup>

Town selectmen also failed to meet the deadline. Many returns were waiting for the delegates when they reconvened in Boston on June 7, 1780, but many more were still en route. Confronted with piles of paper, the convention appointed a nine-member committee to read and tally the votes, but the requirement for a statewide count multiplied the task many times over. Added to this was the clerical nightmare created by the erratic format of the returns and the lengthy lists of objections and amendments to myriad articles and subsections. On reflection, the convention quickly increased the size of the committee to sixteen members and then to twenty-eight.<sup>117</sup>

On June 9, after only two days of deliberations, the committee to examine the returns reported in frustration: “That on account of the different manner in which the said returns are made, they find themselves obliged to adopt an entire new plan.”<sup>118</sup> At issue was the confusion caused by conditional votes that rejected an article as written, but

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<sup>115</sup> Hawley offered the text for publication in a newspaper. Handlin, *Popular Sources*, 572-87; Joseph Hawley, “Joseph Hawley’s Criticism of the Constitution of Massachusetts,” *Smith College Studies in History* 3 (October 1917): 5-55.

<sup>116</sup> Handlin, *Popular Sources*, 543, 629, 640-2.

<sup>117</sup> *Journal of the Convention*, 170-3.

<sup>118</sup> *Ibid.*, 174.

accepted it, if the convention amended the article to coincide with two-thirds of the voters. Different reasons for rejection and/or suggestions for amendment resulted in multiple columns of votes for each article. To adjust for this the committee recommended tallying the votes in two broad groupings. The first grouping would compute votes on individual articles that contained no amendments, tallying yeas in one column and nays in the other. The second grouping would tally yea and nay votes that were tied to amendments, placing in the yea column votes accepting the article, if it were amended to concur with two-thirds of the voters, and in the nay column votes rejecting the article, even if it were amended.

The committee justified the new system of counting votes with a sample tally that applied the new rubric to a selected group of returns from four eastern and three Maine counties. On the basis of this sample, the committee concluded that there "appears to be a very great majority" in favor of the constitution, with the possible exception of a few articles, including the 3<sup>rd</sup> article to the declaration of rights. Under the new rubric, where conditional yeas would be tallied as votes in favor of ratification, the sample count read 97 percent in favor of the constitution. The actual voting patterns were, in fact, quite different. Using the original method of calculation, which separated direct yea and nay votes from conditional votes, the tally for the same returns would read 16 percent in favor of the constitution; 5 percent opposed; and 79 percent in favor, if the constitution were amended to agree with the sentiments of two-thirds of the voters. Tallies for the 3<sup>rd</sup> article followed a similar pattern. Under the original plan, sample ballots on the 3<sup>rd</sup> article fell well short of the two-thirds requirement for passage, with only 55 percent in

favor of the article as written. If the same votes were tallied under the new rubric, the article would carry by a vote of 80 percent.<sup>119</sup>

It was a flawed plan—and a skewed sample—but it had one major benefit: the plan would expedite the process of confirmation by eliminating the need to reconcile diverse amendments to a multitude of articles that could open the entire constitution to renegotiation. As proposed by the committee, the new method for counting votes allowed the convention to disregard the underlying reasons for rejecting individual articles, treating all conditional yeas as outright votes in favor of the article. The plan was immediately approved along with an absolute deadline of June 15 and six additional members for the committee. After six years of wrangling, two failed attempts to reconstruct state government, a special convention and hundreds of town meetings, the constitution was confirmed by the convention—with no amendments and no changes—in a series of voice votes, using the new formula devised by the committee.<sup>120</sup>

Special attention was given to the 3<sup>rd</sup> article, but in the end it also stood as written, even though it had loomed as the single most controversial constitutional issue prior to, during and following the first three sessions of the convention. The 3<sup>rd</sup> article occupied the print media during the town meeting phase of the ratification process, becoming the focal point of religious minorities and religious liberals alike. “If this article should be established,” Isaac Backus argued, rallying Baptists to the cause, “our case would be incomparably worse than it has ever yet been. For our former laws ... proceeded entirely from the mistakes and errors of the legislators ... but this article would make them an

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<sup>119</sup> Sample voting on the 3<sup>rd</sup> article broke down as follows: 2923 (55 percent) yea; 917 (17 percent) nay; 1304 (25 percent) yea, if amended; 169 (3 percent) nay, if amended. *Ibid.*, 175-7.

<sup>120</sup> *Ibid.*, 178-80.

essential part of our constitution."<sup>121</sup> Other dissenting groups added their voices to the clamor against religious establishment. "Baptists, Deists, Quakers, Priests, and Politicians," Mercy Warren complained, "have laboured assiduously to expunge all religious establishments in the new Constitution of Government."<sup>122</sup> Opponents of the 3<sup>rd</sup> article even found support in Boston where, Samuel Adams reported that the "Religious Article was considered by itself and occasioned much candid Debate."<sup>123</sup> Adams' disappointment turned to outrage when the Boston town meeting, the single largest bloc of voters in Massachusetts, affirmed the constitution "in every Article but the 3<sup>d</sup> in the Bill of Rights respecting Religion."<sup>124</sup>

How then could the convention ratify the constitution without, at the very least, amending the 3<sup>rd</sup> article? Noah Alden claimed fraud, offering a revised tally of the ballots that showed no more than 58 percent of the voters in favor of the 3<sup>rd</sup> article as written. An independent count conducted by historian Samuel Morison reached the same conclusion. According to Morison, neither the 3<sup>rd</sup> article of the declaration of rights nor the 10<sup>th</sup> article of Chapter 6 in the frame of government (the article prohibiting amendment for 15 years) met the required two-thirds requirement for ratification.<sup>125</sup> The eastern dominated convention disregarded the obvious pattern of voting, confirming both articles using the new method for calculating conditional votes. It was a false premise, but it escaped debate, even if it did not completely elude scrutiny.<sup>126</sup> Western

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<sup>121</sup> Isaac Backus, "An Appeal to the People of the Massachusetts State, Against Arbitrary Power" (1780) in McLoughlin, 389-96. See also: Backus, *Diary*, 2:1041-2n.

<sup>122</sup> Mercy Otis Warren to John Adams, 8 May 1780, *MWP*.

<sup>123</sup> Samuel Adams to John Adams, [?] May 1780, *SAP*.

<sup>124</sup> Samuel Cooper to John Adams, 23 May 1780, *Papers of John Adams*, 9:334-6.

<sup>125</sup> See: Backus, *Diary*, 2: 1057-8; Morison, "The Struggle Over the Adoption of the Constitution of Massachusetts", 410-11.

<sup>126</sup> *Journal of the Convention*, 180.

representatives launched an unsuccessful effort to poll the convention as a whole on whether or not, in their opinion, the constitution had been ratified by two-thirds of the voters. "It was then moved, and seconded, that the People of the State of Massachusetts Bay have accepted the Constitution as it stands in the printed form."<sup>127</sup>

"Upon due Examination of the Returns," the subsequent public announcement proclaimed. "... it appears that more than Two Thirds of the Inhabitants thereof, who have voted on the same, have expressed their approbation."<sup>128</sup> Armed with no additional details ordinary voters accepted the pronouncement of the convention as fact. They could not do otherwise, since their knowledge of the process was limited to each voter's own experience in town meeting. An independent audit would have been difficult under any circumstances, since the eastern leadership left no evidence for comparison. Returns from the individual towns were secreted in the government archives along with the minutes of the convention, which remained unpublished until 1832. More importantly, the committee reports tallying the votes on each article vanished. From all outward appearances, however, the voters had gotten what they had demanded—a special convention to draft the constitution and public participation in the ratification process. This appeased even the most dedicated constitutionalists, who had served as the advanced guard in the movement for a popularly constructed government and who now rallied around the new constitution, at least for the time being. "There was no danger in proposing too perfect [too conservative] a constitution," Theophilus Parsons boasted, after the constitution was safely in place.<sup>129</sup>

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<sup>127</sup> Ibid., 183.

<sup>128</sup> Ibid., 186-7.

<sup>129</sup> Theophilus Parsons to Francis Dana, 3 August 1780, *Dana Family Papers*.

As ratified, the constitution satisfied the needs of the eastern political leadership, both in timing and design. “Never was a Good Constitution wanted more than at this Juncture,” Samuel Adams wrote in triumph.<sup>130</sup> Adams and the other eastern leaders had good reason to crow. They had successfully checked the trend toward increased democracy and, at the same time, secured their political, social and religious institutions against attack for the next 15 years—or so they thought. Ordinary voters, on the other hand, lost heavily in terms of representation, appointment of justices, suffrage, freedom of religion and their ability to alter the constitution in the immediate future. But the vast majority of voters looked past the constitution to the promise of a new government, which would go into effect on the last Wednesday in October 1780; and they eagerly anticipated the upcoming elections for representatives and senators. More importantly, for the first time qualified voters would be asked to elect someone to statewide office. In the final analysis, many voters had actually won more than they imagined, at least in the long-term, with the inauguration of statewide electoral politics in Massachusetts. Eastern political leaders, on the other hand, had given more than they intended by confirming popular sovereignty as the underlying principle of government.

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<sup>130</sup> Samuel Adams to John Adams, 10 July 1780. *Papers of John Adams*, 9:507-8.

## CHAPTER 3

## A PUBLIC REVOLUTION, 1780-1785

As the principal engineer of the new constitution, John Adams envisioned republican state government as “an Empire of Laws, and not of men.”<sup>1</sup> Adams and many of his contemporaries believed that a balanced government, embodied in law could remain above the clamor of personal interests, parties and electioneering. For that reason, the Massachusetts convention ratified a constitution in which the administration of government and not rights was the central feature. After 45 days of deliberations (as compared to only 15 for the bill of rights) the convention confirmed a frame of government that held close to the course plotted by Adams.<sup>2</sup> But the constitution also made major concessions to the changing political environment by initiating popular statewide elections for governor and by accepting the reality, if not the theory, behind the public’s right to assemble and to criticize and instruct the government. The end result was very much a government of men: of entrenched politicians, aspiring candidates, political dependents and voters. Embracing it all was the “people,” an expansive

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<sup>1</sup> John Adams, *Thoughts on Government*, 5-6.

<sup>2</sup> Always suspicious of men and their designs, John Adams sought a balance in government that would check any attempt to engross power. Accordingly, the frame of government was devoted to the making and administration of law. The bicameral legislature was responsible for initiating law; the governor, backed by a council and a veto, was responsible for administering the resolutions of the legislature; and a newly independent judiciary was empowered to interpret and enforce those laws.

constituency that, according to Samuel Adams, gave every citizen and particularly the “meanest Citizen” the right “of inquiring freely but decently into the Conduct of publick Servants.”<sup>3</sup>

Massachusetts, Samuel Cooper observed, had undergone a “public Revolution.”<sup>4</sup> Politics and politicians had been forced outdoors, driven from the legislative meeting rooms and caucuses to the streets and newspapers. The result was an expanded political role for an expanded public, a role that included, but was not limited to the electoral process. It had been a gradual revolution and it placed Massachusetts at the vanguard of eighteenth-century politics, along with New York and Pennsylvania. Contemporaries understood the significance of these developments in the political culture of Massachusetts. Yet many historians dismiss state politics during the period of confederation as anything but modern, reducing the state experience to a pre-modern antecedent to national government and the national political parties of the 1790s.<sup>5</sup> In

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<sup>3</sup> Samuel Adams . Draft of Editorial Sent to Benjamin Edes (*Boston Gazette*), 27 March 1781, *SAP*.

<sup>4</sup> Samuel Cooper to Samuel Adams, 3 April 1781, *SAP*.

<sup>5</sup> E. E. Schattschneider argues that modern democracy is “unthinkable” without institutionalized political parties. William Chambers concludes that every response to political change throughout the Revolutionary era was simply the “foreshadowing” of party development. John Hoadley sees political parties as the primary channel of popular expression. Ronald Formisano argues that politics in the 1780s were stuck in an eighteenth-century mold that was inhospitable to parties. Ronald Formisano defines the experience as “partyless”. Other political historians, like Jackson Turner Main and Stephen Patterson, see this same experience as “pre-party.” Some historians of political culture see the state experience as nothing more than a narrow bridge between the public rituals of the American Revolution and emerging nationalism in the 1790s. See: E. E. Schattschneider, *Party Government* (Westport, CT: Greenwood Press, Publishers, 1942); William Nesbit Chambers, *Political Parties in a New Nation: The American Experience, 1776-1809* (New York: Oxford University Press, 1963); John F. Hoadley, “The Emergence of Political Parties in Congress, 1789-1803,” *American Political Science Review* 74 (September 1980): 757-9; Ronald Formisano, *The Transformation of Political Culture: Massachusetts Parties, 1790s-1840s* (New York: Oxford University Press, 1983); Jackson Turner Main, *Political Parties before the Constitution* (Chapel Hill: The University of North Carolina Press, 1973); Patterson, *Political Parties*. See also: David Waldstreicher, “Rites of Rebellion, Rites of Assent: Celebrations, Print Culture, and the Origins of American Nationalism,” *Journal of American History* 82:1 (June 1995): 37-61; Waldstreicher, *In Midst of Perpetual Fetes: The Making of American Nationalism, 1776-1820* (Chapel Hill: The University of North Carolina Press, 1997); Simon P. Newman, *Parades and the Politics of the Street* (Philadelphia: University of Pennsylvania Press, 1997).

making these arguments, historians force the state experience into the national mold and, in the process, read the present into the past.<sup>6</sup>

Although it fell short of party politics, the electoral experience of Massachusetts during the period of confederation included an essential element of modern democracy—public contestation, grudgingly conceded but present nonetheless.<sup>7</sup> After 1780, legitimate political opposition in Massachusetts was no longer limited to legislative factions and the politics of independence, as it had been in the 1760s and 1770s. In the wake of the new constitution, politicians confronted a larger and more suspicious constituency and they competed on a new, contested and very public field. At the center of this contest was the governor, who had returned to state politics following an absence of four years, but in a modernized form.

Scheduled for September 4, 1780, the first statewide elections captured the attention of politicians and voters alike. “Who is to be the first Man,” Samuel Adams conjectured in a letter to his cousin and compatriot John Adams?<sup>8</sup> It was a rhetorical question that allowed Samuel Adams to expound on the importance of the new chief

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<sup>6</sup> Paul Goodman identifies a similar tendency to interpret party formation at the state level during the post-constitutional period as indicative of a national trend. Paul Goodman, *The Democratic-Republicans of Massachusetts: Politics in a Young Republic* (Cambridge: Harvard University Press, 1964).

<sup>7</sup> Modern politics, as applied here, is defined as the presence of meaningful public critique and opposition to the sitting government and its general acceptance as a legitimate form of political expression. This definition draws on Richard Hofstadter and Van Beck Hall. Hofstadter and Hall disagree, however, on the necessary presence of political parties as an essential element of modern politics. Hofstadter argues that political parties modernized democracy by providing the essential ingredient of legitimate opposition. In contrast, Van Beck Hall argues that governments can be modern “without or outside of the ministrations and influences of parties.” Hall adds that other, less institutionalized and less permanent bodies—including alliances, factions and special interests—could organize opposing or differing ideas and programs. See: Richard Hofstadter, *The Idea of a Party System: The Rise of Legitimate Opposition in the United States, 1780-1840* (Berkeley: University of California Press, 1969), 4-9; Van Beck Hall, *Politics Without Parties: Massachusetts, 1780-1791* (Pittsburgh: University of Pittsburgh, 1972), xi.

<sup>8</sup> Samuel Adams to John Adams, 10 July 1780, *Papers of John Adams*, 9:507-8.

executive. John Adams was equally interested in the election, even though he was in no position to influence the outcome, having already returned to his ambassadorial duties in Europe. "It is no light trust," John Adams remarked to another colleague. "... whoever obtains this distinction, if he does his duty, will find it a heavy burden."<sup>9</sup> Neither of the Adamses had overstated the situation. No one in Massachusetts knew how the elections would actually proceed, since there was only one precedent in colonial or British political tradition for a popularly elected executive—the first gubernatorial election held three years earlier in New York.<sup>10</sup>

But Massachusetts exceeded New York in three respects. The Massachusetts constitution limited the governor's term to one year instead of three; extended suffrage to include all voters who were otherwise qualified to elect representatives and senators; and equipped the governor with significant veto power.<sup>11</sup> The result was a powerful office with a substantial and guaranteed income, annual election and a relatively broad, statewide suffrage. It was an attractive political plum, but few men were in a position to seek the governor's chair in 1780. The loyalist exodus, the diversion of qualified men into national service and the progress of state politics had whittled the field of

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<sup>9</sup> John Adams to Jonathan Jackson, 2 October 1780. *Papers of John Adams*, 10:192-3.

<sup>10</sup> The New York State constitution, ratified in 1777, was the first to allow popular voting for governor. As of 1780, with the exception of Pennsylvania, Connecticut and Rhode Island, the remaining states elected their executives through a joint ballot of the legislature. Pennsylvania had no governor and Connecticut and Rhode Island had not written new constitutions and continued to operate under their old colonial charters.

<sup>11</sup> In New York the governor was elected triennially and elections for governor were limited to voters qualified to elect senators, which equated to a freehold worth at least £100 clear. In Massachusetts, voters were qualified to vote for representatives, senators and governor, if they held £3 in income or £60 in estate. In addition, the governor in Massachusetts had more authority, holding the right to veto legislation subject to override by the two houses of the legislature. And this authority had been scaled back from John Adams' original draft, which included an absolute veto for the governor.

competitors to a handful of notable politicians. "The first Citizen," John Adams opined, "will be, one of two, whom We know."<sup>12</sup>

Tall and dignified, James Bowdoin staked his claim to high political office through his mercantile connections in Boston and the recognition of his peers in the legislature. Bowdoin was thoroughly qualified, having served 22 terms in the legislature, 19 of them as a member of the governor's council. A perennial committee leader, he was known for his moderation and detachment, skills that served him well in the give and take of legislative politics.<sup>13</sup> Bowdoin was therefore comfortably positioned for a run at the governor's chair, if the election were held in the legislature. These same attributes weighed against him, however, when it came to popular political candidacy. The American Revolution had elevated the public reputations of numerous patriot leaders, but not Bowdoin's. He remained a political moderate until the late 1760s, when he joined the patriot faction in the legislature. In 1774, when political confrontation in the legislature was reaching its boiling point, Bowdoin took a strategic but poorly timed sabbatical from politics. Claiming ill health, he left the legislature and, in the process, declined an opportunity to serve as a delegate to the first Continental Congress.<sup>14</sup> Bowdoin returned to the legislature the following year, where he played an important role in the eastern patriot alliance, but he remained unconnected with the major public events of the

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<sup>12</sup> John Adams to Jonathan Jackson, 2 October 1780, *Papers of John Adams*, 10:192-3.

<sup>13</sup> John Adams *Diary and Autobiography* (15 February 1771), 2:5.

<sup>14</sup> Bowdoin remained a member of the Council until 1769, when he was banished by the governor. The last two years he worked within the government to support the patriot cause and was particularly active in the campaign to discredit Governor Francis Bernard. He returned to the Council in 1770 as a patriot candidate and he remained an important member of the legislative opposition. Gordon E. Kershaw, *James Bowdoin II: Patriot and Man of the Enlightenment* (Lanham, MD: University Press of America, 1991), 161-86; Schutz, 169; Patterson, 51, 88, 92, 167-8.

Revolutionary era. His name did not appear on the 1768 listing of major conspirators against the crown, nor was he included on the 1774 list of most-wanted rebels.<sup>15</sup>

Nevertheless, Bowdoin was a member of Boston's merchant elite and an experienced legislator and for this reason John Adams included him in his list of preferred candidates, but he discounted Bowdoin's chances in a popular election. "My Hopes were placed upon Mr. B., but his Retirement, has damped if not extinguished them."<sup>16</sup> John Sullivan offered a similar, if somewhat harsher assessment of Bowdoin as a man "who in times of publick Danger feared to venture upon the Stage." Although it was self-serving and unfairly arrived at, Sullivan's depiction reflected the perception of a sizeable share of the public. Bowdoin's uninspiring public image was also the product of his political style. He was a model of the disinterested politician, a man who, as Sullivan argued, would follow the correct path and not solicit office. Instead he would allow his attributes to "recommend himself to the multitude."<sup>17</sup> Like many eighteenth-century American politicians, Bowdoin expected to carry the election on a combination of social status, prior service and his prestige in the legislature. He would not court voters, but he could count on his political allies to discreetly gather support for him.

Wealthy and flamboyant, John Hancock approached the election from a different angle. Like Bowdoin, he boasted an array of allies in the legislature and he was quite adept at the politics of deference, as illustrated by the story of Robert Twelve Hewes.

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<sup>15</sup> Gordon Kershaw depicts Bowdoin as a member of the inner circle of radical leaders and was therefore aware of the plot to dump the tea. Bowdoin had no history of direct involvement in radical street politics and there is no evidence to support this assumption. See: Kershaw, 194.

<sup>16</sup> John Adams' short-list of potential candidates included James Warren and John Winthrop (1714-1779). Adams was convinced, however, that Warren would not accept the position and that Winthrop, who was a distinguished professor at Harvard, could not win in a popular vote. John Adams to James Warren, 7 July 1777, *WAL*, 1:340.

<sup>17</sup> *Massachusetts Spy*, 31 August 1780.

Pleased with the repairs Hewes had made to his shoes, Hancock invited the young apprentice to stop by his home to toast the New Year. There was nothing innovative in Hancock's invitation or in Hewes' call: treating was a well-established feature of late eighteenth-century deferential politics. Hancock, however, added his personal touch to the moment, downplaying the patron-client relationship and helping the young apprentice overcome his obvious discomfort. Dismissing his servant, Hancock poured the wine into crystal wineglasses instead of the usual pewter mugs, and he eased the shoemaker through the stylish clinking of glasses. Hewes, who was accustomed to toasting with raised mugs, proudly remembered that he had acquitted himself with dexterity, though he had never seen this done before. This event distinguished Hancock in Hewes' memory above all other politicians and, at a later point in his life, Hewes would remember Hancock as the one gentleman who was present at the tea party, tossing casks of bohea over the side of the ship. None of the radical leaders, including Hancock, had actually boarded the ships that night; but Hewes recollected otherwise, blending his own high opinion of Hancock with the image of him as a veteran leader of popular boycotts and assemblies.<sup>18</sup>

Hewes was not alone in his reverence of Hancock. In the 1760s, Hancock, along with Samuel Adams and James Otis Jr., played major roles in transforming the older practices of deferential politics into a new and broadened form of popular politics aimed at gaining support for the opposition movement among artisans and laborers.<sup>19</sup> On one

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<sup>18</sup> Benjamin Bussey Thatcher, *Traits of the Tea Party: Being a Memoir of George R. T. Hewes . . .* (New York: Harper & Brothers, 1835), 52-5, 193. For a thorough interpretation, see: Alfred F. Young, *The Shoemaker and the Tea Party* (Boston: Beacon Press, 1999).

<sup>19</sup> According to John Adams, Hancock had taken a firm, if not overly ideological stance against the royal governor and his party as early as December 1765. Hancock's statement on that day—that seekers of appointments from the crown "ought . . . to be beheaded"—sufficiently impressed a youthful John Adams to warrant inclusion in his diary. John Adams, *Diary and Autobiography* (28 December 1765), 1:280.

occasion the trio hosted a political gala in Dorchester, Massachusetts for more than 350 Sons of Liberty. Sitting around two large tables, under a makeshift tent the men joked, sang, ate and made numerous toasts. Hancock was there as well, drinking with the artisans and laborers and accumulating political credits for the future. But he made no speeches, leaving them to Adams and Otis. Hancock made his statement in a different manner. At the end of the day, he was at the head of the parade, elegantly ensconced in his chariot, when the company rode off for the return trip to Boston.<sup>20</sup>

Although he did not speak that day, Hancock could rise to the occasion when it was to his advantage. Chosen to deliver the keynote speech for the fourth anniversary of the Boston Massacre, a day that had special meaning for the city's working classes, Hancock exceeded everyone's expectations. It did not matter whether he wrote the speech himself or whether he had the help of Benjamin Church and Joseph Warren, as John Adams latter suggested. Hancock's delivery—described as elegant, moving and spirited—left everyone with “rainy Eyes” and the speech became an instant favorite, particularly among the artisans and laborers of Boston.<sup>21</sup>

Selective and highly visible actions like these would become Hancock's political trademark, placing him in a select cadre of eighteenth-century politicians who, like the Livingtons in New York, combined the more traditional base of family and private

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Pauline Maier argues that, “The American Revolution involved of necessity a massive mobilization of the population . . . such that all revolutionary leaders were or of necessity became popular politicians.” Maier identifies an important consequence of Revolutionary politics, but she exaggerates its breadth, since a number of the most important revolutionary leaders never subscribed to popular politics, e.g. James Warren, John Adams and James Bowdoin. Pauline Maier, *The Old Revolutionaries*, 17. See also: Harlow Giles Unger, *John Hancock: Merchant King and American Patriot* (New York: John Wiley & Sons, Inc., 2000).

<sup>20</sup> John Adams, *Diary and Autobiography* (14 August 1769), 1:341.

<sup>21</sup> For a description of the speech and Adams' suspicions concerning the author, see: *Ibid.* 2:89-90, 3:384.

support with active electioneering among ordinary voters. It was a successful formula for Hancock and he never lost an important election or appointment, with one possible exception. John Adams suggested at a later date that Hancock, harboring a secret desire to become commander-in-chief of the Continental Army, was visibly shaken when George Washington was selected for the position in 1775. It is uncertain whether and to what extent Hancock desired or expected the appointment.<sup>22</sup> In any case, the veteran New England politician learned a valuable political lesson about timing and visibility from the successful candidate from Virginia. Washington had carefully positioned himself for the top military post by appearing in Congress at the decisive moment dressed in the uniform he had worn as an officer in the Virginia militia during the French and Indian War.<sup>23</sup> It was one of many political exchanges that would cross the aisles of Congress during the Revolution and Hancock quickly put the strategy to work when it became apparent that the new state government, whatever form it assumed, would install an executive of some sort.<sup>24</sup>

Although he relished his seat as president of the Continental Congress, Hancock surrendered it to return to Boston at the end of 1777, citing ill health as the reason for his abrupt resignation. Hancock was plagued by gout, but illness did not deter him from accepting an appointment as a delegate to Congress, election to the Massachusetts House

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<sup>22</sup> Adams admits and the evidence suggests that the decision on a commander-in-chief was made primarily for political reasons. George Washington's appointment solidified North-South unity and for that reason he received unanimous support in Congress. Donald Proctor dismisses Hancock's legendary envy of Washington as a "myth", concluding that Hancock was not only an avid supporter of Washington, he received, in turn, the active support of Washington's closest allies in Congress. Donald J. Proctor, "John Hancock: New Soundings on an Old Barrel," *The Journal of American History*, 64:3 (December 1977): 653-77. See also: John Adams, *Diary and Autobiography*, 3:321-3.

<sup>23</sup> Proctor, 670.

<sup>24</sup> William Pynchon remarked on a noticeable change in Samuel Holten's behavior as a justice of peace, crediting his newfound dignity to a two-year stint at Congress, where Holten "caught considerable of the Southern manners." Pynchon, *Diary* (25 October 1780), 74.

of Representatives and election as moderator for the Boston town meeting.<sup>25</sup> In doing so, Hancock risked comparison with Thomas Hutchinson, the former royal governor who was regularly maligned for monopolizing political posts. Unlike Hutchinson, Hancock did not crave all or possibly any of these positions and the motive behind Hancock's decision to accept multiple posts was obvious to most of his colleagues. "Is a certain elevated Citizen." John Adams asked rhetorically, "to put his Hand upon the Pummel of one Chair, and leap into another, at 370 Miles Distance?"<sup>26</sup>

Timing and the need for visibility, fueled by Hancock's driving ambition, had hurried him back to Boston. The Massachusetts legislature was preparing to frame a new constitution, which included a governor, who would be popularly elected in the spring, if the constitution were ratified. Not that everyone agreed with the idea of popular election, particularly John Adams, who preferred a governor elected by the legislature, a pattern that many states had already followed. By 1780, however, Adams had joined a growing list of politicians who were willing to yield on this point. These men included Nathan Rice, a former law clerk to John Adams, who saw popular election of the governor as a necessary, if undesirable concession to the constant demand for increased democracy. "The popular manner in which this is to be done," Rice concluded, "is perhaps the best which at this crisis could have been adopted."<sup>27</sup>

The mode of election and the powers inherent in the new executive position fanned Hancock's desire for the office, allowing him to sacrifice his seat as president of the Continental Congress. Hancock, however, was not alone in preferring the

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<sup>25</sup> Schutz, 241.

<sup>26</sup> John Adams to James Warren, 7 July 1777, *WAL*, 1:340.

<sup>27</sup> Nathan Rice to John Adams, 10 December 1777, *Papers of John Adams*, 5:354-6.

governorship over the leading chair at Congress. Eighteenth-century politicians in general placed significantly more value on lofty state positions than they did on their national equivalents. John Adams may have returned to Boston with this same thought in mind only a few days behind Hancock, buoying the hopes of his supporters.<sup>28</sup> James Bowdoin and James Warren were also well positioned for a run at the governor's chair, having remained active in state politics, while Hancock and John Adams labored in Philadelphia at the Continental Congress. Aware that absence and distance worked against him, Hancock returned to Boston to rekindle his statewide connections in the legislature and to place himself before the most influential political audience in Massachusetts—the Boston town meeting. And he held onto to his seat in Congress to guarantee a place on the national political stage should the state constitution fail.

Hancock also used his time in Boston to great effect, touring the city in a coach purchased for him by his appreciative constituents, donating wood to the poor, lending money all around and tarrying with laborers in the city and farmers in the countryside.<sup>29</sup> At one point Hancock called on his debtors in Salem, offering to accept payment in paper currency rather than silver, and at a much more favorable rate of exchange than was generally available. Hancock's action defied good business sense, since paper currency was rapidly devaluing and creditors throughout Massachusetts were demanding payment in specie. But as one prominent Salem jurist pointed out, Hancock's generous offer made good political sense. "Does Mr. H., in fact, mean to give his debtors the difference."

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<sup>28</sup> Ibid.

<sup>29</sup> See: Unger, 263, for a more thorough description of and sources commenting on Hancock's efforts at electioneering in Boston.

William Pynchon asked, "... or to become popular, and obtain votes at the choice of governor next May?"<sup>30</sup>

To Hancock's great disappointment the election was postponed when voters overwhelmingly rejected the constitution of 1778. The would-be governor returned to his seat in Congress, but the trip had not been in vain. Hancock left with his popularity reaffirmed (he had arrived and he departed to great public fanfare) and with an infrastructure of supporters already in place. He also left behind a newborn son, John George Washington Hancock, along with a growing contingent of opponents led by his principal antagonist, James Warren. "The Great Man," Warren remarked with contempt, "Trarried here after the Election and then went off with the Pomp and retinue of an Eastern Prince."<sup>31</sup> One of many representatives who were turned out of office in the public outcry against the abortive constitution of 1778, Warren was unwilling to accept his own failure. Instead, he blamed his defeat in the May elections on Hancock and his allies, denouncing them as a party organized around a self-serving political deity. "[T]he plan," Warren warned John Adams, "is to Sacrifise you and me to the Shrine of their Idol."<sup>32</sup>

Seething with anger, Warren spent the next two years mounting a campaign against Hancock that was aimed at securing an anti-Hancock bloc among Boston's leading politicians. In mid-July 1778, Hancock added fuel to the opposition's fire when he abruptly returned from Congress, where he no longer held the president's seat, having sacrificed it during his earlier return to Boston. Once again the reason given was ill

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<sup>30</sup> William Pynchon, *Diary* (25 June 1778), 54-5.

<sup>31</sup> James Warren to John Adams, 7 June 1778, *WAL*, 2:20-1.

<sup>32</sup> James Warren to John Adams, 31 May 1778, *WAL*, 2:13-14.

health, but Hancock's adversaries suspected otherwise. "Tis reported here." Abigail Adams wrote, "that Mr. H[ancoc]k is returning out of Health. Is it really or politically so?"<sup>33</sup> James Warren suggested that it was more a matter of status than health, since "the Air in the President's Seat is purer than it is in more humbler Stations."<sup>34</sup>

Hancock's equally sudden decision to participate in the military campaign in Rhode Island inspired his opponents to even greater heights of cynicism. "What a noble Example of Heroism, as well as Patriotism does this Conduct Exhibit." James Warren sneered. "[W]e want a Homer or a Virgil to Celebrate it."<sup>35</sup> The Rhode Island campaign failed miserably when a combination of bad weather, poor strategy and even poorer timing led to the sudden departure of the French fleet. But it lasted long enough for Hancock "to gain among the Multitude the popular Eclat."<sup>36</sup> Hancock's adversaries were convinced, however, that his military career was so laughable and his political trickery so obvious that all they had to do was "veer away the rope" and allow him enough length to publicly hang himself.<sup>37</sup>

The public eye was indeed on Hancock, but the opposition made a strategic error by continuing to hammer away at Hancock's private base of support. In doing so, Hancock's opponents reached back to an older controversy, reviving suspicions of malfeasance during Hancock's tenure as treasurer of Harvard College. In 1776, Stephen Langdon, the embattled president of Harvard, and James Bowdoin, president of the college's board of overseers, had initiated an aggressive investigation of Hancock's

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<sup>33</sup> Abigail Adams to John Thaxter, 23 July 1778, *Adams Family Correspondence*, 3:65.

<sup>34</sup> James Warren to John Adams, 7 October 1778, *WAL*, 2:52-3.

<sup>35</sup> James Warren to Samuel Adams, 18 August 1778, *WAL*, 1:42-3.

<sup>36</sup> James Warren to John Adams, 7 October 1778, *WAL*, 2:52-3.

<sup>37</sup> *Ibid.*

actions as treasurer of the school.<sup>38</sup> Hancock was culpable, having failed to keep up with the required records, but no wrongdoing was ever assessed on Hancock's part. The latest allegations—revived in 1778 and again in 1780—were aimed specifically at Hancock's candidacy for governor, since any taint of impropriety at the college would undermine his base of support among many of the state's most prominent men, who were fiercely loyal graduates of Harvard.<sup>39</sup>

The failed Rhode Island campaign provided a second opportunity for the anti-Hancock crusade. Playing on Boston's enduring francophobia, James Warren eagerly pointed to Hancock's lavish entertainment of Admiral d'Estaing, the commander of the French fleet, and his officers as unpatriotic and as a major violation of republican principles. The French fleet, Warren argued, had all but deserted the American forces in Rhode Island. More importantly, Hancock's conspicuous spending violated every concept of republican morals, setting a poor example for all levels of society. His high-blown manners were so egregious, Warren argued, they threatened to undermine the very foundation of liberty. Hancock fumed at the accusations. "Hell itself," he howled in a letter to the president of the assembly, "could not have invented greater Lies."<sup>40</sup>

Conscious of his image, Hancock carefully avoided a showdown in the House of Representatives, claiming that he was too emotionally wounded to attend the legislature and defend himself. Instead he invited the president of the House and two key councilors

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<sup>38</sup> Samuel Langdon not only clashed with Hancock, he had fallen into general disfavor among the students. See: John Eliot to Jeremy Belknap, 11 September 1780, "Letters of Reverend William Gordon": 438-9.

<sup>39</sup> Samuel Langdon to Artemas Ward, 9 October 1778; John Hancock to Samuel Langdon, 23 October 1778; Artemas Ward to John Hancock, 30 November 1778, *Artemas Ward Papers* [microform], Massachusetts Historical Society, Boston, MA; William Gordon to John Adams, 22 July 1780, "Letters of Reverend William Gordon": 436. See also Proctor: 661-9.

<sup>40</sup> John Hancock to John Pitts and Oliver Wendell, 28 September 1778, *Hancock Family Papers*, Massachusetts Historical Society, Boston, MA.

to dinner at his home to plead his case in private. Once again, Hancock's skills as a host paid significant political dividends and the matter was set aside, bringing James Warren's francophobic campaign to a sudden halt. Defeat in political jousts of this type at the hands of Hancock was nothing new for Warren, even though he had all of the credentials to become a popular candidate. Harvard educated, wealthy and handsome, Warren was also known for the grace of his table; and his wife, Mercy, was a celebrated hostess and a renowned wit. Warren, however, despised the role of public politician. Like James Bowdoin, he was more comfortable at the speaker's table in the House of Representatives than he was treating potential voters to punch at a local tavern. Warren's politics were also better suited to the role of executive advisor.<sup>41</sup> To accomplish this he desperately needed a visible leader of Hancock's stature. Warren set his sights on Samuel Adams, courting the old republican with a steady stream of reports about Hancock that were tailored to provoke Adams' moral outrage. Samuel Adams listened politely, but he took no action. Firmly ensconced at the Continental Congress, he was not inclined to rush back to Boston and assume leadership of an opposition that appeared premature. In any case, Warren had seriously underestimated Adams' continued affection for Hancock.<sup>42</sup>

The failure to recruit Samuel Adams left Bowdoin as the de facto leader of the anti-Hancock opposition, and a loosely defined coalition formed around him in anticipation of the upcoming gubernatorial election. Bowdoin and his supporters worked long and hard in the legislature and the private spaces of the political elite—the traditional field of political battle—to promote Bowdoin's candidacy. They did nothing,

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<sup>41</sup> Many visitors to the Warren home remarked on the hospitality of James and Mercy Warren, including John Adams. "Most agreeably entertained at the House of Coll. Warren," Adams noted in 1772. "The Colonel, his Lady and Family are all agreeable." John Adams, *Diary and Autobiography*, 2: 64.

<sup>42</sup> James Warren to Samuel Adams, 25 October 1778, *WAL*, 2:59-60.

however, to bolster Bowdoin's public image, which had gained little as a result of the convention. In fact, Bowdoin's role in the convention had the opposite effect among many ordinary voters, who invariably identified Bowdoin with the highly unpopular article on religious establishment.<sup>43</sup>

Hancock chose the opposite approach at the convention, remaining low key and nonpartisan, championing no cause and alienating no major interest group. Many contemporaries saw Hancock's behavior as evidence of a lack of intellectual depth. These men included William Gordon, a friend of James Warren and a staunch ally of James Bowdoin, who referred to Hancock as "one of the most egregious triflers I know."<sup>44</sup> Several historians concur with this portrayal, treating Hancock as an "empty barrel"—a man who showed a certain degree of political shrewdness, but had no feel for modern politics.<sup>45</sup>

Hancock's actions prior to the gubernatorial election of 1780 suggest otherwise, as do the assessments of his contemporaries. John Adams marveled at Hancock's audacious decision to return to Boston in 1777 in anticipation of a gubernatorial election. "[H]ow subtle this Passion is! how clearly it sees its Object, how constantly it pursues it, and what wise Plans it devises for obtaining it!"<sup>46</sup> Even those who saw his electioneering as unfair and immoral recognized something radical in Hancock's brand of politics. William Pynchon described Hancock as "an attentive listener to the popular Cant," who

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<sup>43</sup> The heated debate over the issue of religious freedom continued into and beyond the gubernatorial election, as illustrated in the exchange of satirical poems between three pseudonymous authors, "Jesse Amble", "Castigator" and "Iracundus". See *Massachusetts Spy*, 17 and 24 August and 21 and 28 September 1780.

<sup>44</sup> William Gordon to John Adams, 22 July 1780. "Letters of Reverend William Gordon": 436-8.

<sup>45</sup> For example, see: James Truslow Adams, "Portrait of an Empty Barrel," *Harper's Monthly Magazine*, 161 (September 1930): 425-34; Hall, 133.

<sup>46</sup> John Adams, *Diary and Autobiography* (17 February 1777), 2:259-60.

was “whirled about by every wind of doctrine.”<sup>47</sup> From Pynchon’s eighteenth-century perspective Hancock was nothing more than a political tissue that was easily blown from one corner of the arena to the other. As a modern politician, Hancock might be labeled a populist, a centrist or a pragmatist. But none of these terms accurately describe Hancock’s political character or philosophy. Hancock had been at the very forefront of popular politics since the beginning of the Revolutionary era and he quickly adapted these techniques to fit the first statewide elections.

Where Hancock succeeded and Bowdoin failed was in establishing statewide recognition of his name and reputation. He combined this with effective electioneering among a sizeable, regional electorate and a more traditional base of support within the ranks of the political elite. Unburdened by the ideological, financial and social concerns that restrained most of his contemporaries, Hancock placed himself squarely in the public eye, while Bowdoin and his supporters limited their electioneering to the private chambers of the political elite. Building on two decades of image making, Hancock’s allies rallied ordinary voters using personal pleas, broadsides and editorials to promote a campaign that stressed Hancock’s revolutionary credentials and, by comparison, emphasized the image of Bowdoin as a reluctant patriot. “The Pleas employed in his Favor.” Samuel Cooper reported,

were, the early, open, and decided Part he took in the Opposition . . . the Risque he incurr’d by this of his Life and Fortune . . . To these Reasons it was added, that we ought to make it appear to the World that we are now the same People we were when the Controversy began, by giving our first Honors to those who distinguish’d themselves at that Time.<sup>48</sup>

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<sup>47</sup> William Pynchon to Samuel Adams, 3 September 1780. *SAP*.

<sup>48</sup> Samuel Cooper to John Adams, 8 September 1780. *Papers of John Adams*, 134-5.

In the past candidates could depend on personal relationships with voters in their own towns to garner the popular vote. Hancock recognized the changing nature of elections and he covered every avenue of support in his pursuit of the first elected statewide office in Massachusetts. Bowdoin, on the other hand, was unprepared for electoral politics at this level, and he was not alone. The first statewide election in Massachusetts defied the predictions of many contemporaries, who believed that distance, lack of organization and limited experience with campaigning would prevent any candidate from securing a majority of votes statewide. This same issue would concern delegates during the federal constitutional convention seven years later, leading to the creation of the Electoral College.<sup>49</sup>

The Massachusetts constitution included no similar safeguard. A realistic possibility existed, therefore, that voters would cast their ballots for a multitude of local or regional candidates and that most, if not all, statewide elections would eventually be decided by a vote of the legislature, where the anti-Hancock faction held a sizeable share of influence. Hancock's opposition counted on this possibility and some of them may have looked to the first gubernatorial election in New York as a precedent. George Clinton, whose popularity and resourcefulness in New York were equal to Hancock's in Massachusetts, had failed to garner a majority of votes in the 1777 New York gubernatorial election against three prominent and influential candidates.<sup>50</sup> Hancock faced three similar competitors in the Massachusetts election—James Bowdoin, James

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<sup>49</sup> Credit for this observation goes to Carol Berkin, whose soon to be published study of the federal constitutional convention (*A Brilliant Idea*) offers a thorough analysis of the relationship between impending national elections and the decision to implement the electoral college.

<sup>50</sup> George Clinton won the 1777 New York gubernatorial election, which required a plurality and not a majority, with 48 percent of the votes.

Warren and Samuel Adams—and the field was further complicated by a host of locally influential candidates, men like Joseph Hawley and Caleb Strong in Hampshire and Artemas Ward in Worcester, who were expected to do well in their home counties.

Although they discounted Hancock's chances for a clear majority, most observers were willing to concede weeks before the Massachusetts gubernatorial election that Hancock would win a plurality of statewide votes. These observers included Mercy Warren and William Gordon, Hancock's most ardent critics, who credited or rather, blamed his popularity on the constant "Canvassing for Elections."<sup>51</sup> "[T]he common people," Gordon reported, "... have had his name so often dinged in their ears, [they] will be likely to pitch upon him."<sup>52</sup> These same observers were nonetheless stunned when Hancock swept the election in Boston, capturing 93 percent of the votes. "In short," Samuel Cooper reported, "the Popular Interest of Mr. H. appears from this Choice to be much greater in the State than even his Friends imagined."<sup>53</sup> Using the early returns from Boston and the eastern port towns, Nathaniel Appleton correctly projected that Hancock would win a majority statewide.<sup>54</sup>

The final outcome was nothing short of a mandate, with Hancock securing 91 percent of the popular vote. Bowdoin ran a distant second with 6 percent and the remaining 3 percent of the vote was divided among fifteen regional candidates.<sup>55</sup> The lopsided voting has led some historians to conclude that the 1780 election was not

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<sup>51</sup> Mercy Otis Warren to John Adams, 24 July 1780, *Papers of John Adams*, 10:28-30.

<sup>52</sup> William Gordon to John Adams, 22 July 1780, "Letters of Reverend William Gordon": 437.

<sup>53</sup> Hancock received 853 votes, as compared to only 64 for Bowdoin and 1 for Samuel Adams, who had never positioned himself as a candidate. Samuel Cooper to John Adams, 8 September 1780, *Papers of John Adams*, 10:134-5.

<sup>54</sup> Nathaniel Appleton to Samuel Adams, 17 September 1780, *SAP*.

<sup>55</sup> Returns of Elections for Governor, 1780 [microform], Massachusetts Archives, Boston, MA. See also: Unger, 284.

seriously contested or that electioneering had been ineffective.<sup>56</sup> This is a misreading. The Hancock and Bowdoin factions campaigned fiercely and the voter turnout in Boston equaled the intensity of interest shown in both of the ratification votes.<sup>57</sup> John Hancock was, however, the only candidate to campaign on a statewide basis and his popular politics overwhelmed Bowdoin and a host of favorite son candidates, who were expected to do better in elections held in their hometowns.

The post-electoral response to Hancock's victory reflected the voting totals, as testimonials poured forth from every quarter, including the Boston town meeting; merchant groups; the associated pastors of the Congregational Churches; and officers of the Massachusetts militia. Most of the testimonials found their way into the newspapers along with Hancock's responses, adding to Hancock's growing popularity.<sup>58</sup> The public acclaim in the newspapers was matched on October 30, 1780 by an equally public inauguration. Hancock, resplendent in a suit of crimson velvet, was escorted from his home to the State House, where the oaths of office were administered. Celebrations broke out at the conclusion of the ceremony, beginning with a parade of militia companies and a sixteen-volley salute. The public events were followed by a special service at the old Brick Meeting House, a formal procession "amidst a large concourse of People," and an elegant entertainment. "The Joy diffused through the Countenance of the

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<sup>56</sup> For example, see Formisano, 30; Hall, 132-3, 136.

<sup>57</sup> 923 votes were cast in Boston during the 1780 gubernatorial election as compared to 968 votes during the 1778 ratification election and 887 votes during the 1780 ratification election. The absence of qualified voters was a significant concern statewide, causing many towns to seek postponement of the various votes associated with the constitutional struggle until absentee voters had returned from military service. See: Returns of Elections for Governor, 1780, Massachusetts Archives; Handlin, *Popular Sources*, 308, 757.

<sup>58</sup> *Massachusetts Spy*, 20 October, 16 November and 6 December 1780; Address of the Massachusetts Line to John Hancock, 12 November 1780, *Henry Knox Papers* [microform], Massachusetts Historical Society, Boston, MA.

Citizens upon this Occasion," the *Massachusetts Spy* reported. "afforded a most agreeable Indication of their entire Satisfaction in this Choice."<sup>59</sup> Together the events of the day demonstrated an overwhelming level of public support for a single leader that would not be equaled until the presidential election of George Washington.

Hancock responded to his decisive victory with unaccustomed modesty. "I am now called upon by the free Suffrages of my Fellow Citizens." Hancock informed George Washington, "to take an active part in the Sphere of public Life quite unexpected to me."<sup>60</sup> The size and scope of Hancock's victory was, in fact, quite unexpected among his key opponents, who responded poorly, passing up a prime opportunity to oppose him within his own administration. No single candidate had secured a majority in the race for lieutenant governor, and in keeping with the new constitution, the final decision was turned over to a vote of the legislature.<sup>61</sup> James Bowdoin was the overwhelming choice of the Senate for lieutenant governor; and his supporters lobbied and some begged him to accept the second chair. "I was employed by a Boston representative *under the rose* [sub rosa]," William Gordon wrote, "to plead with Mr. Bowdoin that *pro bono publico* he would condescend to serve as Lt. Govr."<sup>62</sup> Bowdoin refused the position, citing ill health and a lack of public confidence as his reasons. If health had not been an issue, Bowdoin insisted, he would still hesitate to accept the office without the affirmation of a

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<sup>59</sup> *Massachusetts Spy*, 9 November 1780; Pyncheon (26 October 1780), *Diary*, 77-8.

<sup>60</sup> John Hancock to George Washington, 17 November 1780, *Hancock Family Papers*.

<sup>61</sup> The four leading candidates in the popular voting were James Bowdoin, Artemas Ward, James Warren and Thomas Cushing. As called for in the constitution, the House of Representatives nominated two choices for lieutenant governor and the Senate made the final selection. See Hall, 135.

<sup>62</sup> William Gordon to John Adams, 19 October 1780, "Letters of Reverend William Gordon": 441-8.

public vote.<sup>63</sup> The legislature made James Warren the second choice and he refused as well, claiming a conflict of interest with his current appointment as a member of the Navy Board.<sup>64</sup> Forced to make a third choice, the legislature elected Thomas Cushing, a staunch ally of Governor Hancock.

The anti-Hancock faction suffered a second setback when Bowdoin and Elbridge Gerry refused to serve as senators. Bowdoin chose retirement over any connection with the new government and Gerry preferred his seat in the House of Representatives.<sup>65</sup> Had either man consented to serve in the Senate, he would have led the opposition as president of the upper house. Instead, the spate of refusals limited the anti-Hancock faction to the House of Representatives. Mercy Warren was convinced, however, that the lower house could effectively expose the governor's flaws by holding him accountable for every passage in the newly ratified constitution. "[T]he image whose Feet are of Clay may in short time become as the Chaff of the summer threshing floor." Warren advised John Adams, "unless ... for the sake of prolonging his power, he should Govern according to the Minutest Forms of the Constitution."<sup>66</sup>

Hancock's opposition in the House of Representatives adopted a strategy strikingly similar to the one Mercy Warren described, initiating a contest over the relative and constitutional powers of the executive and legislative branches. The House of Representatives saw no role for the governor under the new constitution beyond his veto power and his responsibility to administer the law as established by the legislature.

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<sup>63</sup> James Bowdoin to Senate and House of Representatives, 31 October 1780, *The Bowdoin and Temple Papers, 1756-1809, Collections of the Massachusetts Historical Society, Series 6*. (Boston: Massachusetts Historical Society, 1897), 9:444-5.

<sup>64</sup> *Massachusetts Spy*, 23 November 1780.

<sup>65</sup> *Ibid.*, 9 November 1780.

<sup>66</sup> Mercy Warren to John Adams, 15 November 1780, *WAL*, 2:147.

Hancock saw otherwise, using his inauguration speech to promote his own agenda for the coming legislative session. “[N]o expedient should be unexplored.” the governor insisted, “no necessary measure unattempted, no nerve in Government, or the community unexerted” in the House of Representatives to prosecute the war, meet the state’s commitments to the militia and restore public credit.<sup>67</sup> The House of Representatives, which had already earned a reputation for legislative delay during the era of provincial government, responded to the governor’s speech as a direct criticism of its past actions. Hancock’s opposition saw the same speech as an attempt to usurp powers that had been constitutionally granted to the House of Representatives, which served as their current base of operations. But they were reluctant to challenge Hancock when, as James Warren lamented, “his Popularity is greater than ever.”<sup>68</sup>

In the interim, the opposition worked covertly to undermine Hancock’s base of support among the political elite. Rumors were circulated that Hancock had been ill when he composed his inauguration speech, which explained its obvious flaws. But the flaws were not so obvious to the majority of the public. Widespread acclaim for the governor’s inaugural address forced the opposition to disseminate a second rumor that the speech had been written for Hancock by his close ally Reverend Samuel Cooper, who was known to some insiders as “Silver-tongue Sam.”<sup>69</sup> Read carefully, the opposition argued, the text of the speech suggested a larger conspiracy to construct a political engine of Hutchinsonian proportions, a conspiracy that had been years in the making. “[T]he guilded puppet,” Mercy Warren suggested, “placed on the public Theatre a few years ago

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<sup>67</sup> *Massachusetts Spy*, 9 November 1780.

<sup>68</sup> James Warren to John Adams, 12 October 1780, *WAL*, 2:141.

<sup>69</sup> Pynchon, *Diary* (31 October and 5 November 1780), 78; William Gordon to John Adams, 7 September 1782, “Letters of Reverend William Gordon”: 470.

(for certain purposes) is Become the Idol to whom the supple Homage of Adulation is paid, by a people once Disinterested, Firm, Discerning, and Tenacious of Their Rights."<sup>70</sup> Unless he was stopped, James Warren added, Hancock's influence—fueled by public adulation—would grow exponentially and he would become a perpetual governor who "will be able to convey that Honor and rank to his Family by hereditary right."<sup>71</sup>

The criticism was reminiscent of the earlier campaign against Thomas Hutchinson, the last royal governor of Massachusetts, who had borne much of the same freight from many of the same critics. The similarity to Hutchinson was not, however, coincidental. The political hyperbole employed against Hancock was consciously intended to strike familiar chords among the political elite and rally support for the legislative phase of the anti-Hancock campaign, which also hearkened back to the crusade against Hutchinson. As they had done in the 1760s and early 1770s, the opposition used their presence in the legislature to challenge the governor's authority, beginning with his right to receive and review public petitions, which the anti-Hancock faction claimed was an unconstitutional usurpation of legislative powers. Working through the House of Representatives, the opposition demanded that Hancock voluntarily surrender the right to receive public petitions and they dispatched a committee to reclaim petitions that were already in his possession. "Being of that committee," Elbridge Gerry reported disdainfully, "I was nominated to wait on the Governor, but declined it." As chairman of the committee, James Warren led the march on the governor's office, but he returned unsatisfied, having met with stiff resistance from the governor.<sup>72</sup>

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<sup>70</sup> Mercy Warren to John Adams, 15 November 1780, *WAL*, 2:147.

<sup>71</sup> James Warren to John Adams, 22 November 1780, *WAL*, 2:150.

<sup>72</sup> Elbridge Gerry to Samuel Adams, 8 January 1780, *SAP*.

Precedent favored the House of Representatives in the battle over the petitions. Since the mid-1740s, numerous petitions covering sundry grievances and requests had been sent by individuals and communities directly to the House of Representatives, the only elected body in Massachusetts. But the separation of powers and the checks and balances contained in the new constitution created a conflict that did not exist under the colonial charter. Having assigned overall authority to the legislature to hear all crimes, pleas, complaints and civil actions, the new constitution gave responsibility to the governor and his council for ordering and directing the affairs of the state. A strong case could be made, therefore, that the governor needed access to public communications in order to meet his constitutional responsibilities. Added to this was the guaranteed right of the public to instruct and petition the government, which under the new system could include both the legislative and executive branches, since popular election of the governor had created a second and, for some, preferable option.<sup>73</sup> The battle over the petitions had a purely political side as well. The governor and the legislature were equally aware that public petitions represented a major opportunity to grant favors and influence public opinion, and neither branch was willing to yield.

Unable to resolve the debate over the petitions, the opposition opened a second front, challenging the governor's authority to address the legislature on his own initiative. Hancock's inauguration speech continued to rankle the House leadership, leading to a second confrontation in early January 1781, when the governor announced his intention to speak before a combined session of the legislature. The invitation from the governor arrived "& up goes the House." Elbridge Gerry recounted to Samuel Adams, "to hear his

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<sup>73</sup> For the powers of the General Court, see part 2, chapter 1, section 1, article 3 of the Massachusetts constitution; for the powers of the executive, see part 2, chapter 2, section 1, article 4.

Excellency's Speechification. Having no Curiosity for such amusements & conceiving an Impropriety in the Measure. I remained behind & found some other Gentlemen of the same opinion."<sup>74</sup> Led by Gerry and James Warren, the House leadership protested the governor's actions, voting that it was "highly improper for the Governor to dictate in his Speeches to the Legislature, what was to be done . . . & to mention the Time of considering them as he had done in his last Speech."<sup>75</sup> More importantly, the opposition used the confrontation with the governor to send a not so subtle message, reminding the governor and his councilors that the legislature held the constitutional power to "ungovernize him."<sup>76</sup>

Hancock responded by tempering his urge to actively participate in the day-to-day business of government; but he was unwilling to yield pride of place to the legislature. Instead, the governor avoided confrontation and possible defeat by retreating to his sickbed, an action that only encouraged his opponents. "The G[overno]r." Abigail Adams quipped, "as has been heretofore predicted, when any thing not quite popular is in agitation, has the Gout and is confined to his Bed."<sup>77</sup> But it was a short-lived victory for the opposition and a year later Hancock was still in the governor's chair and was once again seeking an active role in formulating public policy. Hancock announced that with his health restored he was now ready to tackle the public petitions and communicate his agenda personally to the legislature. Insisting on his right to call a combined session of

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<sup>74</sup> Elbridge Gerry to Samuel Adams, 8 January 1780. *SAP*.

<sup>75</sup> *Ibid.*

<sup>76</sup> *Ibid.*

<sup>77</sup> Abigail Adams to John Adams, 28 January 1781. *Adams Family Correspondence*, 4:71.

the House and Senate. Hancock offered a compromise by conceding to the legislature the right to choose the time and place for his speech.<sup>78</sup>

The opposition's strategy to attack the governor from the ramparts of the House of Representatives succeeded to a limited extent. Hancock's conflict with the House leadership over constitutional authority had eroded his base of support in the legislature. But it had no ill effect on his general popularity and he continued to gain strength in the public arena, becoming one of the two most recognized political celebrities of the 1780s. The freemasons, for example, repeated and recited Hancock's name along with George Washington's as part of their quasi-religious cant on St. John's Day.<sup>79</sup> It was all too much for Mercy Warren, who was unable to offer a logical explanation for Hancock's uncanny popularity. He was, she decided, a modern phenomenon: "a man without abilities idolized by the multitude, and fame on the wing to crown the head of imbecility."<sup>80</sup> William Pynchon, an ardent anti-Hancockite, retreated in anger to his diary. "All eyes, addresses, all compliments are directed toward thee, Handcocky, O rare Handcocky." Pynchon noted in a mixture of frustration and amazement!<sup>81</sup>

The opposition leadership was equally frustrated and significantly less amused by Hancock's success. Adept as they were at legislative politics, Elbridge Gerry, James Warren and James Bowdoin could not compete against Hancock's overwhelming popularity. Individually, they stirred little interest among the ordinary voters. Gerry's curmudgeonly personality was well suited to the infighting in Congress, but not to public

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<sup>78</sup> John Hancock to the Senate and House of Representatives, 22 January 1782, *SAP*.

<sup>79</sup> Pynchon, *Diary* (27 January 1781), 82.

<sup>80</sup> Mercy Warren to Elbridge Gerry, 6 June 1783, C. Harvey Gardiner, ed., *A Study in Dissent: The Warren-Gerry Correspondence* (Carbondale, IL: Southern Illinois University Press, 1968), 163.

<sup>81</sup> Pynchon, *Diary* (17 July 1782), 129.

politics. James Warren and James Bowdoin cleaved to the older understanding of deference and to a republican ideal of the disinterested civil servant. It was a lethal recipe for a politician in revolutionary Massachusetts, since Warren and Bowdoin were both willing to risk election before they would consider canvassing votes from their constituents. Only one politician from Massachusetts possessed the celebrity and skills in public politics that were equal to Hancock's. Accordingly, the opposition continued to court Samuel Adams, but he continued to rebuff their advances.

Samuel Adams has been unfairly portrayed by contemporaries and historians alike as John Hancock's opposite and, hence, his natural and abiding enemy. John Singleton Copley, one of the most talented portraitists of his time, appears to have captured the essential differences between the two men on canvas. A bewigged Hancock, dressed in a dark blue coat trimmed with gold buttons and gold braid, sits nobly at his desk, his plume poised to enter another credit into his account book. In contrast, Adams wears a simple brown suit, which he allegedly borrowed for the sitting, and he stands gesturing sternly at the British charter while he grips a petition in his other hand.<sup>82</sup> One could read the portraits as the affluent merchant counterpoised against the modest statesman. But the pair of paintings tells a larger story. Hancock and Adams are both depicted at key moments in their revolutionary careers: Hancock in 1765 at the height of the Stamp Act protests and Adams in 1770 immediately following the Boston Massacre. Hancock commissioned both of the paintings and they allegedly hung together in Hancock's

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<sup>82</sup> John Singleton Copley, *John Hancock* (1765), oil on canvas, and *Samuel Adams* (1772), oil on canvas, Museum of Fine Arts, Boston, MA. For a description and analysis of the portraits see: Janet L. Comey et al., "Catalogue," in *John Singleton Copley in America* (New York: Harry N. Abrams for the Metropolitan Museum of Art, 1995), 211-14, 275-8.

mansion and later at Faneuil Hall.<sup>83</sup> Viewed from this perspective, the history of the two portraits raises doubts about the legendary opposition of Adams to Hancock.

An Adams-Hancock feud was the abiding ambition of the anti-Hancock faction as a whole and they worked hard to recruit Samuel Adams, flooding his mail with reports of a Hancockian “political machine” that gained its strength through patronage, popular electioneering and, perhaps worst of all, excessive spending and luxury.<sup>84</sup> “[F]requent and brilliant Entertainments,” James Warren wrote, “strengthen [Hancock’s] popularity, and whether it will end in Absolute Adoration, or in the Exhaustion of the Sources of profusion I cant say.”<sup>85</sup> If threats of cabal and corruption did not lure Adams back from Congress, the opposition hoped he would return for a more lucrative state position. Accordingly, they promoted Adams for various appointments, blaming their failures on a Hancock-led campaign to undermine Adams’ reputation at home. In this vein, Nathaniel Appleton dangled the possibility of an appointment for Adams as secretary of the House of Representatives, but he cautioned Adams to keep his hopes in check, since “things old & new are mustered to render you Obnoxious.”<sup>86</sup>

Two months later, James Warren broke the news to Adams that he had been bypassed in the selection for secretary in favor of a less qualified protégé of Hancock. “Nothing Excites my resentment so much,” Warren fumed, “as the Neglect you are treated with . . . [that] the Man who had the greatest hand in the greatest revolution in the

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<sup>83</sup> The provenance, as described by the Museum of Fine Arts, Boston, indicates that both portraits were in the possession of the Hancock estate at the time of John Hancock’s death. The Adams portrait was undoubtedly in Hancock’s possession in 1774, when two engravers, who were attempting to copy the portrait, were denied access to Hancock’s mansion. *Ibid.*, 278n.

<sup>84</sup> For the comment on the Hancock political machine, see: Samuel Allyne Otis to Samuel Adams, 10 November 1780, *SAP*. See also: Elbridge Gerry to Samuel Adams, 8 January 1781, *SAP*.

<sup>85</sup> James Warren to John Adams, 12 October 1780, *WAL*, 2:141.

<sup>86</sup> Nathaniel Appleton to Samuel Adams, 17 September 1780, *SAP*.

world, in the Choice of a Secretary could not be supported in competition with Mr Avery."<sup>87</sup> If he still desired state office under the current administration, opposition leaders informed Adams, he would have to join the army of idolaters who worshipped at the governor's feet. "[U]nless you can give up a little of your independent Spirit," Samuel Allyne Otis warned him, "you may as well remain at Congress."<sup>88</sup> But the opposition had misread Adams' desire to return to Boston. Adams had no interest in the position of secretary and he had nothing but praise for Avery. "You express too much Resentment at the Ingratitude which you imagine has been shown to your Friend," he wrote in a letter to James Warren, "... and especially, that he could not be supported in Competition with Mr Avery."<sup>89</sup>

More importantly, the opposition leadership had misread Adams' political preferences at the state level as a personal dislike for Hancock. Samuel Adams clearly preferred James Bowdoin for the governor's post, admitting in a letter to James Warren that he was "chagrind and disappointed" by Hancock's sweeping victory in Boston. But he disagreed with the post-election campaign to unseat Hancock. The voters, Adams argued, had every right to make their choice and they did so with eyes wide open. In any case, if the voters had erred in choosing Hancock, the mistake could be easily corrected in the next annual election.<sup>90</sup> More importantly, Adams added, the watchfulness and self-interest of the voters would hold all politicians, including John Hancock, accountable for their actions.<sup>91</sup>

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<sup>87</sup> James Warren to Samuel Adams, 2 November 1780. *SAP*.

<sup>88</sup> Samuel Allyne Otis to Samuel Adams, 10 November 1780. *SAP*.

<sup>89</sup> Samuel Adams to James Warren, 20 November 1780. *SAP*.

<sup>90</sup> Samuel Adams to James Warren, 3 October 1780. *Warren-Adams Papers* [microform], Massachusetts Historical Society, Boston, MA.

<sup>91</sup> Samuel Adams to Elizabeth Adams, 17 October 1780. *SAP*.

Samuel Adams expressed a somewhat different opinion in a letter to his wife Elizabeth. He was not so much disappointed at Hancock's victory, only surprised at the size of his statewide majority, since he expected a closer race between two equally qualified men like Bowdoin and Hancock. At the same time, Adams was convinced that the voters had chosen Hancock "by the pure Motives of public Affection."<sup>92</sup> Two letters, two opinions—it was the work of a master politician. Adams needed the support of his allies in Boston and he was willing to endorse their causes, unless they involved a personal attack on Hancock. Adams' letter to his wife served another purpose altogether. Adams, who had little faith in the normal channels of mail, routed many of his most sensitive messages through private hands and, in some cases, through his wife. "It was for this Reason," he advised Samuel Cooper, Hancock's staunch ally, "that I committed to the Care of a private friend, my Letter to Mrs A of the 1<sup>st</sup> of Feby which she communicated to you. I am glad she did it in a Manner so acceptable—Indeed I never found Reason to doubt her Discretion."<sup>93</sup> In this same manner, Adams may have been writing for a second reader when he informed his wife that, "I have so much Friendship for him [Hancock], as to wish with all my Heart that in the most critical Circumstances, he may distinguish between his real Friends & his flattering enemies."<sup>94</sup>

It was a revealing statement. Samuel Adams had no patience for political flatterers and sycophants, vehemently denouncing them in his private correspondence and in numerous editorials as inveterate party men. But Adams continued to admire Hancock on a personal and professional level, believing that he could rise above the cries of

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<sup>92</sup> Samuel Adams to Elizabeth Adams, 3 October 1780, *SAP*.

<sup>93</sup> Samuel Adams to Samuel Cooper, 23 April 1781, *SAP*.

<sup>94</sup> Samuel Adams to Elizabeth Adams, 17 October 1780, *SAP*.

adulation and resist the unscrupulous men who attached themselves to his popularity.<sup>95</sup> Accordingly, Adams resisted all attempts to turn him against his old friend and ally. "I am far from being an enemy of that Gentleman," he informed his wife, "tho' he has been prevaild upon to mark me as such."<sup>96</sup> The opposition, therefore, could not depend on Samuel Adams to lead the legislative or electoral challenge against Hancock, whose popularity continued to soar, while the legislature's public reputation continued to suffer.

Six months into the new government, the House of Representatives had done little to address the problems confronting the state, even though they had spent endless hours debating them. To the growing frustration of the militia leadership, the House adjourned in February 1781, leaving unresolved the issue of funding for the militia. Henry Knox, a key member of George Washington's general staff, looked to his home state to set an example for the other delinquent legislatures. Instead he received disappointing news from his contact in Boston that the House "have not yet got to this state in their business, tho' they have made a beginning."<sup>97</sup> Hancock, on the other hand, acted on his authority as governor to release stores of flour to the army, which alleviated the threat of a sudden food shortage. The governor's decision pleased Artemas Ward, a former general who was serving as a Massachusetts delegate to Congress, even though it heightened Ward's fear that the individual state legislatures did not have the ability or the drive to resolve the larger problem.<sup>98</sup> Experienced military commanders like Ward realized that further delays in pay and supplies could be disastrous, damaging discipline and morale, which

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<sup>95</sup> Samuel Adams to James Warren, 1 January 1781, *Warren-Adams Papers*; Samuel Adams to John Pitts, 17 January 1781, *SAP*.

<sup>96</sup> Samuel Adams to Elizabeth Adams, 17 October 1780, *SAP*.

<sup>97</sup> Major Shaw to Henry Knox, 14 February 1781, *HKP*.

<sup>98</sup> Artemas Ward to [?], 8 February 1781, *AWP*.

would, in turn, threaten the military campaign against Britain. A mutiny had only recently erupted within the ranks of the New Jersey militia over conditions in the camps and rumors had reached Boston that several towns in Massachusetts were planning to resist future conscriptions of men, if the state continued to neglect its duty to pay the militia.<sup>99</sup>

As poor as its record was on funding for the militia, the legislature did even less about paper currency and state debt, key issues for Massachusetts merchants. "Trade in Boston in great confusion, almost stagnated," William Pynchon noted in his diary just prior to the elections in May 1781. ". . . all growl: some rave and stamp: others curse and swear, some at Congress, some at the General Court, some at Whiggs, others at Tories—all at the French."<sup>100</sup> If they were angry at the French, most voters took their fury out on the legislature, electing a "newly vamped" House of Representatives for the 1781-1782 sessions.<sup>101</sup> Hancock, on the other hand, returned as governor with 93 percent of the popular vote.<sup>102</sup>

The electoral backlash had little influence on the tempo of legislation. The House and Senate continued to procrastinate, prompting Nathaniel Appleton to ask if "the Court [would] be wiser next sessions, can they have more learning, or does it appear a matter of indifference whether public credit is supported or not."<sup>103</sup> When the House did act, it often ended in a frustrating duel between the warring factions, as exemplified by the impost bill. Passed by the House, the impost bill was vetoed by Hancock, initiating a

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<sup>99</sup> Ibid: Pynchon (21 February 1781), *Diary*, 87.

<sup>100</sup> Pynchon, (29 May 1781), *Diary*, 96.

<sup>101</sup> Ibid (26 September 1781), 106.

<sup>102</sup> Returns of Elections for Governor, 1781, Massachusetts Archives.

<sup>103</sup> Nathaniel Appleton to Samuel Adams, 24 April 1782, *SAP*.

new constitutional dispute with the governor over the timing of his veto.<sup>104</sup> The delay led to a loss of faith among voters and to a second round of sweeping changes in the legislature. “The House of Representatives are greatly Changed,” Caleb Davis wrote following the May 1782 elections. “and I am informed in Many Instances for the better.”<sup>105</sup>

John Hancock, on the other hand, continued to win reelection, returning to office with sizeable majorities. But his margin of victory declined in 1782 to 76 percent of the ballot statewide; in 1783 to 73 percent; and in 1784 to 68 percent. Detailed returns for the 1783 and 1784 gubernatorial elections have not survived, but the tally of returns from the 1782 election suggests a developing trend away from Hancock and in favor of James Bowdoin and a variety of local candidates. Bowdoin secured 15 percent of the statewide vote in 1782, nearly triple what he had garnered in the election the prior year. A similar shift occurred among local candidates, whose share of the ballots in 1782 increased from 3 to 9 percent on a statewide basis.<sup>106</sup>

The change in voting patterns reflected general disinterest—voter turnout was on a steady decline statewide—and increasing frustration with government as a whole. This was particularly true in the western counties, where the shift in voting was more pronounced. Hancock remained strong in the eastern counties, particularly in Suffolk, Essex and Middlesex, where he continued to command 87 percent of the ballot (and 99 percent of the vote in Boston) in 1782. But he suffered significantly in the west, winning

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<sup>104</sup> The House refused to accept Hancock’s veto, claiming that the governor had held the bill beyond the limits established by the constitution, at which point the bill automatically became law. Hancock challenged their interpretation, because the House had included Sunday (a non-business day) in calculating the elapsed time. See: John Hancock to the House of Representatives, 10 May 1782, *SAP*.

<sup>105</sup> Caleb Davis to John Lowell, 30 May 1782, *Charles Lowell Papers*.

<sup>106</sup> Returns of Elections for Governor, 1780 -1782, Massachusetts Archives. The returns for 1783 and 1784 are taken from the *Journal of the House of Representatives*, 1783 and 1784, 4:14, 5:99.

56 percent of the combined western vote, as compared to Bowdoin's 24 percent. Added to this was the success of local candidates, who divided 19 percent of the vote among themselves.<sup>107</sup> Buoyed by Hancock's weakening base of support in the west, the opposition finally turned its attention to public opinion, the principal source of Hancock's electoral strength in the east. As they had done in the 1760s and early 1770s in the campaign to discredit Thomas Hutchinson, the opposition attacked what they saw as Hancock's weakness—his penchant for extravagant consumption and display.

John Hancock's name was invariably connected with lavish social events in Boston, where he was well known for the grace and elegance of his private table. Accordingly, Hancock had no difficulty filling his guest list, and even his enemies were unlikely to neglect an invitation to his home.<sup>108</sup> David Voyce, for example, was so taken with Hancock's hospitality that he had a model built of the Hancock manor to remind him of the "very many Happy and Pleasing Hours I have spent Under its Roof, with the Friendly and Hospitable Entertainment."<sup>109</sup> Hancock was not alone, however, when it came to conspicuous entertaining. Balls, assemblies and concerts flourished in Boston and the eastern counties of Suffolk and Essex throughout the 1780s, particularly after the announcement of peace with Britain. William Pynchon recorded eleven social assemblies, nine private dances, four concerts and one play in Salem alone between January and November 1783. Salem's social events were not only frequent, they were heavily attended. One concert boasted more than 200 paid admissions and an average of

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<sup>107</sup> Ibid.

<sup>108</sup> James Warren to Samuel Adams, 30 September 1778, *WAL*, 2: 48; John Scollay to Samuel Adams, 7 January 1781, *SAP*.

<sup>109</sup> David Voyce to John Hancock, 30 August 1784, *Hancock Family Papers*.

80-100 persons attended the various social assemblies, including guests from Boston and Harvard College.<sup>110</sup>

Social conservatives, many of them leaders in the independence movement, were repulsed by this behavior. From their perspective the fashions and manners associated with conspicuous entertaining threatened to seduce even the most ardent republicans. “[I]f the Subject was not serious and melancholy,” James Warren argued, “it would be laughable . . . to observe the Vanity, Folly and Extravagance which infests all ranks of People in their Dress, and Liveing.”<sup>111</sup> Like Warren, many social conservatives worried that the constant round of dances, balls and assemblies threatened the republican legacy by distracting the attention of the younger generation from more important matters. “Musick . . . and the assembly,” William Pynchon grumbled, “engross the conversation and attention of the young and gay: the elders shake their heads with, What are we coming to?”<sup>112</sup> Samuel Adams agreed with Pynchon’s criticism of the younger generation, but he worried more about the poor example adults set when they indulged in the same entertainments and luxuries. “How necessary then is it,” Adams argued, “for those who are determined to transmit the Blessings of Liberty as a fair Inheritance to Posterity, to associate on Publick Principles in Support of publick Virtue.”<sup>113</sup>

The public critique of luxury and conspicuous display that had been building since the late 1770s offered a valuable opportunity in 1785 to weaken Hancock’s base of support, particularly in Boston and the eastern port towns, where he continued to

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<sup>110</sup> Pynchon, *Diary* (January-February 1783), 140-66.

<sup>111</sup> James Warren to John Adams, 13 June 1779, *WAL*, 2: 104-5.

<sup>112</sup> Pynchon (2 January 1783), *Diary*, 140.

<sup>113</sup> Samuel Adams to James Warren, 12 February 1779, Harry Alonzo Cushing, ed., *Writings of Samuel Adams*, 4 vols. (New York: Octagon Books, 1968), 4:123-4.

command a significant majority of votes. But the opposition did not direct their attack on Hancock specifically, since his lavish lifestyle, which included an expensive taste in clothing, had not hurt his popularity with ordinary voters in the past. No one questioned the source of Hancock's wealth and his reputation for generosity was unequalled among members of his own class. Instead, the opposition hoped to turn public opinion against Hancock by connecting him with the rising class of merchants and professionals who had benefited from the economic and social dislocations of the war and who now displayed their good fortune through conspicuous entertainment. These were the men and women who pushed their way through the city's crowded streets in their elegant carriages, dressed in imported clothing and shoes, while local artisans begged for consignments and laborers were paid in paper currency that decreased in value before they could spend it.

Casting about for a visible target, the opposition found it in a new social organization for Boston's elite—the Tea Assembly. Meeting periodically to offer tea socials, dances and card games, the Tea Assembly attracted subscribers from the highest ranks of Boston's gentry.<sup>114</sup> More importantly, they found a cause that appealed to Samuel Adams, who was back in Boston as a member of the Massachusetts Senate. Attracted by the potential to preach against luxury and aristocracy, Samuel Adams launched the campaign with a thunderous editorial, published in the January 15, 1785 edition of the *Massachusetts Centinel* under the pseudonym "Observer". The Tea Assembly, Adams argued, was so rife with dissipation that it threatened the very existence of the republic. And the threat was so tangible—one only needed to look at

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<sup>114</sup> For more information on the Tea Assembly and the debate it inspired, see: Charles Warren, "Samuel Adams and the Sans Souci Club in 1785," *Proceedings of the Massachusetts Historical Society* 60 (May 1927): 318-44.

ancient Rome and Greece for empirical evidence—that it might require the purgative force of the mob.<sup>115</sup>

The pseudonym barely disguised the author of the inaugural attack on the Tea Assembly and many readers easily identified Adams as the “CERTAIN GENTLEMAN who is supposed to be the writer of the Observer.”<sup>116</sup> The classical imagery and the pedantic, republican tone of the editorial were strikingly similar to other editorials written by Adams under various pseudonyms during the Revolution. Adams also had an established reputation as a vociferous critic of luxury. “It was asked in the Reign of Charles the 2d of England,” Adams had written in 1780, “How shall we turn the Minds of the People from an Attention to their Liberties? The Answer was by making them extravagant, luxurious, effeminate.”<sup>117</sup>

Aggressive and dogmatic, Adams inspired an immediate response from three editorialists who appeared in the next edition of the *Centinel*, defending the Tea Assembly and deriding Adams for what they argued was an overblown attack on an “innocent amusement.” One editorialist, writing under the pseudonymous Sans Souci, called on the community as a whole “to repel his [Adams’] invidious suggestions” of a mob action. Nothing the Tea Assembly could do, the writer charged, would ever equal this act of treason. “Had this son of sedition been nurtured among his admired Romans, a discovery of similar designs upon their liberty, would have cost him his life.”<sup>118</sup> Mercy Warren identified the author of the Sans Souci editorial as her nephew Harrison Gray

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<sup>115</sup> *Massachusetts Centinel* (Boston), 15 January 1785. In calling for the mob, Samuel Adams (Observer) made a direct reference to a comparable experience in New York, where a group of men had forced a similar Tea Assembly to disperse by breaking in on their gathering and tossing water on the floor. See *Massachusetts Spy*, 27 January 1785.

<sup>116</sup> *Independent Chronicle* (Boston), 27 January 1785.

<sup>117</sup> Samuel Adams to John Scollay, 30 December 1780, *Writings of Samuel Adams*, 4:237-8.

<sup>118</sup> *Massachusetts Centinel*, 19 January 1785.

Otis, a twenty-year-old Harvard graduate and the son of Samuel Allyne Otis, a prominent merchant. Although she doted on Otis, Warren recoiled at the tone of the attack, particularly since it was aimed at a man she considered a close friend and ally. "It is said," Warren wrote, "that H G O is the author of the pieces signed Sans Souci--very severe they are."<sup>119</sup>

Like his late uncle, James ("the Patriot") Otis Jr., Harrison Otis was "a youth of genius and fire" and the scion of one of the most prominent families in Massachusetts.<sup>120</sup> Harrison Otis was noted for his wit and delivery, but he also had an established reputation as a "beau nash"—an aggressively fashionable young man—who, according to Abigail Adams, was "much too handsome." "Were this a Son of mine," she elaborated, "how would my Heart dilate and beat with joy, at the same time it would rejoice with trembling."<sup>121</sup> A social leader at Harvard, Otis organized a number of assemblies during his years there and having returned to Boston degree in hand, he joined in organizing the activities of the Tea Assembly.<sup>122</sup> Not surprisingly, Otis led the defense of the Assembly, responding with the civility and style he had perfected at Harvard.

Forty-three years his senior, Samuel Adams abhorred the language of civility or, as he called it, the "Stile of modern Address," and he countered with a strongly worded

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<sup>119</sup> Mercy Warren to George Warren, 7 March 1785, *MWP*.

<sup>120</sup> Mercy Warren drew some direct comparisons between Harrison Otis and her late brother James, whose brilliant career as a lawyer and politician was cut short by mental illness. Accordingly, Warren reveled in her nephew's precocious intellect, but worried about his "self command and temper." Mercy Warren to George Warren, 7 March 1785, *MWP*. Otis' oration at the 1783 commencement exercises at Harvard received many glowing reviews. See Richard Cranch to John Adams, 18 July 1783; Abigail Adams to John Thaxter, 21 July 1783, *Adams Family Correspondence*, 5:206, 212-13.

<sup>121</sup> Otis' good looks made him a favorite with the city's most eligible women and he succeeded in courting them without the supervision of their parents. Abigail Adams to John Thaxter, 21 July 1783; Abigail Adams to Elizabeth Cranch, July 1783, *Adams Family Correspondence*, 5:212-13.

<sup>122</sup> Otis also attended at least one assembly in Salem in 1783. See: Samuel Eliot Morison, *Harrison Gray Otis, 1765-1848: The Urbane Federalist* (Boston: Houghton Mifflin Company, 1969), 33-42; Pynchon (12 March 1783), *Diary*, 146.

lesson in civics.<sup>123</sup> “This Assembly,” Adams charged, “is pregnant with fatal consequences.” Dancing, drinking, polite conversation and, worst of all, gambling eroded the virtue that lay at the foundation of liberty. Not even the taverns, the dens of the lower classes were legally permitted to sponsor gaming. Yet many of Boston’s leading citizens were organizing and participating in card games, excusing their actions at the Tea Assembly by establishing rules that limited the number of tables and the amounts wagered. How, Samuel Adams pondered, could sincere republicans address this threat to virtue? The mob, Adams insisted, was definitely not the answer. His opponents had grossly misrepresented him on this issue, since he had only pointed to the mob as a possible and undesirable consequence of the Tea Assembly. For Adams there was only one remedy: adults must set a positive example and youth must yield to their elders.<sup>124</sup>

Although it undoubtedly impressed some Bostonians, Adams’ Calvinist sermon was somewhat dated and it lacked popular appeal. Boston had changed significantly in the twenty years since Samuel Adams and James Otis Jr. had led the first boycotts and anti-luxury campaigns, securing popular support and capturing the popular imagination by employing similar rhetoric. Postwar Boston still lagged behind the more fashionable American cities of New York, Philadelphia and Charleston. But fashion and manners were widely accepted by the city’s gentry in 1785 and widely imitated by the middling and laboring classes. Upper-class gatherings had moved out of the privacy of the parlor and into the more public spaces of the assemblies, singing societies and concerts. The lower classes, who could not gain entry to the Concert Hall or the newly constructed

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<sup>123</sup> Samuel Adams to James Warren, 1 January 1781, *Warren-Adams Papers*.

<sup>124</sup> *Massachusetts Centinel*, 22 January 1785.

Pantheon, could witness the magnificent display from a close distance, watching as the gentry rolled by in their elegant chaises and newly-arrived hackneys.<sup>125</sup>

Something more was needed to turn Adams' somber message into popular ridicule of Hancock and his kind. The opposition received a significant boost in this direction from a newly published and anonymously written satire, *Sans Souci, alias, Free and Easy;—Or, An Evening's Peep into a polite Circle*.<sup>126</sup> The title referred to the derogatory epithet, Sans Souci (or without a care), that had been given to the Tea Assembly by its critics, and it offered or, at the very least, suggested a voyeuristic peak at the private and possibly scandalous doings of the gentry. Accordingly, the publisher of the play, Benjamin Russell, who was also the publisher of the *Massachusetts Centinel*, promoted *Sans Souci* in the newspaper as a tell-all piece that would leave little doubt who the principal subscribers were. Not surprisingly, the play created a furor before it ever cleared the presses.<sup>127</sup> A gang of men led by Samuel Jarvis, an organizer of the Tea Assembly, descended on the *Centinel's* offices, where the publisher and a group of his friends fought them off.<sup>128</sup> Russell immediately seized on the attack to promote *Sans Souci* and the play sold out as soon as it was released: and just as quickly sold out its second edition.<sup>129</sup>

The reading audience was not disappointed. *Sans Souci* offered a vicious lampoon of Boston's fashionable gentry counterpoised against a sober monologue on republican virtue, and, as advertised, a number of the leading characters were easily

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<sup>125</sup> Ibid., 5 March and 20 August 1785; *Massachusetts Spy*, 14 July and September 29 1785.

<sup>126</sup> Anonymous, *Sans Souci, Alias Free And Easy: Or An Evening's Peep Into A Polite Circle An Intire New Entertainment In Three Acts* (Boston: Warden And Russell, 1785).

<sup>127</sup> *Massachusetts Centinel*, 15 January 1785.

<sup>128</sup> Ibid., 19 January 1785.

<sup>129</sup> Ibid., 22 January 1785.

recognizable. Young Forward and Little Pert, the youthful leaders of the Sans Souci Club, were identified by readers as Harrison Otis and Isaac Winslow, two of the city's most conspicuous and eligible bachelors, who were both members of prominent merchant-professional families. Mr. and Madam Importance were modeled after Perez Morton, a young and influential lawyer, and his wife Sarah Apthorp Morton, a notable beauty and a promising poet. Madam Brilliant represented the wife of James Swan, another prominent young attorney and member of the fashionable set.<sup>130</sup>

If it succeeded as an entertainment, *Sans Souci* also succeeded as a political piece. Many readers immediately identified the play as an attack on John Hancock and his faction: others came to this same conclusion during the editorial furor that followed publication of *Sans Souci*. Anyone who knew the publisher would not doubt the intended target of the play, since Benjamin Russell and his major investors, who included Stephen Higginson and John Lowell, were principal leaders of the anti-Hancock faction. Russell was also friendly with James Warren and his wife, Mercy Warren who, as an ardent critic of Hancock and Boston's most notable satirist, was immediately identified by some Bostonians as the likely author of *Sans Souci*. The new satire had strong similarities to Mercy Warren's earlier satires, in which she had skewered the reputation of Governor Thomas Hutchinson.<sup>131</sup> Seizing on circumstantial evidence, one editorialist charged

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<sup>130</sup> Two of the existing copies of *Sans Souci* include handwritten entries next to the cast of characters identifying certain characters with actual individuals. It is important to note that Harrison Otis, Isaac Winslow, Perez Morton and James Swan were connected at a later date to the nationalist movement and were among the earliest members of the Federalist Party in Massachusetts. See: Charles Warren, 335n; Morison, *Harrison Gray Otis*, 42-9.

<sup>131</sup> For examples of Mercy Warren's political satire, see: *The Adulateur, A Tragedy, As it is now acted in Upper Servia* (1773); *The Group* (1775). Both plays are reproduced in facsimile in Benjamin Franklin V., ed., *The Plays and Poems of Mercy Otis Warren* (Delmar, NY: Scholars' Facsimiles & Reprints, 1980). Details on the Warrens' feud with Thomas Hutchinson can be found in Jean Fritz, *Cast for a Revolution*.

Mercy Warren with libeling Hancock in a futile attempt to avenge the disappointed ambitions of “her weak-nerv’d G-n-r-l” [James Warren].<sup>132</sup>

Mercy Warren vehemently denied authorship of the play, but she stood accused.<sup>133</sup> Whether or not she was the author, Warren’s association with the play—she appeared in the satire as a character—increased its appeal. The controversy over the Tea Assembly, fueled by *Sans Souci* and the allegations against Mercy Warren, spread to newspapers in and outside Boston, placing the debate before the public on an almost daily basis for the next six weeks.<sup>134</sup> Editorials about the Tea Assembly and related issues crowded Boston’s newspapers, resulting in what one historian has termed tag-team polemics, in which writers played off each other by defending or attacking earlier editorials.<sup>135</sup> The desire to compete with *Sans Souci* also escalated the literary quality of the debate until it began to resemble a political version of the fashionable parlor game crambo, in which contestants were required to build on each other’s imagery, meter and rhyme until someone (the loser) was unable to continue. In turn, the competition attracted many of Boston’s most talented editorialists, who crossed plumes in an

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<sup>132</sup> *Boston Gazette*, 14 February 1785. James Warren had been criticized by some for refusing his commission in the militia and thereby avoiding service in the war, hence the reference to a weak-nerved general. For a second reference to Mercy Warren as author of *Sans Souci*, see: *Independent Chronicle*, 10 March 1785.

<sup>133</sup> Mercy Otis Warren to George Warren, 7 March 1785, *MWP*. Attribution for this play is disputed. Evidence exists to support and negate attribution to Mercy Otis Warren.

<sup>134</sup> The volume of correspondence was apparently so great that the *Massachusetts Centinel* was compelled to apologize to numerous authors, whose pieces were not published due to limited printing space. *Massachusetts Centinel*, 22 January 1785. Editorials were published or reprinted by papers in Boston, Salem and Worcester. For examples, see: *Boston Gazette*, 17 January 1785; *Salem Gazette*, 18 January 1785; *Massachusetts Spy*, 27 January 1785.

<sup>135</sup> Neil L. York, “Tag-Team Polemics: The ‘Centinel’ and His Allies in the *Massachusetts Spy*,” *Proceedings of the Massachusetts Historical Society*, 107 (1995): 85.

entertaining and often elaborate contest of wits that quickly transcended the original purpose of the Observer editorial.<sup>136</sup>

A number of these editorialists came to Samuel Adams' defense: others ridiculed him mercilessly. From Adams' perspective, however, the editorial debate over the Tea Assembly was an unqualified success because it had forced the worst offenders into the open. "I know by their roaring," Adams bellowed triumphantly, "I Have Hit Them Right."<sup>137</sup> The debate over the Tea Assembly also contributed to the larger campaign against Hancock, adding to a general change of opinion among ordinary voters in eastern Massachusetts, who were becoming progressively more receptive to the critique against luxury and effete manners. One group of protestors in Boston, for example, paraded through the streets to demonstrate against the spread of imported luxuries. At the end of the parade they attacked and damaged "two or three chariots lately imported from Great-Britain."<sup>138</sup> Imported coaches and matched teams of horses had become one of the most ostentatious and competitive displays of wealth and fashion in the city. In a second incident, residents of Roxbury demonstrated against the constant stream of fashionable carriage riders and horsemen who abandoned church services to parade around the countryside by placing sentinels on the road to obstruct Sabbath-breaking gentry from Boston.<sup>139</sup>

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<sup>136</sup> For an example, see the exchange between the editorialists writing under the pseudonyms "Sans Souci", "Sans Six Sous", "Ajax", "Sans Ceremonie", "Considerative", and "Crito": *Massachusetts Centinel*, 26 January, 9, 12, 16 February and 2 March 1785; *American Herald* (Boston), 7 February 1785; *Independent Chronicle*, 20 January 1785.

<sup>137</sup> *Massachusetts Centinel*, 22 January 1785. Adams borrowed this phrase directly from theologian and reformer John Calvin.

<sup>138</sup> *Massachusetts Spy*, 21 April 1785.

<sup>139</sup> *Ibid.*, 28 July 1785.

Always attentive to public opinion, John Hancock worried about his chances in the upcoming election, resigning his seat at the end of January 1785, when the controversy over the Tea Assembly was at its peak. The debate over the Tea Assembly did not, however, force Hancock out of office on its own. Instead, it added to a growing list of reasons prompting the governor's resignation, including his continued poor health, which Hancock cited as the primary reason for his retirement from office. Hancock's enemies dismissed this as a feeble excuse intended to deflect attention away from the governor's faltering public support. William Gordon, for example, was convinced that the governor's retirement in 1785 was nothing more than a "childish trick" gone awry: an attempt to win sympathy from the public in order to force concessions from the legislature.<sup>140</sup> Hancock did, in fact, suffer from chronic attacks of gout that had limited his diet and his activities for most of the prior year.<sup>141</sup> Added to this were his financial difficulties. Hancock had devoted most of his attention over the prior four years to his responsibilities as governor, ignoring his business in a failing economy while spending and lending significant amounts of money in the process.<sup>142</sup>

In the end, Hancock resigned for all of these reasons and for one more. The opposition was convinced that the governor had resigned to avoid the inevitable backlash from an imbalance in trade that contributed to growing debt, poor credit, lack of specie and devalued currency.<sup>143</sup> Trade remained the great conundrum in Massachusetts and the

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<sup>140</sup> William Gordon to Elbridge Gerry, 24 December 1783, "Letters of Reverend William Gordon": 500-1.

<sup>141</sup> Hancock complained to his wife in 1784 that he had little appetite for rich food. John Hancock to Dorothy Quincy Hancock, [?] 1784, *Hancock Family Papers*.

<sup>142</sup> Having left office, Hancock busied himself restoring his finances, which included the collection of old debts. See: John Hancock to Benjamin Lincoln, *Benjamin Lincoln Papers* [microform], Massachusetts Historical Society, Boston, MA.

<sup>143</sup> James Warren to Elbridge Gerry, 31 January 1785, *Warren-Gerry Correspondence*, 181; Mercy Warren to John Adams, 27 April 1785, *WAL*, 2: 252-4

balance of the republic. at once the problem of and the solution to independence from Britain. Two years of peace had revealed the fallacy of British dependence on American exports and American markets. The same experience had dampened hopes for domestic production, the proposed solution to the loss of boycotted goods, which had not developed as expected, either in volume or quality. Consequently, new markets for American exports had not materialized while the hunger for imported goods had expanded. The opposition placed the blame on Hancock, raising serious doubts about his stewardship as governor. Accordingly, the issue of trade lurked just beneath the surface in the debate over the Tea Assembly. But the plan to oust Hancock came at a direct cost to the opposition.

Hancock's strategic retreat from the governor's chair left the legislature as the sole proprietor of a complex problem that divided Massachusetts politicians into two distinct groups. Older republicans—men like James Warren, Samuel Adams and Elbridge Gerry—were unwilling to revise their position on British imports, which dated back to the earliest days of the Revolution. For these men trade remained a political rather than an economic issue, necessary for the economic health of the state, but inevitably fatal for the republic, if it involved opening American ports to British goods. "Should we not guard ourselves against British Intrigues & Factions," Samuel Adams argued in December 1784. "Her [Britain's] Emissaries, under the Guise of Merchants, Repenting Refugees, Schoolmasters, and other Characters, unless Care is taken, may effect another & fatal Revolution."<sup>144</sup> Adams transferred this thesis to the Tea Assembly, attacking the organization as the living embodiment of the British economic conspiracy.

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<sup>144</sup> Samuel Adams to Richard Henry Lee, 23 December 1784, *SAP*.

“Why,” he asked the citizens of Boston. “do you thus suffer all the intemperances of Great-Britain to be fostered in our bosom in all their vile luxuriance? Now is the time to prune the branches ere they shoot forth into a strength which cannot be subdued.”<sup>145</sup>

Adams also connected the activities of the Tea Assembly, if somewhat illogically, to the loyalists, who he claimed were working in England and Massachusetts to undermine liberty by corrupting the populace with luxuries.<sup>146</sup>

The second group of politicians, made up of merchants, lawyers, speculators and younger men on the make, was more concerned with trade as an economic issue. These were the men who filled the subscription lists of the Tea Assembly and the men who wrote the pro-Assembly editorials. “If you wish to separate commerce from luxury,” one of these editorialists argued, “you expect an impossibility, let us break the bands of society, refuse all connection with the arts and sciences which live under the patronage of commerce and retire to the woods.”<sup>147</sup> For these men imported goods were not meaningless baubles, as Adams described them. They were necessary for active commerce, which, in turn, was indispensable to a free and civilized society. Anxious for British trade, many merchants agreed with the spirit of this editorial. They did not, however, endorse unregulated trade with Britain. Instead, they supported an increase in British imports, both in quantity and variety, in a market controlled by local merchants, with goods carried on American ships.

It was an issue that could not be negotiated away and Hancock knew this, as did Thomas Cushing, his lieutenant governor. Elevated to acting governor following

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<sup>145</sup> *Massachusetts Centinel*, 15 January 1785.

<sup>146</sup> *Ibid.*, 9 February 1785.

<sup>147</sup> *Ibid.*, 19 January 1785.

Hancock's resignation. Cushing kept his eyes firmly on the upcoming elections, avoiding any and all controversy for the remainder of Hancock's term. Cushing's instincts were borne out by a highly contested gubernatorial election against James Bowdoin and the anti-Hancock faction. Hancock, of course, did whatever he could for Cushing. But this time, the anti-Hancock faction did everything it could to secure the popular vote for James Bowdoin. Building on their recent experience with public opinion, Samuel Adams, Stephen Higginson, Caleb Davis and John Lowell "exerted themselves" writing editorials supporting Bowdoin's campaign. The Bowdoin faction also dropped their adversary to public politics, distributing numerous handbills and flooding the newspapers with pro-Bowdoin and anti-Cushing editorials just prior to the vote.<sup>148</sup>

The Hancock faction returned measure for measure, attacking Bowdoin as a reluctant revolutionary who had refused to serve in the first Continental Congress in order to preserve his own neck. Rejecting this as scurrilous, Bowdoin's supporters pointed to the testimony of Thomas Hutchinson, America's most virulent enemy, who identified Bowdoin as "the principal Supporter of the Opposition to Government."<sup>149</sup> In turn, Bowdoin's defenders denounced Cushing as a duplicitous sycophant, whose only purpose was to warm the governor's seat until Hancock was ready to make his inevitable return.<sup>150</sup> Attacking Cushing through his connection to the former governor, the opposition hammered away at Hancock's general character by expanding on the arguments developed in the debate over the Tea Assembly. The relentless campaign

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<sup>148</sup> William Gordon to John Adams, 8 April 1785, "Letters of Reverend William Gordon": 513-14.

<sup>149</sup> Justice, "To the honest electors of this day" (Boston, MA: 1785). *U.S. and Canadian Books, Pamphlets, and Broadsides through 1800*. Early American Imprints. First Series (Readex), American Antiquarian Society, microfiche, 802, no. 44799. See also: "Marcus", *Independent Ledger* (Boston), 4 April 1785.

<sup>150</sup> James Warren to John Adams, 4 September 1785, *WAL*, 2: 262.

wounded Hancock's public standing among members of his own class; but his popularity remained strong among ordinary voters, buoying Cushing's chances for victory.<sup>151</sup>

Cushing was also a credible candidate on his own, with two significant wins in the race for lieutenant governor. Cushing secured 76 percent of the vote in the 1783 election and 78 percent the following year.<sup>152</sup>

After weeks of electioneering, the outcome was still very much in doubt and both factions looked to the vote in Boston as the crucial indicator. In a final push for victory, Hancock returned to the political stage on election day to offer his personal endorsement for Cushing to voters who had gathered at Faneuil Hall. Hancock's last minute appeal failed and Bowdoin carried the day in Boston, winning 574 votes against Cushing's 340. Returns from nearby Roxbury, Dedham and Salem followed a similar pattern, leading one anti-Hancock observer to conclude that "Mr. Bowdoin is likely to be chosen by the people ... and the State be delivered out of the hands of Quacks."<sup>153</sup> But the statewide voting did not follow the eastern pattern and neither candidate secured a majority. The popular voting ended with Bowdoin capturing 39 percent and Cushing 33 percent. Bowdoin, who had done particularly well in the eastern counties, fared poorly in the western part of Massachusetts, where a third candidate, Benjamin Lincoln, a general in the militia, made a surprisingly strong showing, winning 13 percent of the statewide vote, most of it in the western counties. In contrast, Cushing's votes were spread over a larger

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<sup>151</sup> [John?] Scollay to John Hancock, 4 June 1785, *Hancock Family Papers*.

<sup>152</sup> *Journals of the House of Representatives*, 1784 and 1785, 4:14, 5:99.

<sup>153</sup> William Gordon to John Adams, 8 April 1785, "Letters of Reverend William Gordon": 513-14.

range of voting interests, but he shared these interests with a group of lesser candidates who accounted for 15 percent of the statewide tally.<sup>154</sup>

For the first time since its inception the choice of governor was turned over to the legislature on May 25, 1785, where the anti-Hancock faction expected to win handily. But the selection process in the legislature proved to be more competitive than expected and it remained acrimonious, with the campaign for public opinion continuing in the newspapers until the final choice was made. Benefiting from Hancock's influence and from a sizeable western delegation, Cushing emerged as the first nominee with 134 votes; Bowdoin placed second with 89 votes. But the vote in the House was only a preliminary step and Bowdoin emerged victorious in the Senate (18-10) when, as James Warren described it, "[a]ll other Parties were obliged to unite to defeat his [Hancock's] Purposes."<sup>155</sup>

With James Bowdoin at the helm, the opposition had finally wrested the governorship away from the Hancock faction. But Thomas Cushing remained as lieutenant governor and John Hancock did not rest for long. In an elegant speech before a sizeable crowd at Faneuil Hall, Hancock accepted election as a representative to the legislature for the town of Boston.<sup>156</sup> And he immediately connected himself to a contingent of merchants who gathered at Faneuil Hall on April 16, 1785 to organize a special interest group in favor of trade reform. Angered by the presence of "certain British merchants, factors and agents from England," they demanded an end to British domination of American commerce, threatening to take matters into their own hands, if a

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<sup>154</sup> Returns of Elections for Governor, 1785. Massachusetts Archives; Hall, 136-7; *Salem Gazette*, 17 May 1785.

<sup>155</sup> Ibid, 138; James Warren to John Adams, 4 September 1785, *WAL*, 2: 262.

<sup>156</sup> *Salem Gazette*, 17 May 1785.

political solution could not be reached.<sup>157</sup> Moderate voices prevailed, however, and the merchants appointed a committee to draft a resolution, staffing it with some of the most prominent merchants and professionals in Boston, including key members of both the Bowdoin and Hancock factions.<sup>158</sup> At the head of the committee was the city's most celebrated merchant and citizen—John Hancock.<sup>159</sup>

Operating under Hancock's influence, the merchants developed a resolution that served as a model of Hancockian moderation. In keeping with the political interpretation of trade—as articulated by Samuel Adams—the merchants agreed that a conspiracy existed among British factors in America and vengeful British politicians in England to undermine the American economy and, in the process, negate American independence. At the same time, the merchants accepted the economic interpretation of trade, arguing for an uninterrupted exchange of British and American goods in a market that was largely controlled by American merchants and American shipping. Accordingly, the merchants agreed with Adams and his cohorts that tariffs and boycotts might be necessary in the short-run, but they disagreed with Adams on the desired end of these actions. American economic strategy should aim at displacing British importers, not British products, as Adams had argued.<sup>160</sup>

Inspired by the merchants, Boston's artisans gathered at the Green Dragon Tavern the following week to consider the "immediate impoverishment of the Mechanicks that resulted from the importation in vast quantities of articles, formerly manufactured

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<sup>157</sup> *Independent Ledger*, 13 April 1785; *Salem Gazette*, 19 April 1785.

<sup>158</sup> The committee also included Thomas Russell, Samuel Breck, John Coffin Jones, Samuel Allyne Otis, Samuel Barrett, Perez Morton, Caleb Davis and Stephen Higginson.

<sup>159</sup> *Salem Gazette*, 19 April 1785.

<sup>160</sup> The broadside was published by Robert Edes (Boston), 1785. For a copy, see: Mason I. Lowance, Jr. and Georgia B. Bumgardner, *Massachusetts Broad-sides of the Revolution* (Amherst: The University of Massachusetts Press, 1976), 110-11.

here."<sup>161</sup> Although the two groups shared similar concerns, the artisans' immediate goal—strict limitations on British products—was incompatible with the long-term goals of the merchants. Using a tried and proven cross-class strategy that originated in the anti-English boycotts of the 1760s, the merchants led by Hancock persuaded the artisans to unite with them under a "common cause."<sup>162</sup>

The union led to a joint petition to Congress and a series of circular letters to interested committees in other states alerting them to "the present critical & alarming situation of the commerce of this country." Drafted by a committee dominated by merchants the petition demanded limited restrictions on trade to encourage reciprocal commercial agreements with Britain. Once again, the most conspicuous signature on the document was John Hancock's. More conspicuous was Hancock's announcement that he was prepared to yield his seat in the Massachusetts legislature to plead the case for the merchants and artisans of Boston as a delegate to the Continental Congress.<sup>163</sup> Applauded by Boston's commercial community, Hancock's active return to politics was met with a flurry of objections, suspicions and accusations from members of the Bowdoin faction. These accusations were, in turn, countered by a series of editorials defending Hancock's honor and questioning the actions and motives of Bowdoin and the men who had propelled him into office.<sup>164</sup>

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<sup>161</sup> *Independent Ledger*, 25 April 1785.

<sup>162</sup> *Salem Gazette*, 10 May 1785. Many merchants supported the earlier boycotts to eliminate competition from British and loyalist importers and agents. In doing so, they joined the anti-luxury campaign along with the artisans and laborers. This campaign represented one of the crowning achievements of the old revolutionary leadership in Massachusetts. See also: *Massachusetts Centinel*, 9, 13 and 30 April 1785; *Salem Gazette*, 10 May 1785.

<sup>163</sup> *Salem Gazette*, 24 and 31 May and 7 June 1785.

<sup>164</sup> Many of John Hancock's most ardent critics claimed that Hancock's retirement for illness was nothing more than a plot to reclaim his place as president of the Congress. For his part, Hancock disavowed any connection with the anti-Bowdoin editorials, even though they had been written to vindicate his character. For examples of the anti-Hancock critique see: William Gordon to John Adams, 13 August

Political relationships in Massachusetts had come full cycle in the aftermath of the gubernatorial election of 1785, which served as a major milestone in state politics. For the first time in Massachusetts two factions or parties had organized—if only temporarily—around particular candidates to compete on an equal basis for a statewide popular vote. And for the first time the opposition had successfully electioneered to win votes and to shape public opinion. More importantly, the gubernatorial race of 1785—bitterly contested at both the popular and the legislative levels—was followed by a peaceful transition in the executive branch between two competing political factions. The victorious faction took control of the governor's chair with no resistance from any quarter and the losing faction assumed the role of the loyal opposition. No other sovereign state, at this point, had experienced a similar event and its recurrence at the national level 15 years later would be looked upon as a major turning point in the progression of modern democratic politics.

Despite these advances in electoral politics, Massachusetts remained politically provincial in 1785 in one major respect. Politics was still centered in Boston and the immediate periphery, and most experienced politicians viewed government from an eastern perspective, even those who came to the capital from the furthest reaches of the state. It was not, however, an issue of geography. By 1785, no section in Massachusetts could qualify as a frontier: the majority of the population was connected in one way or another to the larger economy; and newspapers from Boston, Worcester and Springfield reached every corner of the state. Yet no single candidate could match John Hancock's

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1785, "Letters of Reverend William Gordon": 514-15: James Warren to Elbridge Gerry, 4 October 1785, *Warren-Gerry Correspondence*, 194-5. For the pro-Hancock and anti-Bowdoin positions see: *Massachusetts Centinel*, 14, 18, 21, 25 and 28 May 1785. For Hancock's denial see: *Plymouth Journal*, 7 June 1785.

statewide approach to electoral politics. Other politicians had similar opportunities to build statewide followings, but most of them continued to view electioneering at this level as unnecessary.

The election of James Bowdoin in 1785 as governor illustrated the persistence of eastern-centered politics in Massachusetts. Bowdoin was essentially a regional candidate, who had advanced to office with less than a popular majority on the back of a legislative compromise brokered by the eastern political leadership. Bowdoin and his supporters did not move quickly, however, to establish statewide support. Although they had learned much about electioneering, the anti-Hancock faction, along with the majority of the eastern leadership, had learned little during the prior five years about the need for a statewide presence in government. This would prove to be a costly lesson. Hancock's enemies had worked hard to depict him as an empty barrel and a popinjay, dismissing his brand of popular and public politics as an insult to the office. Quite the opposite was true: Hancock's broad popular appeal played an important role during the initial years of state sovereignty, mollifying, if not unifying, a highly divided citizenry. If John Hancock hankered to be George Washington, this was the closest he would come. For all his flaws and quirks, Hancock inspired confidence among ordinary citizens throughout the state. Bowdoin, on the other hand, took his oath of office with no similar mandate against a rising storm of popular opposition that was better organized than most eastern political leaders were willing to admit.

## CHAPTER 4

### THE DISCONTENTS OF THE PEOPLE

A line in the snow, a flash of bravado and a flurry of grapeshot that left three men dead, another handful wounded and an army in desperate retreat—the events of that day, January 25, 1787, are recorded with a strong sense of certainty. There was no attempt at secrecy or surprise. Interested parties throughout the region observed the insurgents and their leaders, Daniel Shays and Adam Wheeler, gathering in force outside Springfield, Massachusetts. Anticipating the insurgents' maneuvers, William Shepard, the officer in command of the Springfield armory, and Benjamin Lincoln, the commanding general of the state militia, countered with their own preparations. Military strategy argued for an assault on the armory and seizure of federal weapons and ammunition, if the insurgents planned to incite open revolution against the state government. Military savvy argued against the assault. Shays, however, defied all military logic, ordering his men forward in the face of cannon, only to withdraw without firing a shot.

The earliest histories of the insurgency portray the events at Springfield as nothing less than a revolution crushed and anarchy averted. Written from a nationalist perspective in the immediate aftermath of Shays' Rebellion, these depictions resonate with the immediacy of the event. Contemporaries writing as historians place the blame

for Springfield squarely on the insurgents, whose ignorance of politics and willingness to follow seditious demagogues justified the use of force to suppress an unconstitutional assault on government.<sup>1</sup> Exceptions to this approach explain the insurgency as a series of traditional crowd actions that sought reform in the face of an intransigent and unsympathetic government.<sup>2</sup> In sheer numbers, however, and in duration and organization the insurgents did not resemble the extra-institutional crowds of the colonial and early revolutionary eras. Both of these portrayals of the insurgency—the revolutionary and the corporate—share a common flaw: they allow little room for political complexity and long-term political evolution in western Massachusetts.

More recently, historians have expanded our understanding of Shays' rebellion by examining the economic context in which it emerged. These analyses have led to numerous interpretations that view Shays' Rebellion as the logical culmination of a failing postwar economy and the class struggle it unleashed between debtors and creditors. Under this rubric, western farmers, who were more heavily burdened by debt and taxes, and could wait no longer for the slow process of reform, understandably took the situation into their own hands.<sup>3</sup> Other historians see the same experience as a struggle

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<sup>1</sup> See: Mercy Warren, *History*; George Richards Minot, *The History of the Insurrections in Massachusetts and the Rebellion Consequent Thereon* (Boston: 1810; reprint, Freeport, NY: Books for Library Press, 1970); David Ramsay, *The History of the American Revolution*, 2 vols. (Philadelphia: 1789); J. Smith, *Pittsfield*.

<sup>2</sup> For examples see: Pauline Maier, "Popular Uprisings and Civil Authority in Eighteenth-Century America," *William and Mary Quarterly* 27:1 (January 1970): 3-35; Rock Brynner, "'Fire Beneath Our Feet': Shays' Rebellion and its Constitutional Impact," Ph.D. diss., Columbia University, 1993; Brooke, *The Heart of the Commonwealth*.

<sup>3</sup> For examples of Shays' Rebellion as a class struggle see: Newcomer, Taylor, *Western Massachusetts in the Revolution*; Robert East, "The Massachusetts Conservatives in the Critical Period," in Richard B. Morris, ed., *The Era of the American Revolution* (Gloucester, MA: Peter Smith, 1971), 349-91; Oscar Handlin and Mary Handlin, *Commonwealth: A Study of the Role of Government in the American Economy: Massachusetts, 1774-1861*, rev. ed. (Cambridge: Belknap Press of Harvard University Press, 1969).

between traditional agrarianism and encroaching commercialism that led almost inevitably to rebellion.<sup>4</sup>

The romanticized image of yeoman farmers fighting against the market place ignores more than it reveals about political conditions in western Massachusetts. The market had already expanded into western Massachusetts prior to the 1780s, and the grievances and resolutions advanced in town and county petitions prior to the insurgency argued in favor of paper currency and reduced costs for debt litigation, measures that favored western integration into the market. The larger conflict between creditors and debtors, on the other hand, does not account for the regional nature of the conflict. Demanding creditors threatened debtors at every level of society, and farmers throughout Massachusetts were pressed by taxes and by the expanding market place. Yet few eastern farmers stood with Daniel Shays, Adam Wheeler, Luke Day and 1200 other western insurgents in Springfield in late January 1787. In contrast, the militia sent to suppress the insurgency had broad support among ordinary voters in the east.

The absence of support among eastern farmers and the broad acceptance of the market in western Massachusetts suggest an alternate explanation for Shays' Rebellion. Between 1780 and 1785, eastern and western Massachusetts continued to diverge politically, even as they converged economically. It is in this context that the events of 1786 and 1787 took shape and gained momentum. Viewed from this perspective, Shays' Rebellion represented not an attempt at revolution, or a defense of traditional values or

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<sup>4</sup> "The fundamental nature of the clash between a traditional society and a developing commercial culture," David Szatmary argues, "made the progression almost inevitable." David P. Szatmary, *Shays' Rebellion: The Making of an Agrarian Insurrection* (Amherst: The University of Massachusetts Press, 1980), 37. See also: Christopher Clark, *The Roots of Rural Capitalism: Western Massachusetts, 1780-1860* (Ithaca: Cornell University Press, 1990); Alan Kulikoff, *The Agrarian Origins of American Capitalism* (Charlottesville: University Press of Virginia, 1992).

even a war between competing economic classes, but an extreme phase of a larger conflict over the nature of governmental authority that had divided Massachusetts along an east-west axis for more than a decade.<sup>5</sup> This clash of political cultures was serious enough to rally an armed force of insurgents in front of the Springfield armory on a cold morning in January 1787. The stakes were high enough for the eastern political leadership to sanction the release of four rounds of grapeshot into the center of their ranks. More importantly, the separation of political interests along this same east-west boundary was acute enough to divide farmers, even though they shared a surfeit of common economic grievances.

Connected by the market, albeit it at differing levels and in differing ways, western and eastern voters were divided by clashing political cultures that had been evolving since the dissolution of colonial government in 1774. After more than a decade of transition and more than five years of constitutional authority, Western voters continued to view government as too distant, too complex and overly responsive to the needs of eastern merchants, speculators and professionals. Accordingly, they continued to demand simplified government that was more directly responsive to local and popular will. This understanding of government was in direct conflict with the centralizing principals of the recently adopted constitution and with the position of the eastern political leadership and their supporters—the merchants and professionals who profited from a strong state government. The eastern interpretation of state and local government

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<sup>5</sup> A number of historians have identified Shays' Rebellion as one phase or an extreme phase of a more protracted and generalized conflict. But the relationship between the Regulation and the long-term evolution of politics in Revolutionary Massachusetts remains largely unexplored. See: Edward Countryman, *The American Revolution* (New York: Hill and Wang, 1985), 139; Wood, 285; Taylor, *Western Massachusetts in the Revolution*, 103-27; John Brooke, "To the Quiet of the People: Revolutionary Settlements and Civil Unrest in Western Massachusetts, 1774-1789," *William and Mary Quarterly* 46:3 (July 1989): 425-62; Brooke, *The Heart of the Commonwealth*, 189-221.

found considerable support among ordinary farmers in the east, who gained, albeit in lesser degrees, from legislation and administration that was favorable to trade and speculation. Eastern farmers also benefited directly, as did all eastern voters, from the proportional scheme of representation and the proximity of the capital, which resulted in increased influence in both houses of the legislature. Not surprisingly, the western interpretation of government met a solid wall of resistance in the east not only among voters in the major market towns, but also among eastern farmers.

There was nothing sudden or uniquely western about the crisis of debt, nor was there anything inimitably eastern about speculation and investment. Enterprising men had been busily transforming the economy of western Massachusetts since the 1750s.<sup>9</sup> Successful merchants and speculators from eastern and western Massachusetts, Connecticut and eastern New York saw significant potential in the “upper” counties of Worcester, Hampshire and Berkshire. Among them were Peter and Henry Van Schaack, well-established merchants from nearby New York, who staked early claims in Berkshire County. Peter, the younger of the two brothers, remained in Berkshire County throughout the Revolutionary era, nursing the family’s investments while his brother, a loyalist, fled to exile in England. Returning after the war, Henry Van Schaack found a region that was flourishing “as if there had been no civil war.” The residents, he informed his brother, placed so much value on the presence of men with investment

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<sup>9</sup> A more detailed analysis of long-term economic conditions in western Massachusetts can be found in: Newcomer, *The Embattled Farmers*; Taylor, *Western Massachusetts in the Revolution*; Handlin, *Commonwealth*; Winifred Barr Rothenberg, *From Market-Places to Market Economy: The Transformation of Rural Massachusetts, 1750-1850* (Chicago: University of Chicago Press, 1992).

capital that "I am begged and entreated by every Town ... to take up my residence & Engage into Trade."<sup>7</sup>

Henry Van Schaack's description of rural towns courting investors and speculators belies the traditional image of the west as a haven for yeoman farmers who were antagonistic toward any encroachment of the marketplace. As Henry and Peter Van Schaack learned, the western counties, which were plagued by rough terrain and heavy snows in the winter and poor roads year-round, offered a challenging but welcoming environment for investors. The Connecticut River, the most prominent geographic feature in Hampshire County, drew farmers not only because it promised fertile soil, but also because it promised access to the market. Discerning speculators who invested early and heavily in Hampshire County land, gained control of the river as well, becoming the dominant presence in the valley. Conflicts over land grants and access to the river created longstanding social and political tensions in the region, but they also created the need for alternate transportation, a need that was met, in part, by enterprising men like Simeon Smith. Beginning in 1767, Smith operated a wagon service that covered both sides of the Connecticut River, collecting pork, potash and other local goods for the market in Boston, where he filled his wagon with a variety of small trade goods for the return trip. Deep snow made Smith's wagon service impractical during the winter, but the run to the market had become vital enough in the early 1770s to support a small fleet of sleighs on the route between Southampton and Boston.<sup>8</sup>

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<sup>7</sup> Henry Van Schaack to Peter Van Schaack, 10 January 1784, *USP*.

<sup>8</sup> Sylvester Judd, *History of Hadley, Including the Early History of Hatfield, South Hadley, Amherst, and Granby, Massachusetts* (Northampton, MA: Metcalf and Company, 1863), 392.

Smith curtailed his wagon service in 1774 when the threat of war loomed, but it mattered little, since the market now came to the farmers in the form of army purchasing agents, who combed the countryside for beef, horses, grain and other supplies. Farmers throughout the western region took advantage of the unprecedented opportunity, establishing a highly speculative market for small quantities of cattle and farm goods. Acting as an agent for the continental army, Theodore Sedgwick, a prominent lawyer and speculator from Sheffield, purchased large quantities of beef between 1777-1779 from farmers throughout Berkshire County and nearby eastern New York. The range of prices Sedgwick paid, which varied within one year from £8 to £21 per head, testified to the speculative nature of cattle in the wartime economy.<sup>9</sup> Some enterprising farmers shunned Sedgwick and the other purchasing agents in favor of consumer markets in Boston, Springfield and Worcester, where limited supplies, made dearer by selective hoarding, pushed prices beyond the tolerance level of merchants, retailers and civilians.<sup>10</sup>

A few farmers became active speculators, competing with army agents, consolidators and merchants for farm goods that had commodity value. Wheat prices, for example, experienced similar dynamics to those for beef, rising to "Extravagant" levels during the course of the war. Confident that wheat would eventually reach one dollar per bushel, Paul Wiessmer, a farmer who had already acquired 600 bushels on speculation, applied for a five-hundred-dollar loan from Sedgwick to underwrite additional purchases.

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<sup>9</sup> See: An Account of Cattle Purchased some ordered to the Army in the Summer of 75: An Account of Cattle purchased by Theodore Sedgwick for the Continent, 29 July 1777, *SFP I*.

<sup>10</sup> *Massachusetts Spy*, 2, 30 September 1779.

Wiessmer's gamble paid off within four months, when the price of wheat reached one dollar a bushel in Berkshire County, well in advance of the 1777 harvest.<sup>11</sup>

The subsequent boom attracted eastern investors who speculated heavily in land and crops in the western counties. Wholesale merchants followed in their tracks, advancing loans on mortgages to farmers and extending substantial amounts of credit to western shopkeepers. Wartime profits and a flood of unsecured loans from wholesalers in Boston, Connecticut and eastern New York, some of them for periods as long as twelve months, stimulated the consumer market, attracting new merchants and shopkeepers into the region. Farmers, in turn, became eager consumers for a "distraction of goods," even though they had little cash and were buying on short-term loans with the intention of paying them off in farm goods. "I utterly discard this way of selling," one shopkeeper remarked, "therefore do not sell much, what I can sell shall be punctually remitted in the Spring as early as convenience will admit." This western shopkeeper made it clear, however, that his reticence was for economic and not moral reasons. It was sheer folly, he argued, for farmers and tradesmen to buy and sell "without a Glimpse in Prospect for the Credit, security and welfare."<sup>12</sup>

From the lender's perspective credit did indeed carry significant risk in the west, where cash and specie were in short supply. But promise was high and the connections between east and west continued to expand during the early 1780s, as exemplified by the relationship between Samuel Allyne Otis, an aggressive Boston merchant and lawyer, and David Smith, a Berkshire County farmer and shopkeeper. Otis had gambled heavily

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<sup>11</sup> Peter Wiessmer to Theodore Sedgwick, 26 January 1777; Matthew Scott to Theodore Sedgwick, 17 April 1777, *SFP I*.

<sup>12</sup> A. Dwight to Mrs. Morton, 10 January 1785, *SFP II*.

by selling large amounts of inventory on credit to enterprising tradesmen like Smith.<sup>13</sup> By 1785, Smith owed Otis more than £175 and Otis owed £30,000–40,000 to his own creditors in Boston and Britain.<sup>14</sup> But the cash poor economy worked against both men as they struggled to buoy their sinking finances. Smith searched the county for new security to satisfy his loan with Otis and avoid foreclosure. Otis, for his part, was willing to accept any reasonable settlement from Smith and his other creditors in order to forestall his own foreclosure. But he resisted the opportunity to bankrupt his clients, readily admitting that he could not survive, if his western debtors failed. Accordingly, Otis informed Theodore Sedgwick, his agent in Berkshire County, to avoid outright foreclosure on Smith's debts. In the end, both men failed. Smith's failure went largely unnoticed, but Otis' bankruptcy sent shock waves throughout the Boston mercantile community.<sup>15</sup> "I presume you have heard of my fate," Otis wrote his agent in Berkshire. "And I wish I may be the only one who is ruined by the peculiar distress of the time."<sup>16</sup>

Otis' empathy for Smith notwithstanding, his position revealed practical recognition of the growing connectivity of creditors and debtors in the west. Few men with capital to invest limited themselves to one aspect of the economy. This included local entrepreneurs like Theodore Sedgwick and Henry Van Schaack and eastern creditors like Samuel Otis, who were heavily invested in western commodities, land and mortgages and in imported goods shipped on credit from the east. Integrated western

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<sup>13</sup> Otis was still optimistic about his investments in early 1784, informing his brother that "that no step I took in the business has given me a moments regret." Samuel Allyne Otis to Joseph Otis, 10 February 1784, *Gay-Otis Papers*, Rare Books and Manuscripts, Butler Library, Columbia University, New York, NY.

<sup>14</sup> Royall Tyler to Abigail Adams, [October 1785], *Adams Family Correspondence*, 6: 417-18.

<sup>15</sup> Mary Smith Cranch to Abigail Adams, 14 August 1785 and John Quincy Adams to Abigail Adams 2d, 19 September 1785, *Adams Family Correspondence*, 6: 271, 370-1.

<sup>16</sup> Samuel Allyne Otis to Theodore Sedgwick, 7 May, 30 June, 26 July, 4 October, 2 November 1784 and 10 January, 16 March, 10 June and 3 September 1785, *SFP I*.

investments of this type benefited from predictability in the market, which equated to profits for all parties and prompt payment of loans and mortgages. Smaller creditors might benefit from predatory collection, including foreclosures and auctions of property and goods. Large creditors, merchants and speculators, on the other hand, sought a steady exchange of goods and commodities along with stable prices on both. Sudden fluctuations in price might benefit one avenue of investment, but they would hurt diversified investors, whose total profitability rested on a larger and longer cycle of business.

Trans-regional interest in coordinated price regulation in the 1770s, as exemplified by the Concord Convention, reflected this broader outlook toward the economy. Eastern merchants and investors joined forces with western delegates at Concord in 1779 to lay the ground rules for a stable system of east-west exchange. Town meetings and county conventions throughout Massachusetts endorsed the resolutions of the Concord Convention, testifying to the growing importance of the marketplace and the expansion of eastern capital into the more remote regions of Massachusetts.<sup>17</sup> The furthest reaches of the state still remained on the fringes of the expanding commercial economy in the early 1780s. But most Bay-Staters shared one common desire—to profit from the growing market—and they shared a common source of distress in the imbalance in trade. Heavy imports combined with sluggish exports resulted in a dangerous outflow of specie and ballooning international debt, placing future foreign investment and credit at risk. Integrated systems of trade moved the whole economy forward, but they also

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<sup>17</sup> 176 delegates from 129 towns attended the July session and 185 delegates from 143 towns attended the October session of the Concord convention. *Boston Gazette*, 2 August 1779; *Massachusetts Spy*, 5 November 1779.

widened the potential for failure and the consequences of debt were evident throughout the state, reaching outward from the center of the economy in Boston and the port towns to its periphery in western Massachusetts and Maine.<sup>18</sup>

United by debt, major creditors and small debtors were divided over its resolution. Although debts were undoubtedly seen as burdensome at every level of society, few men in Massachusetts would claim that debt, as an instrument of exchange, was in itself immoral. But there were aspects of debt that earned condemnation from one side of the economic system or the other. Small debtors, particularly farmers, might view as immoral, or at the very least coercive, court actions that dragged debtors into expensive litigation or auctions of property that expedited settlement of debts at unfavorable prices—solutions that were favored by many smaller creditors. On the other hand, actions that delayed payment of debts, or required acceptance of payment in rapidly devaluing paper currency or in commodities with little export value—a solution embraced by many small debtors—appeared dishonest, if not outright immoral, to most creditors.<sup>19</sup> It was an impasse that separated creditors and debtors into competing interests on a statewide basis. But the creditor-debtor relationship alone does not explain the rise of insurgency in western Massachusetts, since farmers throughout Massachusetts shared the burden of rising debt.

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<sup>18</sup> For an overview on the economic aspects of the war and postwar eras, see: John J. McCusker and Russell R. Menard, *The Economy of British America, 1607-1789* (Chapel Hill: The University of North Carolina Press, 1985), 351-77. Chester W. Wright, *Economic History of the United States* (New York: McGraw-Hill Book Company, Inc., 1941), 209-45.

<sup>19</sup> For detailed analyses of monetary and credit issues see: Joseph A. Ernst, "Shays's Rebellion in Long Perspective: The Merchants and the 'Money Question'"; Jonathan M. Chu, "Debt Litigation and Shays's Rebellion," in Robert A. Gross, ed., *In Debt to Shays: The Bicentennial of an Agrarian Rebellion* (Charlottesville: University Press of Virginia, 1993,) 57-80, 81-99.

Although it was fueled by immediate economic concerns, western angst in the early 1780s was built on a longstanding mistrust of authority that was multiplied by the growing presence of centralized state government in the day-to-day life of towns throughout the region. Many western towns continued to question the feasibility of the new system of government, as they had during the ratification process. The constant cycle of House and Senate committees, bills sent up and down, deferrals, adjournments and annual elections created a massive legislative obstacle course that worked against the passage of legislation favorable to western interests. At the same time, the state government appeared to act quickly when it came to legislation that favored creditors, or when taxes were reapportioned in ways that favored the wealthier eastern towns. Consequently, voters in the west saw the state government as an inefficient and overly biased body. “[I]t is this wretched conduct in our legislative authority,” one editorialist wrote in support of farmers and debtors, “that has stabbed to the vitals, and given the publick faith and confidence so fatal a wound.”<sup>20</sup>

The legislature was largely responsible for this perception, since no allowances had been made either in the constitution or in the legislature’s own procedures for public reports on pending bills, debates or votes. For their part, newspapers made little effort to cover the ongoing proceedings, limiting reporting to official notices, which served as important sources of revenue for the publishers, but offered little public information on government.<sup>21</sup> Public awareness of legislative activity was, therefore, limited to bills

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<sup>20</sup> See editorial signed “Massachusetts Farmer” in *Massachusetts Spy*, 11 January 1781

<sup>21</sup> Hall, 81-2.

enacted, with the exception of those few individuals who were able to observe the legislature or had close contacts with the representatives.<sup>22</sup>

Dissatisfaction with the legislature was, however, particularly pronounced in the west. The framers of the state constitution might argue that the western counties still constituted a major presence in the House of Representatives under the new plan of representation, but they would find little agreement in the west, where the apportionment of representatives continued to irritate voters. The constitution replaced the original plan of equal representation by town with a new scheme of ratable polls that assigned representatives by town on the basis of population, with a second test that was based on economic means. Added to this was a clause that disqualified new towns from any representation until they achieved at least 150 ratable polls, a requirement that clearly penalized the west. The plan, which clearly favored the more densely populated and wealthier towns of the east, had been consistently negated by western voters during ratification. Some western voters suspected, but few knew for certain that the proposal for equal representation had not passed ratification, since neither the tally of returns nor the journal of the convention had ever been made public.<sup>23</sup>

Proximity to the capital also played an important role in regional relationships of political power, expanding the influence of eastern voters in the legislature beyond their fair share of representation. Distance, on the other hand, and the high cost of living in the

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<sup>22</sup> Unlike the House of Representatives, the Senate was still not open to the public in late 1785. One eastern editorialist argued that freedom required that the "the debates of the Senate should be as *publick* as those of the House Representatives." *Salem Gazette*, 8 November 1785.

<sup>23</sup> Offering a strict interpretation of the requirement for ratification, the town of Middleborough in Plymouth County questioned the validity of the constitution, claiming that only one-quarter of the qualified voters had actually acted on the question of ratification, which invalidated any claim to a two-thirds consensus. See: Arthur Lord, "Some Objections Made to the State Constitution, 1780," *Proceedings of the Massachusetts Historical Society* 50 (November 1916): 54-60.

capital discouraged many western towns from sending representatives. Many of these same towns had campaigned energetically, but unsuccessfully during the constitutional debate for government payment of representatives' expenses. Eastern delegates to the constitutional convention had opposed the measure just as vigorously. In the end, the west lost on both counts and the cost of attendance continued to erode an already diminished western delegation. Attendance among western representatives to the House, for example, averaged less than 60 percent between 1780 and 1785, as compared to representatives from Suffolk County, whose attendance topped the scale at 76 percent during the same period.<sup>24</sup>

Despite their disadvantages, western voters could expect some success in the House of Representatives, if common ground could be found for specific bills with representatives from other regions in the state. Alliances of this type did succeed in passing favorable legislation on occasion, but the bills were often reversed by the Senate, which quickly became the champion of eastern interests with the power to nullify any attempt to form a western coalition in the House of Representatives. Favoring a unicameral system, western voters had overwhelmingly negated the Senate during ratification, including voters from the town of Pittsfield (Berkshire County), who denounced the high property qualifications for suffrage and officeholding in the upper house as an infringement on natural rights. Voters in Ashfield (Hampshire County) were utterly opposed to the existence of an upper house under any scheme, demanding that the word "Senate" be deleted from "the whole Frame of Government wherever it is mentioned."<sup>25</sup> As constructed the Senate allocated 50 percent of the seats to the east

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<sup>24</sup> See: Handlin, *Commonwealth*, 250-1.

<sup>25</sup> Handlin, *Popular Sources*, 487, 534.

(with 42 percent of the population) and only 40 percent of the seats to the west (with 43 percent of the population). More importantly, as many western voters feared, property qualifications for voting and office holding favored merchants, speculators and professionals, men who were more likely to support the interests of the eastern leadership than those of their own constituents.<sup>26</sup>

Still seething over the new scheme of representation, western voters were trapped by a sanction against amendment of the constitution until 1795, a proviso that had in all likelihood failed in ratification. William Gordon described the restriction as a “saving clause” that would prevent future voters from tinkering with the work of the constitutional convention.<sup>27</sup> It was an apt summation of the larger eastern perspective toward amendment that showed little concern for the opinion of western voters. Unable to overcome either the restriction on amendment or the mode of representation, many western towns demanded relocation of the capital from Boston as a means of reducing the costs of representation and shifting the eastern focus of the capital. But the eastern political leadership consistently blocked all attempts to remove the capital by delaying or ignoring the chorus of petitions calling for relocation, even though they continually stressed the importance of petitions as a legitimate means of political expression.<sup>28</sup>

A common practice in the late eighteenth century with deep roots in Anglo-American political tradition, petitions flooded the House and Senate in the 1780s. Petitioners requesting action on routine matters—reduction of town taxes, for example—

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<sup>26</sup> Hall, 67-8.

<sup>27</sup> William Gordon to John Adams and Francis Dana, 8-11 March 1780, “Letters of William Gordon” 429-32.

<sup>28</sup> 13-14 percent of all petitions submitted to the legislature between 1782 and 1785 involved requests to move the capital from Boston. See: Hall, 170n, 182.

could expect a high chance of success. Petitions addressing controversial issues, on the other hand, were quickly consigned to legislative limbo in a procedure that had become all but routine in the 1780s. A petition from the town of Dracut demanding removal of the capital from Boston was assigned first to committee, then tabled for the remainder of the session following the committee's report, and finally deferred at adjournment, which amounted to outright dismissal.<sup>29</sup>

The path petitions took often reflected their regional origins, since the eastern leadership controlled the calendar and committees in the House of Representatives along with the vote in the Senate, which acted as a final safeguard against petitions promoted by coalitions of rural representatives. Many petitions, having successfully passed through the House committee system, were summarily rejected by the Senate and tabled indefinitely, unless they had a sponsor who was influential enough to force the petition into a joint committee of the two houses.<sup>30</sup> Joseph Hawley's sponsorship, for example, secured immediate action in the House of Representatives for a petition from Northampton requesting removal of troops quartered in the town.<sup>31</sup> But most western towns had no one of Hawley's stature to endorse their requests. Instead, these towns added weight by combining with neighboring towns to issue joint petitions under the authority of a specially convened assembly or county convention.

Tracing their roots to the public assemblies of the revolutionary era, county conventions allowed western voters to address common grievances in a political system

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<sup>29</sup> *Journal of the House of Representatives* (27 October 1786), 6:297.

<sup>30</sup> Hall, 74.

<sup>31</sup> Petition from the town of Northampton to the House of Representatives, 8 January 1781, *M.A.C.* 187:1. Hawley signed the petition as moderator of the town meeting and based on past and future experience, may have contributed heavily to the wording.

that allowed little room for redress beyond the individual and town levels. More importantly, county conventions had survived the constitutional process both in theory and in practice. Although it was dominated by easterners who had already grown leery of county conventions, the drafting committee for the constitution was unwilling to outlaw county conventions while western support was still needed to achieve ratification. At the same time, they were unwilling to include public assemblies in the larger frame of government. Instead, the existence of public assemblies as adjuncts to elected government was implied in the declaration of rights. The 18<sup>th</sup> article of the declaration of rights guaranteed the right of the people to peaceably assemble and to,

... consult on the common good; give instructions to their representatives; and to request of the legislative body, by . . . addresses, petitions, or remonstrances, redress of the wrongs done them, and of the grievances they suffer.<sup>32</sup>

Added to this were public accountability of government and the people's incontestable and inalienable right to reform, alter or change that government when safety, wealth or happiness were at issue, which were contained in the 5<sup>th</sup> and 7<sup>th</sup> articles, respectively.

Eastern politicians interpreted these guarantees as a sanction for traditional town government. Westerners, on the other hand, interpreted the same articles as a constitutional sanction for county conventions as necessary adjuncts to and checks on centralized government in the post-constitutional period. Not surprisingly, the pro-convention interpretation gained significant currency in western Massachusetts, where voters were steeped in a richer tradition of public assemblies and committees. County conventions also gained some support in the east during the post-constitutional period, even among those voters who had limited experience with them. The town of Machias in

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<sup>32</sup> See the Massachusetts Constitution of 1780, Articles V (popular sovereignty), VII (the right to alter government), and XIX (the right to assembly and criticism).

Maine, for example, assembled in convention with several other towns for the first time in May 1781 to coordinate a response to loyalist and British activity in their region and to address the collective needs of their county in a petition to the House of Representatives.<sup>33</sup>

Maine's interest in public assemblies was no match, however, for the energetic revival of county conventions in western Massachusetts. The first of the post-constitutional conventions was called in early 1781 in response to the Consolidation Act, which overcame western resistance in the House and five roll call votes to achieve confirmation at the end of January.<sup>34</sup> Aimed at reducing a large portion of the state debt by consolidating all unpaid notes into new securities, the Consolidation Act favored merchants, major creditors and speculators who had purchased older securities at discounted rates. The funds for consolidation would come from new taxes paid largely by small debtors, who had already sold their older securities at discounted rates to raise much needed cash for the payment of older taxes and debts. These funds, in turn, would be converted into new securities, payable in specie, which would then be used to redeem the old, discounted securities at their original face value. A second bill repealed the Tender Act, curtailing the use of new emission paper currency for the payment of taxes and debts.<sup>35</sup>

The two bills were part of a larger plan to buttress sagging public and private credit, which amounted to a major boon for merchants, speculators and creditors. The

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<sup>33</sup> Resolution of a Convention of Several Towns, 30 May 1781; Resolution of the Town Meeting of Machias, 20 March 1781, *MAC*, 187:143, 145. James Leamon points out that the convention movement emerged relatively late in Maine. See: James S. Leamon, *Revolution Downeast: The War for American Independence in Maine* (Amherst: The University of Massachusetts Press, 1993), 59-61, 77.

<sup>34</sup> Hall, 102-3, 106-9; Brooke, *The Heart of the Commonwealth*, 196-7.

<sup>35</sup> Taylor, *Western Massachusetts in the Revolution*, 106-7.

bills were also a double assault on ordinary taxpayers and debtors, who would carry the lion's share of the tax burden and would also lose the one advantage they had—payment of taxes and older debts with newly devalued currency. Anxious voters in the town of Sutton, who had little access to specie and were therefore dependent on paper currency for the payment of taxes, responded by circularizing the county in February 1781 with a call for a convention.<sup>36</sup> Assembling in Worcester in early March, the delegates quickly found common ground, condemning the legislation as an unwarranted giveaway to speculators and jobbers at the expense of ordinary taxpayers and small debtors. The new legislation also inspired two conventions in Hampshire County the following month and a pronouncement by the Worcester County grand jury demanding the “the forbearance of the rich and opulent towards their debtors.”<sup>37</sup>

Several towns in Suffolk County met in convention during the same period to protest the Consolidation Act. But county conventions found little support in the east, where town meetings, instructions to representatives and petitions to the legislature remained the principal means of stating grievances and influencing legislation. In any case, if there was a budding movement for conventions in the east, it was quickly squelched by voters in Boston, who rejected outright the call for a county convention of the maritime towns. Samuel Adams, who, like many eastern politicians, had become increasingly hostile to county conventions, applauded the result in Boston. “[T]his Town,” Adams beamed, “judgd it more proper to lay the Matter before the General Court, and have accordingly instructed their Representatives.”<sup>38</sup>

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<sup>36</sup> *Massachusetts Spy*, 22 March 1781.

<sup>37</sup> Brooke, *The Heart of the Commonwealth*, 197-8; Hall, 110; Taylor, *Western Massachusetts in the Revolution*, 106-7; *Massachusetts Spy*, 5 April 1781.

<sup>38</sup> Samuel Adams to John Adams, 19 December 1781, *SAP*.

Samuel Adams and his fellow Bostonians might condemn conventions, but they continued to serve as a vital part of western political culture, connecting the recent experience of revolution and constitution-making to the new experience of state sovereignty and the continued frustration with the legislature. Little time elapsed, therefore, before a second round of conventions erupted in 1782 in Worcester and Hampshire Counties over three related issues—the monetary question, taxes and debts. Paper notes were central to the larger western economy, since the upper counties were not only historically poor in specie, they had little hope of reversing the trend in the face of chronic losses of specie by eastern debtors to European creditors. Not surprisingly, many western voters saw legislation restricting the use of paper currency in payments of debt and taxes as a direct attack on western economic interests and an equally direct concession to eastern merchants and investors.

The consequences for ordinary voters were immediate, creating surging defaults and a flood of suits for collection of unpaid debts. Countless numbers of small debtors were dragged into court appearances, sustaining court fees and travel expenses that frequently outweighed the original debt. In many cases, the court appearance had no practical purpose, since the defendants were willing to acknowledge their debts. Creditors and debtors had no choice, however. The legal process was mandated by law, adding to an already full docket that brought significant rewards for justices, attorneys and court officers at the expense of small debtors and creditors.<sup>34</sup> During one brief session of the Inferior Court in Northampton in 1782, 221 actions were filed, almost all of them for recovery of debts where the defendant did not contest the claim. Only three

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<sup>34</sup> Taylor, *Western Massachusetts in the Revolution*, 114-6.

of these went before the jury, yet 75 percent of the cases resulted in court costs exceeding forty shillings, an exorbitant amount for small debtors who were already past due on their accounts.<sup>40</sup>

Similar experiences were recorded at the other courts, creating a surge in defaults and an overflow of debtors in the local jails. Justices and court officers worked extensive hours to process the claims, adding to the growing cost of the court system, which in turn, increased the county tax burden, thereby expanding the army of disaffected voters to include western taxpayers in general. Joseph Hawley, a leading jurist in Hampshire County, led the campaign for court reform, sponsoring a new schedule of fees and a confession bill, which would allow defendants to acknowledge their debts without incurring major legal costs.<sup>41</sup>

Western lawyers also responded, but in a manner that did little for litigants or taxpayers. Agreeing that something had to be done to “check and control a litigious Spirit” and reduce the “unnecessary Expence” of debt collection, the bar associations of Hampshire and Berkshire Counties met in joint session in Springfield in May 1781. The solution they proposed solved the immediate problem of unpaid legal bills, but it offered little relief for small creditors and debtors. The lawyers agreed to accept as civil clients only those creditors and debtors who could afford to pay for services in cash before they were rendered.<sup>42</sup> Under the new scheme large creditors would be able to force all debtors into court. Small creditors and debtors, on the other hand, would be forced to settle without professional counsel, and they would still be responsible for court-related costs.

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<sup>40</sup> Joseph Hawley to Ephraim Wright, 16 April 1782, *JHP*.

<sup>41</sup> *Ibid.* Hawley also wrote the petition from Northampton to the General Court demanding a series of court reforms throughout the state. See: Petition from the town of Northampton, January 1783, *JHP*.

<sup>42</sup> Resolution of the Bar of Berkshire and Hampshire, 18 May 1781, *SFP I*.

Lawyers simply had no motive to push for reform, since debt litigation represented a major portion of their incomes. The same was unfortunately true for most justices, including David Sewall, a member of the Massachusetts Supreme Court, who ignored complaints about the growing cost of debt litigation. Yet Sewall found time to complain vociferously about court days that started at 8 in the morning and ran until 9 or 10 in the evening, and he fretted about judges' fees and salaries in an inflationary economy. In contrast to his fellow justice, Joseph Hawley, Sewall promoted a "reform" plan that would further centralize the courts by limiting them to the major town in each county.<sup>43</sup>

By early 1782, it was becoming clear to most western voters that they could expect no support from the legal profession for broad reforms in the courts and that they could expect no response from the eastern political leadership on issues ranging from debt litigation to paper currency. Western voters were also disappointed by the failure of a popular bill that would allow judges to temporarily suspend litigation for debt in cases where the creditor would not risk losing his right to sue.<sup>44</sup> Many debtors believed that a brief respite in debt collection would allow them an opportunity to make good on their obligation without the added court costs or the risk of losing goods and property at auction. Rejected overtures like this one reinforced the understanding of shared concerns and experiences with government and the courts, creating common cause among voters in the western counties that became evident in the changing language of the petitions.

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<sup>43</sup> David Sewall to Samuel Adams, 26 September 1782, *SAP*; David Sewall to John Lowell, [?] September 1782, *Charles Lowell Papers*.

<sup>44</sup> Taylor, *Western Massachusetts in the Revolution*, 109-11.

On February 11, 1782, the town of Spencer in Worcester County issued a remonstrance to the General Court that lacked the usual plaintive and deferential phraseology of the town petitions. Indulging in none of the niceties, voters in Spencer denounced the newly instituted plan of taxation as “unjustly oppressive and an infringement, on the Natural Rights, of mankind, and the Constitutional rights of your Constituents.” The town meeting added punch to their declaration by criticizing the obvious eastern bias inherent in most legislative enactments. “We are doomd.” the petition continued.

... Because, in the valuation there is not a proper Allowance Made, for our Diferent Situation, from the metropolis, which Renders the profits of our farms, Very Inconsiderable, to Those, of an equal Bisness, and Quality, near the Maritime And, market Towns.<sup>45</sup>

Like Spencer, voters in the town of Hardwick in Hampshire County found common cause not only in the obvious bias of the legislature, but also in the long-term effect of the new tax on small towns throughout Massachusetts. “Consider our Case Not Singular,” the Hardwick petition cautioned, “but that it is a Prevailing Difficulty in most if Not Every town in this Comon Wealth.”<sup>46</sup>

Little time elapsed before Hardwick and towns throughout Hampshire County were relinquishing the right to petition and calling instead for a county convention to be held in Hadley on February 11, 1782. Frustrated with the lack of response to their town petitions, delegates to this convention, who included Samuel Ely, an ex-clergyman and revolutionary war veteran known for his extreme political views, issued an aggressive statement condemning the reapportionment of taxes and demanding suspension of suits

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<sup>45</sup> Remonstrance and Petition of Spencer, 11 February 1782, *MAC*, 187:412-13

<sup>46</sup> Petition of the town of Hardwick, 10 January 1782, *MAC*, 187:328.

for debt. Hastily convened, the radical tone of the convention alarmed conservatives and moderates throughout Hampshire County and they took immediate action to suppress the renewal of collective politics.<sup>47</sup>

Samuel Ely, who was already recognized as a rabble-rouser, was singled out for arrest three days after the convention concluded. Brought before Justice Joseph Hawley, Ely was found guilty of treasonable practices and given a relatively mild sentence.<sup>48</sup> Hawley's lenient judgment was not, however, motivated by sympathy for Ely. The relatively light sentence represented Hawley's continued support for the western position on taxation and debt litigation and for the county convention as a public forum. Hawley, who was also a justice and an advocate of peaceful protest, used the sentence to make an example of Ely, that was strong enough, he hoped, to hold his supporters in check and mild enough to defuse the political tensions that had led to the radical convention. Hawley's decision to tread lightly in the Ely case was borne out two weeks later by a similar event in Berkshire County.

On February 26, 1782, a crowd of roughly 300 men gathered in Pittsfield to demand suspension of the court of common pleas as a means of alleviating the immediate distress of poor debtors in Berkshire County. They were met by a second crowd that was intent on opposing any attempt to suspend the court. Tempers flared and tension was high, but the confrontation ended without incident when both crowds withdrew peacefully after the protestors had delivered their petition.<sup>49</sup> Some observers discounted the peaceful ending, insisting that certain violence had been barely avoided by the

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<sup>47</sup> Taylor, *Western Massachusetts in the Revolution*, 109-11.

<sup>48</sup> Robert E. Moody, "Samuel Ely: Forerunner of Shays," *New England Quarterly* 5 (1932): 108-9.

<sup>49</sup> Taylor, *Western Massachusetts in the Revolution*, 111-12.

presence of a second group that was willing to defend the court. The Berkshire County convention, led by Woodbridge Little, moderator of the Pittsfield town meeting and a well-known opponent of the constitutionalist movement, condemned the protest as an unconstitutional assembly and a near riot. Many ordinary citizens joined the convention in condemning court obstructions: but they did not necessarily share Little's outright dismissal of the grievances that lay behind the protest. Woodbridge Little and his fellow selectmen might ignore local protests and expel the poor from Pittsfield, but they could not eliminate the obvious effects of taxation and debt that peered out the window of the local jail in the form of bearded, skeletal debtors who were unable to make good on court-ordered restitution.<sup>50</sup>

Voters in Worcester County responded to similar concerns with debt and taxation by calling a convention of thirty-four towns on April 9, 1782. Showing none of the deference associated with traditional town petitions, the convention issued a resolution that included demands for broad court reform and restoration of the Confession Act. But the primary focus of the convention was the growing expense of government. In a declaratory style, the convention charged government with extravagant use of the public money, which, in turn, created unnecessarily high taxes. The only remedy, the convention argued, was an annual, public audit by the towns of all legislative expenses. The demand for accountability revealed a general distrust of government that was offset by continued faith in the county convention as a legitimate expression of public opinion. More importantly, it was thoroughly consistent with the 5<sup>th</sup> article of the declaration of rights and it demonstrated a willingness to extend and enforce the rule of popular sovereignty. The political authority to do so, the convention argued, was derived in its

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<sup>50</sup> Smith, *Pittsfield*, 393-4.

entirety from the body of voters. Having met in convention, the people were prepared to exercise that same authority and withdraw their representatives from the General Assembly, if the legislature failed to submit its expenditures for review.<sup>51</sup> The delegates to the Worcester County convention added force to their demands by establishing the convention as a permanent presence, with additional conventions scheduled for May, August and November 1782.<sup>52</sup>

A convention was also called in early April 1782 in Hampshire County, but the presence of Joseph Hawley and the absence of Samuel Ely foreshadowed the convention's moderate tone. Assembling in Hatfield in early April 1782, the delegates debated a variety of issues, including elimination of the county courts—an effort at cost savings and a particular concern of Hawley—and authorization of town constables to serve writs—a salve for small creditors and debtors, who could avoid costly sheriff's fees. The most hotly contested issue, a demand to suspend civil judgments in Inferior Court, was defeated 21-15 by a coalition of mostly older towns, including Springfield and Northampton, the twin locations of the Hampshire County courts. In contrast, support for the resolution came primarily from newer towns, which were situated at a significant distance from the courts.<sup>53</sup>

Unhappy with the results of this convention, a large crowd gathered in front of the courthouse at Northampton on April 12, 1782 under the leadership of Samuel Ely to demonstrate against the state government and to reinforce the radical resolutions of the earlier convention in Hadley. Ely addressed the crowd, making the necessary

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<sup>51</sup> *Massachusetts Spy*, 18 April 1782.

<sup>52</sup> *Ibid.*, 23 May, 12 September 1782.

<sup>53</sup> Daniel White Wells and Reuben Field Wells, *A History of Hatfield, Massachusetts* (Springfield, MA: F. C. H. Gibbons, 1910), 198.

connections between the government's laggardly actions in the statehouse and the immediate presence of the local court as a ready symbol of that government. Ely closed, according to some witnesses, by encouraging the protesters to "go to the wood pile and get clubs enough, and knock their [the judges'] grey wigs off, and send them out of the world in an instant."<sup>54</sup> Many of the men in the crowd responded, arming themselves with pieces of lumber before they surrounded the entrance to the courthouse. But were they intent on violence? Joseph Hawley believed they were, crediting the presence of a volunteer police force with obstructing Ely's plan to smash the court.<sup>55</sup> The grand jury indictment, on the other hand, which was filed at the end of May, described the actual protest as "a great disturbance of good order and the due administration of justice."<sup>56</sup>

It appears that Ely and his supporters had goals similar to those of the Pittsfield protest: to gather a crowd of onlookers; pronounce publicly against government; gain a suspension of court business; and withdraw without incident. Hawley's report suggests this probability as well and many of these same men were described as behaving in good order and with remarkable self-control in later demonstrations.<sup>57</sup> More importantly, local and state authorities chose to arrest no one other than Ely. Charged with seditious speech and inciting to riot, Samuel Ely was bound over for trial in the Supreme Court. The indictment against him, which focused more on Ely's speechifying than it did on his actions in front of the courthouse, reinforced the tenuous nature of the charges. In an indictment that was reminiscent of the Thomas Allen affair in Berkshire County, the Hampshire County grand jury condemned Ely's penchant for loud and recklessly radical

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<sup>54</sup> See the grand jury indictment in *Massachusetts Spy*, 29 May 1782.

<sup>55</sup> Joseph Hawley to Ephraim Wright, 16 April 1782, *JHP*.

<sup>56</sup> *Massachusetts Spy*, 29 May 1782.

<sup>57</sup> Elijah Hunt to Caleb Strong, 13 June 1782 *MIC*, 236:515-16.

speeches delivered on various tours into the countryside to anyone within earshot. The former minister may have been guilty of nothing more than exaggerated rhetoric. His exhortation to “throw up our constitution”: his accusations against the governor and judges as too highly paid; and his censure of the General Court as unfit to sit were nothing more than overblown versions of common grievances about restrictions on amendment, the unnecessary expense of government and the general inattention of the legislature. But he was undone by his frankness and accessibility. As an organizer, Ely was a threat to conventional authority and he operated in a manner that shocked the sensibilities of leading men who were unaccustomed to discussions of government outside the normal channels of debate, which included town meetings, county conventions and newspaper editorials.<sup>58</sup>

Ely initially pled innocent and then he reversed course, admitting guilt and throwing himself on the mercy of the court. He did not, however, reverse his political stance. Trained as a minister, Ely proffered all of the usual acts of contrition with the expectation of a second light sentence. “I have carried some matters I apprehend too far.” Ely admitted with due penitence, “... readily begging the pardon of the bench, the bar and all spectators.”<sup>59</sup> The decision of the court took Ely and his supporters by surprise. In place of the mild judgment he had received from Joseph Hawley two months earlier, Ely was sentenced by the Supreme Court to six months in jail, a £50 fine, court costs, a £400 guarantee to maintain the peace for the next three years, and extension of his prison term until he had satisfied all of the monetary penalties.<sup>60</sup>

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<sup>58</sup> *Massachusetts Spy*, 29 May 1782.

<sup>59</sup> *Ibid.*

<sup>60</sup> Moody, 109.

On June 12, 1782, Captain Reuben Dickinson of nearby Amherst, an early leader in the convention movement and a veteran officer, led 120-150 men armed with guns, swords and bayonets “in Martial Array” through Northampton and into Springfield. Meeting with little resistance—most of the male residents of Springfield were at the funeral of a local dignitary—the rescue party shattered the jail door and released Ely, a debtor and a black runaway servant. The parade, the timing, the armaments and the choice of persons rescued suggests the composition of the mob, which probably included a high percentage of poor farmers and laborers, many of them veterans of the Revolutionary War. Having accomplished its mission, the rescue party withdrew in good order from the town, but the rescue was only a qualified success.<sup>61</sup>

Cut off from a northern escape route, Dickinson, Ely and the rescue party fled to the river, where they could cross to Amherst and safety. But the sheriff had already secured all of the available boats, leaving the rescue party with no escape route, encircled by a combined force of local militia and civilians, who had answered the call for volunteers. A brief skirmish broke out, resulting in a single injury to Solomon Clay, a member of the “government party,” who was hit in the head with the butt of a rifle.<sup>62</sup> The skirmish created enough confusion to cover the escape of Ely, Dickinson and a small party of rescuers, but the balance of the rescue party had no way out.<sup>63</sup> Faced with a standoff and hoping to avoid serious injury on either side, the two parties agreed to negotiate a treaty of peace. Returning in force to Northampton, the committees debated

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<sup>61</sup> Elijah Hunt to Caleb Strong, 13 June 1782, *MAC*, 236:515-16; *Massachusetts Spy*, 20 June 1782; Wells and Field, 199.

<sup>62</sup> Report from the *Springfield and Northampton Weekly Advertiser* as reprinted in *Massachusetts Spy*, 27 June 1782; Elijah Hunt to Caleb Strong, 13 June 1782, *MAC*, 236:515-16.

<sup>63</sup> Elisha Porter to John Hancock, 14 June 1782, *MAC*, 236:517-18. See also Report from the *Springfield and Northampton Weekly Advertiser* as reprinted in *Massachusetts Spy*, 27 June 1782; Moody, 110-11; Wells, 199.

terms in front of a large crowd of onlookers. "The mob were Extremely obstinate for a while." one witness wrote. "notwithstanding their numbers were as nothing compared with ours."<sup>64</sup> But the crowd became impatient, forcing Elisha Porter, the sheriff and chief negotiator for the government committee, to grant what he saw as unnecessarily favorable terms.<sup>65</sup>

The treaty was a model of compromise. On the one hand, it sanctioned the reasons for the protest, requiring both parties to join in a petition to the legislature reaffirming the resolutions of the earlier, radical county convention in Hadley. On the other hand, the treaty found fault with the method of protest and, in particular, its leader. Accordingly, Samuel Ely's surrender became a key factor in the treaty and both sides agreed that three of Ely's supporters would be held in the local jail as hostages, pending Ely's return, while the balance of the rescue force would return home with their weapons, having given their guarantees of peaceful behavior.<sup>66</sup> The treaty did not, however, alleviate fears of retaliation among the protestors and an even larger force gathered three days later in response to a rumor that the government was planning to transfer the hostages from Northampton to a jail outside the county. This time the would-be rescuers marched into town, coming face to face with determined resistance. The second rescue party withdrew peacefully rather than risk violent confrontation. But the protestors had made their point and the sheriff, under pressure from Joseph Hawley and a number of

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<sup>64</sup> Elijah Hunt to Caleb Strong, 13 June 1782, *MAC*, 236:515-16.

<sup>65</sup> Elisha Porter to John Hancock, 14 June 1782, *MAC*, 236:517-18.

<sup>66</sup> Terms of Agreement, 13 June 1782, *MAC*, 236:514.

other influential residents, released the hostages only moments before he received the governor's proclamation ordering their transfer to Boston.<sup>97</sup>

Samuel Ely was eventually jailed and forced to petition for his release, but he remained an undeniably colorful figure, making it even more tempting to view his experience from the vantage point of Shays' Rebellion as either prophetic or as an intermediary step in a chain of events that connected the Shaysites back in time to the equally colorful crowd actions and republican rhetoric of the 1760s and 1770s. Neither of these approaches does justice to Ely, his supporters or the western political experience in its larger sense. The town petitions, county conventions and crowd actions of the early 1780s should be viewed as parts of a larger transition from organized crowd actions and fledgling institutions that signaled the political awakening of the west in the ferment of Revolution to a broadly defined political culture that united most of the region in opposition to the state government in Boston. By declaring against the courts, these petitions, conventions and crowd actions drew on the experience of the revolutionary era, but they also signaled growing political maturity in the west, as exemplified by the constant use of court obstructions.

In the days of Thomas Hutchinson and the royal government, attacks on local courts of justice were seen as direct attacks on government as a whole, targeting not only the institution but the justices as well. In many cases, reprisals against justices also reflected longstanding personal conflicts that found a ready outlet in revolutionary politics. The same perspective toward the courts was still evident in the Berkshire farmer

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<sup>97</sup> Elisha Porter to John Hancock, 14 June 1782, *MAC*, 236:517-18. See also: Taylor, *Western Massachusetts in the Revolution*, 117; Report from the *Springfield and Northampton Weekly Advertiser* as reprinted in *Massachusetts Spy*, 27 June 1782.

who publicly criticized the judicial courts in 1782 as "A Dam'd Pack of Rascalls."<sup>68</sup>

There was a major difference, however, in the court protests of the 1780s. Most westerners saw the General Court and not the courts of justice as the primary evil and they undoubtedly agreed with the fictional farmer from a 1781 editorial who declared that it was the legislature that ought to be hanged.<sup>69</sup>

For that reason protests against the courts in the 1780s did not aim at dissolving them. Western activists used the courts as surrogates to gain attention when petitions failed and to demonstrate against a government that westerners saw as far too arrogant for its own good. Accordingly, actions against the courts, like those in Pittsfield and Northampton, did not challenge the legitimacy of the institution or the justices, as they had in the 1770s. Furthermore, there were no attempts at reprisal and no attempts to physically close the courts. Instead, protestors petitioned the justices for voluntary and temporary suspension of the courts and they used highly visible actions against the courts to raise popular support for the western platform. The result was a two-prong approach to political activism. At one level, court obstructions sought immediate relief for debtors by slowing debt litigation through suspension of sessions. At a second level, protestors demonstrated against the intransigence of the legislature in the face of countless town and county petitions demanding redress of longstanding grievances.

Joseph Hawley understood and sympathized with the larger political issues that motivated the crowd action in Northampton, even if he did not agree with the method of protest. There was "a great and growing uneasiness in this county," Hawley insisted, over unpaid securities, burdensome taxes and the costs of debt litigation. "Old

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<sup>68</sup> Quoted in Newcomer, 136.

<sup>69</sup> *Massachusetts Spy*, 1 March 1781.

Continental Soldiers.” who were paid in unredeemable securities and paper, can no longer afford government’s promises of a better future “when their Collector is at their doors demanding hard cash.” From Hawley’s perspective Samuel Ely’s actions were nothing compared to the potential for anger the public was capable of, if the legislature were to allow the situation to fester. “[T]hey are a fierce Set of men.” Hawley noted with more than a hint of regional pride. “[I]f Such People once make a Stand and Refuse to pay their Taxes . . . there is no power Short of the Continental and French Soldiers, which can compel them to it.” Worse yet, government could not depend in the near future on the men who defended the courts against Ely and his mob. Left to the mercy of creditors, these men will switch sides and join forces with the mob, which will encourage countless others to enlist in a general insurgence.<sup>70</sup> “[T]his opinion of mine is no Wild Conjecture and guessing,” Hawley argued, “but the events are at the door, and Nothing can prevent them, but the immediate and effectual interposition of the General Court.”<sup>71</sup>

But Hawley, like most westerners, had little confidence in government. He had seen the legislature in action as a representative from Northampton, and reports from Boston reaffirmed his belief that the General Court had no understanding of “the Publick and Most dangerous Circumstances of things in these parts.”<sup>72</sup> To many eastern politicians, charismatic leaders like Samuel Ely, who seemingly possessed all of the necessary attributes of a demagogue, represented the actual source of trouble in the west. The severe sentence passed on Ely was in keeping with this approach to political

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<sup>70</sup> Joseph Hawley to Ephraim Wright, 16 April 1782, *JHP*.

<sup>71</sup> *Ibid.*

<sup>72</sup> Joseph Hawley to Caleb Strong, 14 June 1782, *MAC*, 236:519.

activism, as was Ely's imprisonment under harsh conditions on Castle Island.<sup>73</sup> Hawley agreed that Ely was a dangerous man, but his opinion of Ely did not cloud his ability to understand the larger situation.<sup>74</sup> Like many westerners, Hawley was convinced that government in Boston had no appreciation for conditions in the upper counties. "By all I can learn," Hawley wrote, "... No Ideas of the State of this county have as yet begun to enter the minds of the General Court."<sup>75</sup> Possessing only a limited understanding of western politics, eastern politicians tended to dismiss the significance of shared regional grievances and collective political traditions in the west. To many easterners the seeming confusion of western issues—taxes, debt, paper currency, court costs, and the expense of government—implied isolated grievances seasoned with a healthy dose of self-interest. And the attacks on the courts attested to the political immaturity of the west. To western voters, however, the same issues represented a cohesive set of grievances that pointed to a single source of distress: the legislature and its unwillingness to act in the best interests of the state as a whole.

Convinced that momentum was building for a general insurgency in Hampshire and Berkshire Counties, Hawley continued to press for immediate relief, firing letters to the governor and to his contacts in the legislature. "Dispatch, Dispatch is of infinite consequence," Hawley bellowed, if government hopes to stem the rising suspicions of the people. Whatever it did, Hawley argued, the General Court must consider only non-violent measures that would respond directly to the grievances and demands emanating

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<sup>73</sup> Having made his way to Vermont, Ely was banished on charges of sedition and extradited to Massachusetts, where standing orders existed for his immediate confinement under state authority. Resolution of the House of Representatives, 17 June 1782, *MAC*, 236:511-13. See also: Moody, 114-16.

<sup>74</sup> Joseph Hawley to Caleb Strong, 15 June 1782, *MAC*, 520-3.

<sup>75</sup> Joseph Hawley to Caleb Strong, 24 June, 1782, *JHP*.

from the west. Anything else would only aggravate the situation. A select committee of “Sensible, honest, cool and Patient men” was needed, a committee that could tour Hampshire County, meet with selectmen from the various towns and return to the legislature edified by personal observation of conditions in the west.<sup>76</sup>

The General Court heeded Hawley’s advice, appointing a committee to “enquire into the grounds of their dissatisfaction—to correct misinformations—to remove groundless jealousies—& to . . . engage in indemnity to any who have been guilty of disorderly conduct (except Samuel Ely).”<sup>77</sup> It was a broad charge and the three men appointed to the committee were experienced enough in legislation, law and negotiation to carry out the assignment. Artemas Ward, a lifelong resident of Shrewsbury in Worcester County, was the only committee member who was familiar with the west. It was doubtful, however, how much sympathy Ward, a justice in his own county and a major general in the militia, would show for the methods employed by the protesters. The other members included Samuel Adams, a man of renowned integrity but decreasing empathy for crowd actions in the post-constitutional era, and Nathaniel Gorham, speaker of the House and a key member of the eastern mercantile bloc.

The committee arrived in Hampshire County in July 1782 prepared “to visit all those Towns where Discontent had on any great Degree prevaild.”<sup>78</sup> They got no further than Conway, Samuel Ely’s hometown and the first stop on the tour. In Conway, Adams, Gorham and Ward quickly realized that their mission would fail, if they insisted on interviewing residents individually or in town meetings, since most of the locals deferred

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<sup>76</sup> Ibid.

<sup>77</sup> Report of Joint Committee of the House and Senate, 2 July 1782, *MAC*, 237:168.

<sup>78</sup> Report of the Committee to Hampshire County, 23 September 1782, *MAC*, 237:377-9.

to the county convention as the proper representative for their grievances. The committee reluctantly agreed to attend a hastily called convention of surrounding towns, which was held in Conway on July 29, 1782. Lightly attended, the convention arrived at only one conclusion: that a second, larger convention should be held in Hatfield on August 7.<sup>79</sup>

The call went out and the three committee members joined delegates from forty-four towns in Hatfield for a four day convention. Accounts of this convention, beginning with the first newspaper reports, portray it as conciliatory and noticeably restrained in the presence of Adams, Gorham and Ward.<sup>80</sup> Although they were generally more reserved than their counterparts had been at the earlier conventions in Hadley and Worcester, delegates to the August convention in Hatfield treated the joint committee from the General Court to a healthy measure of western regional resentment. Hampshire County, the delegates argued, shouldered an unfair share of taxes, which resulted from inaccurate valuations submitted by some towns in other (eastern) counties. Added to this was the failure of government to consider "the distance of the County from market."<sup>81</sup> Built into in these statements, was a blatant suggestion of unfair representation in the legislature in comparison with eastern towns, which had been treated more favorably in the recent apportionment of taxes.

The delegates also restated a demand made by the earlier county convention in Worcester requiring an annual public accounting of government expenditures. Finally, the Hampshire convention rejected as unconstitutional the recent suspension of habeas corpus in Hampshire County, which was part of government's larger response to the

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<sup>79</sup> Ibid.: Taylor, *Western Massachusetts in the Revolution*, 119.

<sup>80</sup> *Independent Chronicle*, 29 August 1782: Hall 182-3; Taylor, *Western Massachusetts in the Revolution*, 119-20.

<sup>81</sup> Resolution of the Hampshire County Conventions, 7 August 1782, *MAC*, 237: 380-2.

Samuel Ely affair. With the grievances concluded, the delegates turned their attention to Ely and his supporters, denouncing the recent “disturbances” as the product of misrepresentations and requesting an act of indemnity for all persons involved in the insurgency, with the exception of Ely. The delegates assured the committee that with these conditions met, the county would be at peace and thoroughly prepared to support government and the war effort.<sup>82</sup>

Returning to Boston, the committee members reported a successful mission. But the brief report offered no opinion on the grievances included in the resolution from the Hampshire County convention and it left the legislature blameless. The recent disturbances, the report concluded, were the product of misconceptions that had previously occupied the citizens of Hampshire County, which the committee had successfully eliminated during its meetings with the local representatives.<sup>83</sup> The actual resolution from the Hampshire convention was assigned to a joint committee and then to legislative oblivion. In the end, there was no response to complaints about apportionment of taxes or the demand for government accountability. The legislature did, however, grant a general pardon to all of the insurgents, an action that was already in planning, and they agreed to release Ely for ill health on a bond that guaranteed his good behavior.<sup>84</sup>

“Ely’s Rebellion” ended quietly; and from the perspective of many eastern leaders it ended successfully. But the same issues continued to plague the western counties, as exemplified by an incident in Pittsfield on September 24, 1782, when a small crowd of men led by Enoch Marvin confiscated a pair of oxen from deputy sheriff Polly, which he

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<sup>82</sup> Ibid.

<sup>83</sup> Report of the Committee to Hampshire County, 23 September 1782, *MAC*, 237:377-9.

<sup>84</sup> Hall, 183; Moody, 115-16

had seized from Marvin to satisfy an outstanding debt. Caleb Hyde, the high sheriff of Berkshire County, responded by raising a posse of more than 40 men in nearby Lenox, who proceeded immediately to Pittsfield to secure the oxen and arrest Marvin and his associates. They were intercepted by a crowd of 30 men led by Thomas Lusk, a veteran militia officer.<sup>85</sup>

Conflict was almost unavoidable, since the protestors had already escalated events by using force to obstruct a deputy carrying out a legal court order. As a consequence, Hyde had arrived in Pittsfield prepared to use force as a countermeasure. Added to this was the presence of opposing groups from two different towns, which eliminated the usual restraints that prevented intra-town violence. Unlike the earlier incident in Pittsfield, which had ended with both parties retiring peacefully, this confrontation quickly erupted in a skirmish in which “blows and wounds were given and received on both sides.” Twenty-one conspirators were arrested at the end of the melee, including Lusk.<sup>86</sup>

Hyde’s actions were admittedly heavy handed, but the sheriff’s official report offered a more subtle reading of the incident that belied a simple conflict over a minor debt. Placing the immediate blame on Lusk for fomenting rebellion, Hyde placed the larger blame on government. The lack of regular court sessions, Hyde argued in his report to the legislature, “Causes the people almost to Lose Sight of the Laws by which we are Protected.” Without the courts the government had no regular presence in Berkshire County and this was evident in the response of the conspirators to the trial. Arraigned to appear before the Supreme Court, the conspirators shifted all of the blame to

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<sup>85</sup> Caleb Hyde to [John Hancock or the General Court], 2 October 1782, *MAC*, 237:455-7.

<sup>86</sup> *Massachusetts Spy*, 10 October 1782; Taylor, *Western Massachusetts in the Revolution*, 120.

Lusk and begged for forgiveness. They quickly reversed their position when they learned that the court would be delayed, interpreting the overdue trial as a sign of weakness on the part of government, at which point, according to Sheriff Hyde, "many circumstances of insolence took place."<sup>87</sup>

The wheels of justice in Berkshire County were indeed slow and the conspirators did not appear for sentencing until October 1783, more than a year after their initial arrest. Brought before the imposing figure of Justice David Sewall, the defendants dropped their swagger and did what was expected of them, pleading for suspension of sentence to allow them enough time to prove their repentance by good behavior. In the meantime, Thomas Lusk, the principal leader, had somehow secured a statute pardon from Governor John Hancock, which annoyed Sewall and Hyde to no end. Sewall did not contest Hancock's right to grant the pardon; but he worried about the precedent these pardons would set and he insisted that the governor consult with the Supreme Court before doing so. "To deny them an Opportunity of applying [for pardon]," Sewall argued, "would Savour of Partiality: And to grant it, would ... be opening a door for continual application in the future."<sup>88</sup>

The battle over the Pittsfield oxen ended quietly, with most of the activists, including the leader, returning to their homes and farms, having made public penitence, but having spent little or no time in jail. David Sewall questioned the precedent set at the conclusion of the case with an eye on statewide developments. Numerous political actions with limited goals similar to the oxen incident in Pittsfield occurred in Worcester,

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<sup>87</sup> Caleb Hyde to [John Hancock or the General Court], 2 October 1782, *MAC*, 237:455-7.

<sup>88</sup> David Sewall to Samuel Adams, 15 October 1783, *SAP*.

Hampshire, Bristol and Middlesex Counties between 1781 and 1783.<sup>89</sup> Individually, each action was of little significance; taken as a whole they reflected a noticeable pattern and this concerned Sewall. The general community might marshal its forces to defend the targets of political activism and they were likely to censure any action that suggested potential violence or destruction of property. But local activists could expect broad support from the same community for pardons or light sentences, if their underlying demands reflected those of the majority. Under these circumstances, favorable treatment from the courts was likely even when violence was threatened, as long as force was scrupulously avoided.

Based on the most recent incident, leaders of crowd actions could also expect reasonable treatment, including recognized radicals like Samuel Ely and Justus Wright. As a recent migrant to Hampshire County and a failed minister, Ely evoked less sympathy in the general community than did most protestors. Despite this, Ely did receive community support for a lenient sentence during his initial trial and he successfully petitioned for a pardon from the governor on the basis of a personal guarantee of good behavior. Justus Wright was in a similar situation, having distinguished himself by leading a second jail break in 1782 to release Samuel Wells, who was being held on charges of perjury that were related to the case against Ely. Two towns came to his aid, however, petitioning the General Court for leniency and indemnity, which the petitioners argued would significantly reduce tensions in the county.<sup>90</sup>

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<sup>89</sup> Hall, 185-7.

<sup>90</sup> Taylor, *Western Massachusetts in the Revolution*, 121

The pattern of protest, peaceful withdrawal, public support for indemnities, and judicial restraint, which resulted in light sentences and pardons, reinforced the quasi-legitimacy, or at the very least the limited risk, of direct public action against unpopular regulations and legislative inattention to popular petitions. This pattern became an integral element of western political culture, blending with earlier political experiences. It was broadly diffused by highly visible protests and county conventions, which also made good copy for the small but influential network of western newspapers. Availability of newspapers in western Massachusetts had increased significantly by 1782 to include the *Massachusetts Spy* in Worcester and the *Massachusetts Gazette* in Springfield along with newspapers delivered by riders from Boston, Hartford and Providence. Reports concerning political actions and public assemblies in these and other newspapers reinforced a shared set of grievances and shared political institutions, as did the petitions that continued to flood the legislature demanding redress for a variety of grievances.

Western political activism subsided just as suddenly as it had erupted. Local political actions and county conventions which had boiled a year earlier, simmered after 1783. Conventions met twice in Suffolk and once each in Worcester, Hampshire and Bristol counties in 1784, focusing on accountability of government, tariffs, currency and commutation.<sup>91</sup> The slowing of western activism gave the appearance of growing conservatism in the west, but the general moderation of political activism in the west between after 1783 resulted from a variety of factors, including statewide optimism over the announcement of peace and the resumption of trade with Britain. Imports arrived at a

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<sup>91</sup> Brooke, *The Heart of the Commonwealth*, 207-8; Hall, 183-4.

steady rate, underwritten by generous credit with liberal payment terms. Added to this was a good harvest in the west that confirmed the optimistic outlook of western farmers, speculators and creditors, at least for the moment. The General Court followed by decreasing the tax burden in 1784 and 1785, adding some limited reforms that reduced the cost of debt litigation and the potential for property seizure.<sup>92</sup> Some credit should also go to good judgment on the part of justices like Joseph Hawley and David Sewall, who cooled the trend toward western activism by avoiding harsh sentences.

The suspension of political protests in the upper counties did not temper eastern criticism of western politics following the Ely affair and the conflicts in Pittsfield. This criticism took a number of different paths, including legislative reprisals against newly elected representatives from the west. A caucus of eastern representatives challenged the credentials of Silas Fowler, the newly elected representative from Southwick for the 1783-1784 term, claiming that he had been "a principal agent in exciting and promoting disturbances which had lately taken place in the county of Hampshire, and, that he had said, 'that he would spend his life and fortune but law should be suspended in the county of Hampshire, till they had a redress of grievances.'" A lengthy debate erupted pitting the eastern political leadership against a coalition of western representatives. In the end, Fowler's claim to his seat was upheld by a general vote of the House of Representatives.<sup>93</sup>

Unperturbed, the eastern leadership initiated a similar action against John Williams, the newly elected representative from Deerfield (Hampshire County), charging

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<sup>92</sup> Handlin, *Commonwealth*, 42; Taylor, *Western Massachusetts in the Revolution*, 125-7.

<sup>93</sup> Luther S. Cushing, *Reports of Controverted Elections in the House of Representatives of the Commonwealth of Massachusetts, from 1780 to 1852* (Boston: White & Potter, 1853), 9.

him with loyalism. The charge dated back to an incident in 1781, when Williams had joined in a resolution issued by the Deerfield town meeting instructing the local representative to promote tax relief and a speedy peace with Britain. Williams and two other town leaders, Jonathan Ashley and Seth Catlin, were declared dangerous persons and charged with sedition as a direct result of the petition. The implication was that Williams, Ashley and Catlin, who were known in the 1770s as borderline tories or fence-sitting patriots, were still acting as agents of the British in 1781, an accusation that was commonly used to color western political activism in general.<sup>94</sup> The three men were held in prison under relatively harsh conditions for over a month without benefit of habeas corpus, which the legislature had selectively suspended as a response to popular protests in the west. Williams, Ashley and Catlin were eventually released after numerous petitions to the governor, but they continued to carry the taint of sedition.<sup>95</sup>

Williams did not surrender easily, however, denouncing the suspension of habeas corpus as an unconstitutional attempt to restrict freedom of speech and assembly. He was supported in this endeavor by numerous town meetings and county conventions in the west, including the Hampshire County convention that met in August 1782 for the benefit of the joint committee from the General Court. It was obvious, however, after the August tour of the joint committee that the House and Senate placed little value on western resolutions. The legislature's subsequent actions demonstrated even less concern for the electoral rights of western voters. The House denied Williams his seat by a vote of 60-43, ignoring the sanctity of the electorate and the town meeting. Ordered to hold a new

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<sup>94</sup> "From many circumstances it appears highly probable," one news report claimed in 1782, "that the insurrections against the Courts in the counties of Berkshire and Hampshire have been excited and fomented by the disaffected tories in those parts." *Massachusetts Spy*, 23 May 1782.

<sup>95</sup> Cushing, 10-11. See also: Pynchon, *Diary*, 89-92.

election. Deerfield voted for Williams again in a ballot that was one vote shy of unanimity; and he was again excluded from his seat on the basis of the earlier disqualification. Williams dissuaded the town from persisting in its attempts to seat him, accepting exclusion from the House of Representatives, at least for the moment. But the voters expressed their resentment in the instructions they gave Williams' replacement, aiming their criticism at specific members of the House who they believed had engineered Williams' expulsion.<sup>96</sup>

The case against Williams was in a larger sense a case against the west in general. William Pynchon, a Salem merchant who was friendly with Williams, was convinced that the arrest of Williams, Ashley and Catlin, like the act suspending habeas corpus, was intended as a general warning to "any towns or persons [that] shall dare instruct their representatives as Deerfield hath done, or be guilty of speaking or [think]ing too loud against either wind or tide of politics."<sup>97</sup> Selective actions, like the ones taken against Silas Fowler and John Williams, were part of a larger campaign against western politics that drew some of its strength from a strong anti-country bias.

This bias emerged in large measure from the longstanding east-west dispute over the distribution of political power and the more recent entry of western farmers into the commercial economy. But the anti-country bias was also heightened by unfavorable comparisons of western farmers against an eastern idealization of the yeoman farmer as the archetypal figure of American republicanism. In the disorder and tension of the Revolution, the gentry in eastern Massachusetts had been swept up in a rush to establish

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<sup>96</sup> Williams was returned to the House in 1785, but by this time the courts had cleared him and he was permitted to hold his seat. Cushing, 11, 19-20; Pynchon, *Diary* (27 April 1782 and 8-10 August 1783), 92, 158-9.

<sup>97</sup> Pynchon, *Diary* (24 February 1781), 88.

tidy, scientifically managed farms as a way of occupying their time, easing the burdens of public service and private gain, and testing their theories on cultivation and husbandry. "A Charming Enthusiasm is prevailing for Agriculture," James Warren wrote in early 1786.<sup>98</sup> These enthusiasts included James Bowdoin, an amateur scientist and horticulturalist, and Warren himself, a commercial farmer from Plymouth, a lawyer and a key member of the colonial and state governments.<sup>99</sup> In the midst of the Revolution, with his time fully occupied by official duties, Warren immersed himself in the most recent books on agriculture and husbandry and he filled his letters to John Adams, who shared the same enthusiasm from a distance, with his views on farming. Warren's dream, and his constant threat when his political ambitions went sour, was to retire to the idyllic and orderly life of his model farm in Milton, Massachusetts.<sup>100</sup>

Warren was entitled to his fantasy, but his views on the agrarian lifestyle, which he shared with many other gentlemen farmers, created a false comparison between an idealized yeomanry steeped in science and republicanism, and the real experience of farming for subsistence and market in the western countryside. The growing commercialism of farming, more noticeable in 1780s than it had been at the beginning of the Revolution, added significantly to the critique of the western farmer. Speculation and gain, the mainstays of the eastern commercial economy, suddenly assumed an air of unlawfulness when they were adopted by western farmers, creating a double standard in which farmers were expected to exercise more economic morality than were eastern

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<sup>98</sup> James Warren to John Adams, 30 April 1786, (Milton), *WAL*, 2: 273.

<sup>99</sup> For a more thorough discussion of farming and the Boston gentry, see: Tamara Plakins Thornton, *Cultivating Gentlemen: The Meaning of Life among the Boston Elite, 1785-1860* (New Haven: Yale University Press, 1989).

<sup>100</sup> James Warren to John Adams, 19 December 1774 and 7 June 1778; Abigail Adams to Mercy Otis Warren, 5 September 1784, *WAL*, 1:35 and 2:19-20; Mercy Otis Warren to Abigail Adams, 30 April 1785, *Adams Family Correspondence*, 6: 115.

merchants and speculators. "Where will the Poor find Pity," one editorial asked, "if not in the City? The Country People shew but little, for they will as soon take a Basket of Coal as the reasonable Price."<sup>101</sup> Suspicion also bred paranoia, as evidenced by a notice in the March 27, 1780 edition of the *Boston Gazette* warning against a country plot to monopolize salt at the expense of the maritime towns. Not only would this invidious speculation raise the price of salt, the author announced, it would allow farmers to preserve and thereby hoard meat that would otherwise be sold fresh at lower prices.<sup>102</sup>

Fueled by economic self-interest and misinterpretation, the anti-country bias pervaded eastern political rhetoric, influencing the opinions of many ordinary eastern voters. In an open letter published immediately after the Concord convention in 1779, a committee of influential eastern merchants felt no reluctance admonishing western farmers for their grubby profiteering, and denouncing western county conventions for setting wholesale prices that exceeded those fixed by the Boston town government.<sup>103</sup> In turn, the anti-country bias added to eastern criticism of county conventions. Yet many of these same critics argued that the people's right to assemble and to monitor and criticize government was inviolable.

Public critique of elected officials had no greater champion than Samuel Adams. "There is no Restraint," he wrote in 1781, "like the pervading Eye of the virtuous Citizens."

I hope therefore, our countrymen will constantly exercise that Right which the meanest Citizen is intitled to, of which is particularly secured to them by our happy Constitution, of inquiring freely but decently into the Conduct of publick Servants. The very Being of the Common wealth may depend upon it.<sup>104</sup>

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<sup>101</sup> *Boston Gazette*, 7 February 1780.

<sup>102</sup> *Ibid.*, 27 March 1780. See also: *Massachusetts Centinel*, 1 December 1784, 12 February 1785.

<sup>103</sup> *Massachusetts Spy*, 2 September 1779.

<sup>104</sup> Samuel Adams, Draft of an editorial sent to Benjamin Edes (*Boston Gazette*), 27 March 1781, *SAP*.

Adams did not, however, recognize public assemblies and, in particular, county conventions as legitimate institutions for the expression of public opinion. "County Conventions and publick Committees," Adams admitted, "servd an excellent Purpose when they were first in Practice." But, he concluded, "as we now have constitutional & regular Government ... we are safe without them" and the people should place their trust completely and exclusively in town government and annual statewide elections.<sup>105</sup>

At the very least, Samuel Adams was consistent when it came to political assemblies, whether they originated in western Massachusetts or in his beloved Boston. If popular assemblies tended toward anarchy, Adams was firmly convinced that private assemblies were the harbingers of aristocracy. Accordingly, he deftly avoided active participation in the anti-Hancock faction, in part, because he remained friendly toward the Governor, but largely because he distrusted political alliances of any kind.<sup>106</sup> In similar measure, the Tea Assembly irritated Adams in 1785, not only as a bastion of luxury but also as a gathering place for privilege and self-interest. Adams was even more vehement in his denunciation of the Society of Cincinnati, an organization of former army officers who had served under George Washington. He was convinced that the organization was nothing less than a private cabal to establish a hereditary nobility based on military service. "I confess I do not barely dislike the order," Adams wrote Elbridge Gerry. "[W]ith you I think it dangerous & look upon it with the Eye of Jealousy."<sup>107</sup>

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<sup>105</sup> Samuel Adams to Noah Webster, 30 April 1784, *Writings of Samuel Adams*, 4:303-6.

<sup>106</sup> Samuel Adams to James Warren, 1 January 1781, *Warren-Adams Papers*.

<sup>107</sup> Samuel Adams to Elbridge Gerry, 19 April 1784, *Writings of Samuel Adams*, 4: 298-9. See also: Samuel Adams to Elbridge Gerry, 24 August 1785; Elbridge Gerry to Samuel Adams, 5 September 1785, *SAP*; Elbridge Gerry to Samuel Adams, 30 September 1785, *SAP*.

Other opponents and critics of the county conventions were not as evenhanded as Adams, admitting to no inconsistency between their denunciation of county conventions and their own memberships in legislative political factions, merchants' associations, private academic clubs, and social and fraternal societies, like the Masons and the Order of the Cincinnati. Many merchants, for example, actively supported the trade and pricing convention held at Concord in July 1779, which, like the county conventions that preceded it, met as an extra-institutional, statewide body with no specific charter from the legislature.<sup>108</sup> Yet they denounced western conventions as anachronistic, unconstitutional and potentially undemocratic. County conventions, one editorialist argued, were beneficial in the interregnum between British rule and constitutional government, but they have now become a danger to the stability of the state.<sup>109</sup> A second editorial questioned the western interpretation of the right to assemble as a constitutional sanction for county conventions. This right, the editorialist argued, was limited to attempts on the part of government to seize power and govern in an unconstitutional manner. "[T]hen the people being without other remedy might, and ought to assemble, not to act under the present form of government, for it would then be destroyed, but to pull down the tyranny, and begin a new government."<sup>110</sup>

Although public assemblies were barely active after 1783, the call for a county convention in Worcester in early 1784 was met by rabid criticism from eastern politicians

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<sup>108</sup> The delegates to the Concord convention included three prominent eastern merchants, Stephen Higginson, Ellis Gray and Nathaniel Gorham along with David Bigelow, a leading figure in the western convention movement. The convention also received broad support from most major towns in the eastern counties and in Hampshire and Worcester Counties in the west. *Boston Gazette*, 2 August 1779; *Massachusetts Spy*, 5 November 1779; Committee of Safety for Hadley to Committee of Safety for Northampton, 12 August 1779, *JHP*.

<sup>109</sup> *Massachusetts Spy*, 22 March 1781.

<sup>110</sup> *Ibid.*, 28 March 1782.

and their principal allies in the west, even though the petition included as grievances the need to make good on commutation pay for officers and the demand for congressional authority to levy taxes. These proposals not only promised to raise taxes in the west, they supported the political agenda of many eastern politicians. Despite this, the Worcester convention met a stiff wall of resistance in an environment that was doubly hostile to public assemblies. Politicians with centralist leanings favored commutation and congressional authority to tax, but they had no tolerance for grievances, petitions and local public assemblies and little patience for state solutions to the pressing problems of independence. Benjamin Lincoln, a prominent eastern landowner whose empathy for the west had earned him significant support at the polls during gubernatorial elections, argued that public credit at the national level was more important than any measure pending at the state and local levels, even if “this doctrine shuts the door of the General Court of the Massachusetts, against the memorials of many of her injured, and unfortunate inhabitants.”<sup>111</sup> “Public credit,” Joseph Henderson argued in letter to William Cushing, “is essential to the safety of every Government.” For this reason, everything must be done to suppress extralegal assemblies and to eliminate the causes of public disturbances, which are invariably antagonistic to public credit.<sup>112</sup>

The town of Sutton, which originated the call for convention, bore the brunt of this criticism, standing accused of “exciting disturbances and discontent—weakening the hands of government, and bringing the laws into contempt.” In contrast, the town of Shrewsbury, the hometown of Artemas Ward, a well-known opponent of conventions, was praised as a “respectable town” because it publicly rejected Sutton’s call for

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<sup>111</sup> Benjamin Lincoln to Artemas Ward, 13 September 1782, *AWP*.

<sup>112</sup> Joseph Henderson to William Cushing, [?] 1784, *William Cushing Papers*.

convention. Towns and individuals have the right to petition, one critic explained, but it was unconstitutional “for a town to traverse the county by messengers, or circular letters, and form alliances and combinations with other towns, to make head against the General Court.”<sup>113</sup> Sutton’s call for a convention also compared poorly in the east against the example set by the Boston town meeting. Quashing a similar call for a convention in Suffolk County to discuss the same issues, Boston denounced county conventions as unnecessary, unconstitutional and destabilizing. They were the product of a “few restless spirits,” the town meeting argued, who “induce the people at large, by County Meetings and irregular Assemblies, to raise such commotions, as might eventually overturn the Constitution, and again leave us a prey to foreign power, or what is worse, intestine [civil] convulsion.”<sup>114</sup>

The anti-convention critique did not, however, deaden interest in county conventions, which showed signs of reawakening in 1785, not only in the west, but in areas that had remained largely aloof from the convention movement. Never a bastion of conventions or political activism, Maine turned to public assemblies in 1785 when statehood loomed as the most judicious alternative to legislative inattention. “Our Fellow Citizens here,” Daniel Davis wrote from Falmouth, Maine, “are infatuated with the Idea of Independence.”<sup>115</sup> The plan afoot, Davis revealed, was for a convention of delegates from the towns in every county to act on the proposal for statehood.<sup>116</sup>

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<sup>113</sup> *Massachusetts Spy*, 18, 25 March 1784.

<sup>114</sup> *Ibid.*, 25 March 1784. The italics that appear in the original version have been omitted for readability. The author’s use of “intestine” as a reference to civil or internal strife was an appropriate usage in the late eighteenth century. It is unclear, however, whether or not the author intended this as a satiric comment.

<sup>115</sup> Daniel Davis to J. Freeman, 18 September 1785, *SFP II*.

<sup>116</sup> Broadside, Convention of towns in the Counties of York, Cumberland and Lincoln, January 1786 [microform], *American Antiquarian Society*.

The first formal county convention would not meet in Maine until early 1786, but plans for a cross-county convention in Maine caused more than one eastern politician to consider the possibility of cross-county alliances throughout Massachusetts. A proposal had, in fact, been made to establish regular sessions for conventions in every county as a possible alternative for costly representation in the legislature. One anti-convention critic denounced the proposal as unreasonable and unlawful. “for how can *unconstitutional parts* make a *constitutional whole*”<sup>117</sup> Nothing came of the plan, but the fear of cross-county alliances and statewide conventions demonstrated how much the thinking on conventions had come full circle after a decade of experience with public assemblies and how far the eastern and western political cultures had diverged.

Seen as the agents of stability in the west during the chaotic days of the early revolutionary era, conventions had become the *bête noir* of eastern politicians and critics. But they had also become a major facet of western political culture. Western voters no longer saw county conventions as stopgaps in a vacuum of legitimate government. In western Massachusetts these county conventions embodied a sense of permanence, possessed considerable potential as an organizing force for western politics and were significantly more successful from an institutional perspective than many historians have allowed.<sup>118</sup> During the early 1780s, county conventions offered a realistic alternative to individual and town petitions for ordinary voters who had no other means of collective expression short of physical action, an alternative that did not readily appeal to most

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<sup>117</sup> *Boston Gazette*, 10 April 1785.

<sup>118</sup> Van Beck Hall, for example, credits the county conventions with creating political programs that brought towns together. But he faults the conventions for failing to create a statewide list of candidates and for failing to integrate their demands. Hall concludes accordingly that: “The convention movement, unfortunately, was singularly ineffectual.” In a similar vein, John Brooke argues that the Worcester County conventions were on shaky ground throughout the 1780s. See: Hall, 74, 179; Brooke, *The Heart of the Commonwealth*, 200.

voters in the west. County conventions also served as a public forum for issues that were crucial to western interests and more often than not they produced clearly worded resolutions that placed the western voters at odds with the eastern-dominated legislature. Accordingly, the effectiveness of the county conventions should not be measured by comparisons with later day political parties or with legislation gained or influenced. A better measure of their effectiveness can be found in the solid wall of resistance they met from the eastern political leadership and the equally solid base of support they had among western voters.

Conventions, however, did not reflect the limits of western political culture. Town petitions continued to serve as a mainstay for grievances. In many cases, these petitions had jettisoned the deferential verbiage of their colonial antecedents, adopting in their place aggressive and authoritative language that was replete with revolutionary imagery and constitutional references. But the eastern political leadership gave too little credence to the grievances emanating from western town meetings, even though the signs of surging dissatisfaction were readily visible. Furthermore, they provided no tangible sign of change. Instead the eastern leadership focused on internecine political conflicts, placing far too much confidence in the temporary tranquility of the postwar years, while they promoted electoral politics as the exclusive route to long-term change. In the interim, voter turnout for the annual gubernatorial elections, which had been dropping steadily in the western counties since the first election in 1780, continued to fall in 1785, serving as a harbinger of building animosity.<sup>119</sup>

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<sup>119</sup> Reports of Elections for Governor and Lieutenant Governor, 1780-1785, Massachusetts Archives.

To Samuel Adams' unending disgust, westerners did not view voting as a viable control on government. Many ordinary voters, like those in Pittsfield and Northampton, preferred political actions to voting as a means of expressing frustration with government. This too had become an important facet of western political culture. Although they acted locally and drew on prior experience with crowd actions, these political actions were far removed from the mobs and crowds of the colonial and early revolutionary eras. Drawing on their earlier experience with crowds, western activists also borrowed on the declaration of rights and the political tradition of the committees of correspondence and safety and the county conventions for direction and legitimacy. Governmental and judicial restraints on punishment, on the other hand, created a false impression of limited state authority. Official leniency was not the product of limits on power, as some of the protestors might have imagined: it was the product of intervention on the part of influential citizens, who interceded on behalf of the protestors to urge restraint from judges and government.

The pool of sympathetic men in government, which was shallow to begin with, was quickly drying up. The election of 1785, largely ignored in Worcester and Hampshire Counties by voters who opposed the government in Boston, placed James Bowdoin in the governor's chair, a man who could easily be described as the ultimate eastern politician and a leading member of the eastern commercial community. His predecessor, John Hancock, was no less interested in mercantile concerns and he had actively supported most of the legislation that western voters found objectionable. As governor, Hancock had pushed for Samuel Ely's punishment and he had signed the arrest warrant for John Williams. But Hancock continued to appeal to western voters, who sent

many of their petitions directly to his attention. He also demonstrated an uncanny sense for mollifying tensions, as exemplified by the timely application of leniency in the case of Samuel Ely. Bowdoin, on the other hand, whose authority in the state legislature had never been seriously challenged, accepted the governor's seat with less than a popular majority when postwar optimism and faith in government were rapidly fading. "In the meantime," Mercy Warren observed, "the exertions and the resolves of the legislative body, with a view of relieving the public distresses, only increased the discontents of the people."<sup>120</sup>

As 1785 came to a close, the list of issues deferred or otherwise delayed by the legislature had grown to include numerous broad demands, like the valuation of paper currency, tax relief, accountability of government, restoration of public credit, statehood in Maine, court reform and equitable trade with Britain. The legislature, viewed as delinquent by many voters, shifted the blame to the public and, in particular, to the never-ending list of complaints and objections that emanated from western conventions. But the consequences of legislative deadlock over the economy were obvious in the rising crime rate and mounting defaults. Faced with increasing numbers of counterfeiters, smugglers and debtors, Worcester's selectmen struggled unsuccessfully to gain legislative approval for a new jail.<sup>121</sup> Instead of addressing immediate needs like the Worcester jail or, more to the point, the underlying causes of debt and crime, the legislature busied itself passing ordinances regulating the sale of alewives and oysters.

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<sup>120</sup> Mercy Warren, *History*, 2:653.

<sup>121</sup> For commentary and reports on forgery and the need for a new jail in Worcester, see: *Massachusetts Spy*, 23 June, 7 July 1785; *Salem Gazette*, 17 May, 18 October 1785; *Plymouth Journal*, 31 May, 11 October 1785.

“What then have they done.” one frustrated western editorialist asked rhetorically?<sup>122</sup> A growing number of westerners had a ready answer: regulation of government offered a surer cure for the discontents of the people than did the regulation of seafood or the building of jails.

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<sup>122</sup> *Massachusetts Spy*, 14 December 1785.

## CHAPTER 5

## THIS INCENDIARY AND TURBULENT SET OF PEOPLE

"I was one of the unhappy fools." Thomas Weeks wrote bitterly in 1785. "that was induced to Take up arms & go to war. and Continued in the war for some years untill that, together with a paper medium or Currency proved the ruin of my Small Estate."<sup>1</sup> Weeks, a Hampshire County farmer, veteran of Lexington and Bunker Hill and former delegate to the Massachusetts constitutional convention, had fallen victim to the postwar depression. Many Hampshiremen were in a similar situation: desperate for economic relief and so disillusioned at government that they stayed away from the polls in staggering numbers. Having declined steadily since the first gubernatorial election in 1780, voter turnout in Hampshire County had dropped by nearly 48 percent in 1785 during a tightly contested election.<sup>2</sup>

Declining voter turnout in 1785 did not suggest declining interest in politics, however. Debates over government and constitution that had been building since 1774 continued to swell, emerging in 1786 as an open clash of political cultures. With the

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<sup>1</sup> Thomas Weeks to John Worthington, 7 February 1785. *Dwight-Howard Papers*, Massachusetts Historical Society, Boston, MA: Commonwealth of Massachusetts, *Massachusetts Soldiers and Sailors of the Revolutionary War*, 17 vols. (Boston: Wright & Potter Printing Co., 1896-1908), 16:798.

<sup>2</sup> Voter turnout for the gubernatorial elections in Hampshire County showed a steady decline in total ballots cast from 1780 to 1785: 1601 (1780); 1443 (1781); 1103 (1784); 829 (1785). Totals by county or town did not survive for the gubernatorial elections of 1782 and 1783. *Results of Elections for Governor and Lieutenant Governor, 1780-1785 (House of Representatives)*, Massachusetts Archives.

eastern political leadership resolutely in control of the legislative and executive branches, western voters turned once again to committees, county conventions, petitions and demonstrations to press their demands. In 1786, however, many westerners escalated their demands to include constitutional reform and some of these same men, drawing on the western political tradition, broadened the field of protest, bringing the clash of political cultures into sharp relief.

The men who followed Daniel Shays, Luke Day, Adam Wheeler, Reuben Dickinson, Luke Drury and Job Shattuck styled themselves "Regulators," a designation that was inspired, in part, by earlier movements in the Carolinas.<sup>3</sup> Popularized in the Boston press and villainized by Massachusetts loyalists, the North Carolina Regulators made demands and employed tactics that were strikingly similar to those of the early committees of correspondence and county conventions in western Massachusetts.<sup>4</sup> Both movements rallied support among ordinary citizens, and both movements challenged the authority of the local and county gentry, pressing their grievances through petitions, court obstructions and armed resistance to government.<sup>5</sup> But the similarity between the two movements ended with the onset of the American Revolution. Unlike the Regulators in

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<sup>3</sup> The Regulation in North Carolina was active between 1768 and 1771. During this time the leadership of the movement referred to themselves as a "Committee of the Regulators". See: Regulators to William Tryon and the Council, [21 May 1768], William S. Powell, ed., *The Correspondence of William Tryon*, 2 vols. (Raleigh: Department of Cultural Resources, 1981), 2:113-20. See Chapter 1 for additional citations on the terms Regulator and Regulation. For a detailed description of the North Carolina Regulations, see: Marvin L. Michael Kay, "The North Carolina Regulation, 1766-1776: A Class Conflict," in Alfred F. Young, *The American Revolution: Explorations in the History of American Radicalism* (Dekalb, IL: Northern Illinois University Press, 1976): 71-123; Countryman, 79-83.

<sup>4</sup> *Massachusetts Spy*, 27 June 1771; *Boston Gazette*, 9 September 1771; Thomas Hutchinson to William Tryon, 24 August 1771, *Correspondence of William Tryon*, 2:780-1, 813, 830-31; Oliver Morton Dickerson, ed., *Boston under Military Rule, 1768-1769* (Boston: Mount Vernon Press, 1936), 29, 60. Pauline Maier provides additional citations for pro-Regulator editorials in the *Massachusetts Spy* and *Boston Gazette*. "Gradually," she argues, "the Regulators emerged as a paradigm of the entire American resistance movement." Pauline Maier, *From Resistance to Revolution: Colonial Radicals and the Development of American Opposition to Britain, 1765-1776* (New York: Alfred A. Knopf, 1972), 195-7.

<sup>5</sup> Samuel Spencer to William Tryon, 28 April 1768, 2:90-4; Articles of Association and Oath of the Regulators, *Correspondence of William Tryon*, 2:90-5.

the Carolinas. committees and conventions in western Massachusetts emerged as a primary force in the war against Britain and the struggle for a new constitution. The Regulation that followed in 1786 saw itself in this same light, as a movement to reform an intransigent government that was not fulfilling the promise of the American Revolution.

As a reform movement, the Regulators found a strong base of support in western Massachusetts for the goals they espoused, if not for the methods they employed. Other contemporaries, particularly those in the east, rejected the Regulators as reformers, labeling them insurgents, rebels or anarchists. "The ignorance of this incendiary and turbulent set of people," Mercy Warren wrote, "might lead them to a justification of their own measures, from recurrence to transactions in some degree similar in the early opposition to British government. They had neither the information, nor the sagacity to discern the different grounds of complaint."<sup>6</sup> Both sides in this clash of political cultures saw themselves as keepers of the Revolutionary trust. But neither the supporters nor the opponents of the Regulation identified the participants as revolutionaries; and neither side saw the battle as a struggle to impose or preserve an economic or social worldview. The revolutionary and agrarian-populist identities of the Regulators (or Shaysites) are products of historiography and not history.<sup>7</sup> The Regulators advanced no revolutionary agenda or strategy of their own. What made the events of 1786 and 1787 so threatening was not the likelihood of rebellion or civil war, but the possibility of broader unity across

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<sup>6</sup> Mercy Warren, *History*, 2:651-2.

<sup>7</sup> An example of the revolutionary thesis can be found in Minot; the agrarian thesis is most fully articulated by Szatmary. For a more comprehensive summary of the historiography on Shays' Rebellion see: Robert A. Gross, "White Hats and Hemlocks: Daniel Shays and the Legacy of Revolution," in Ronald Hoffman and Peter J. Albert, eds., *The Transforming Hand of Revolution: Reconsidering the American Revolution as a Social Movement* (Charlottesville: The University Press of Virginia, 1995), 286-345.

county and regional boundaries for the regulation of government and constitutional reform.

Prior to 1786, the eastern political leadership could count on control of state government, lack of unity in the west, and east-west animosity to disarm demands for governmental and constitutional reform. But these controls were rapidly dissolving in the face of an expanding market, improvements in communications and the continued presence of popular assemblies in the west. Opposition to government, which had been confined in earlier times to the legislature and the private spaces of influential men, had become public domain. Led by Governor James Bowdoin, who had barely won the 1785 election, the eastern political leadership reacted to diminishing control over government and surging pressure for increased democracy by resisting all demands for governmental reform, and by declaring illegal all public assemblies that opposed government. Western political activists persisted, however, and the contest of political cultures that had been sparking since the mid-1770s, exploded into full-fledged conflict when the government initiated a military campaign to suppress and eliminate the Regulators and with them the county conventions and political actions that formed the foundation for western political culture.

After more than a decade of debate, the General Court had done little to resolve either the immediate or the long-term economic concerns of Revolutionary Massachusetts. By 1785, confidence in the economy had faded even among the most optimistic merchants and speculators, who bemoaned declining support from foreign creditors and investors. Toward the bottom of the economic hierarchy, the convergence

of debt, devaluing paper currency and increasingly aggressive efforts at collection had thoroughly weakened the position of ordinary men like Thomas Weeks. The early years of the Revolution had been kind to Weeks, elevating him from political obscurity to important positions of responsibility as chairman of a county convention, delegate to the 1779 constitutional convention and lieutenant in the militia.<sup>8</sup> The postwar period offered a dramatically different experience for Weeks. Instead of glory and rewards at the end of the war, Weeks found himself in debt to John Worthington, the very man he had worked to unseat. Censured by the local committee of correspondence for loyalism, Worthington had emerged from the Revolution a successful and wealthy landowner. Weeks, on the other hand, watched as the few small debts he owed Worthington at the beginning of the war grew burdensome with unpaid interest.<sup>9</sup>

Admitting to his debt, Weeks arranged to sell his farm property in Greenwich, but the sale fell through when Worthington refused to accept paper currency. The “paper medium,” Weeks learned to his dismay, “was Dead, Dead, Dead,” devalued and no longer legal for payment of debts. A second sale was arranged with Lemuel Bannister, who agreed to purchase the land in exchange for Weeks’ debts, which Bannister would assume as his share of the sale. Caught in the same trap, Bannister was forced to sell the land at a loss, without satisfying the original debts, leaving Weeks in the middle, devoid of land or cash, and with constant demands for payment from Worthington, who showed no leniency. Accusing him of secreting money with Bannister to avoid paying his debts, Worthington forced Weeks into court. The court appearance, which cost Weeks time from his labors, only succeeded in adding legal fees to his mounting debt. “My family

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<sup>8</sup> Resolution of Western Hampshire County to Northampton Committee of Safety, 30 March 1779. *JHP*; Schutz, 373–4; *Massachusetts Soldiers and Sailors of the Revolutionary War*, 16:798.

<sup>9</sup> Thomas Weeks to John Worthington, 7 February 1785, *Dwight-Howard Papers*.

has not a Cow for Twelve months.” Weeks protested in outrage. “[and] my Debts tho. Small at first have become great, by Rich men’s oppressing the Poor, by Taking Compound Interest while thy Cant pay the Simple.”<sup>10</sup>

Other western farmers may have held similar sentiments, but they were not as outspoken or “class” conscious as Weeks, treating the rising frequency and cost of debt litigation as one of many problems with government and not as a pressing social issue. Their grievances were, however, equally scathing. A lengthy petition from the town meeting in Northampton, drafted by Joseph Hawley in January 1783, challenged the constitutional foundation of the Massachusetts court system, demanding elimination of all lower courts, which the petitioners argued would help remedy the inexcusably high costs of litigation.<sup>11</sup> Hawley, a longstanding advocate of court reform, was also the principal sponsor of a movement for a second court to be located in Northampton, which would improve accessibility and reduce costs for residents in the northern portion of Hampshire County. Hawley’s petition, like many others, languished in the legislature, but the issue of distance to the courts did not subside in the western counties.

Two years later, five towns in northern Hampshire County joined eight other towns in northern Worcester County in a second petition demanding the formation of a new county, with its own seat and its own court. The petitioners argued that centralized courts burdened residents in the northern portion of the counties with unnecessary expenses in time and travel to Springfield and Worcester, the respective county seats.<sup>12</sup> But the demand for a new county went well beyond the need for shortened distances to the courts. Voters in the northern regions of Worcester and Hampshire were also seeking

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<sup>10</sup> *Ibid.*

<sup>11</sup> Draft of Northampton Petition to the General Court, [?] January 1783, *JHP*.

<sup>12</sup> *Massachusetts Spy*, 21 April 1785.

a measure of political autonomy from more conservative political leaders in the southern portion of the county. The petition for a new county failed in the House of Representatives (a similar plan would succeed 26 years later). The earlier petition from Northampton calling for a second court in Hampshire County finally cleared the legislative committee system in March 1786, with the committee reporting in favor. But the demand for a new court went unanswered when the House postponed further action until the next session.<sup>13</sup>

Petitions demanding court reform and, in particular, reductions in the cost of debt litigation reflected the most immediate consequence of rising debt. Rural voters, especially those in more recently settled and less developed areas, also pressed for broader economic reforms, including stabilization of currency and deferral of taxes. Dissatisfied with their appraisal and with the lack of specie, the town of Westfield in Hampshire County voted in town meeting to pay no more taxes, compelling one jurist to charge them with outlawry.<sup>14</sup> Few towns followed Westfield's lead, choosing instead to petition the legislature for total or partial abatement of taxes, claiming unfair assessment or, like Parsonstown in Maine, a lack of funds. "I know them well," Samuel Deane wrote in support of the petition from Parsonstown, "and I do not think that there are any more than ten householders in the place who are in a capacity to bear any tax at all."<sup>15</sup>

The General Court ruled favorably on many of these petitions, providing temporary relief from taxes for impoverished residents.<sup>16</sup> Long-term relief from debt was another matter. "Divers Proposals have been made in the House," Caleb Strong, the

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<sup>13</sup> Caleb Strong to Theodore Sedgwick, 13 March 1786, *SFP I*.

<sup>14</sup> David Sewall to Samuel Adams, 15 October 1783, *SAP*.

<sup>15</sup> Samuel Deane to John Lowell, 7 February 1785, *Charles Lowell Papers*.

<sup>16</sup> For example, see: Resolution of the House of Representatives, 26 June 1781, *Walker-Rockwell Papers*.

representative from Northampton, reported. "Some have thought paper money would be a convenient help others have preferred Bull & Boar Act [payment in commodities], some it is said would think it convenient that a payment of Part should discharge the whole." Strong doubted, however, that legislation favorable to debtors had any chance of passing, given the makeup of the General Court, which leaned heavily in favor of eastern creditors, whose interests were not served by debt reform. "The Difficulty," Strong wrote from the Statehouse in Boston, "is that many of the Members from this Part of the Country don't owe half as much as they are worth."<sup>17</sup>

In contrast, most small debtors owed more than their current net worth, if their property and goods were appraised or sold at auction in a weak market, a likely outcome for debtors facing foreclosure. Some eastern legislators like Salem merchant Benjamin Goodhue recognized the potential for abuse, supporting laws "for the easement of insolvent debtors in particular circumstances from a vindictive spirit of their creditors." As a major creditor, however, Goodhue was just as concerned with equity as he was with humanity, insisting that any legislation passed to ease the burdens of bankrupt debtors should also benefit creditors by "ordaining an equal distribution of property among them."<sup>18</sup> Goodhue also had no patience for advocates of tax relief and paper currency, which he saw as inimical to any plan to revive the economy. From Goodhue's perspective insolvent debtors were significantly less important in the grand economic scheme than was the need to restore public credit and commerce. Goodhue's plan would reduce the state debt through increased taxation, redemption of state securities and

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<sup>17</sup> Caleb Strong to Theodore Sedgwick, 13 March 1786. *SFP I*.

<sup>18</sup> Benjamin Goodhue to Samuel Phillips, 17 February 1785. *Phillips Family Papers*, Massachusetts Historical Society, Boston, MA.

elimination of paper notes, policies that worked against small debtors and ordinary taxpayers alike.

Like Goodhue, many influential easterners saw restoration of public credit as the primary goal of government, including many prominent men with nationalist visions. Stephen Higginson, an influential merchant from Salem, championed a federal solution for the new republic's financial crisis as early as 1783, long before the Herculean task of reforming the federal government was undertaken in Annapolis and Philadelphia. Working from a distance (he avoided state office altogether), Higginson pressured Elbridge Gerry, the Massachusetts delegate to the Continental Congress, to support revisions to the Articles of Confederation that would result in a stronger national government. Gerry, an entrenched opponent of national government, offered tentative support for a limited plan to increase federal authority over trade. But Higginson wanted more, insisting that any attempt to coordinate trade policy would utterly fail, if it was left to the states, which were uniformly reluctant to join forces and equally eager to work against each other. "[I]f such is the disposition of the States, & nothing I think is clearer," Higginson argued, "how gloomy is the prospect?"<sup>19</sup>

Unsure of Gerry's support, Higginson joined forces with a growing network of nationally minded men in Massachusetts to promote broader powers for the federal government. Among these men was Benjamin Lincoln, a prominent member of the Massachusetts political elite, who used his influence at the state and national levels to sponsor enlargement of the federal army and increased power of taxation for the federal

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<sup>19</sup> Stephen Higginson to Elbridge Gerry, 30 October 1783, *Higginson Family Papers*, Massachusetts Historical Society, Boston, MA.

government.<sup>20</sup> "That we are drained of our cash, that our trade is embarrassed, and our finances deranged." Lincoln argued, "are truths which will not be controverted."<sup>21</sup> Lincoln's lobbying efforts succeeded in establishing a solid base of support for the nationalist plan on a national level among members of the Society of Cincinnati, and on a state level among influential merchants and politicians in Massachusetts. On the verge of winning reelection to a second term, Governor James Bowdoin, who had a strong base of support among nationally minded men in Massachusetts, endorsed the call for a general convention of states to be held in September at Annapolis, Maryland.<sup>22</sup> The House of Representatives and Senate concurred three days later, authorizing a delegation from Massachusetts to what many representatives believed was a meeting to strengthen American trade by coordinating commercial regulations. But nationalists from Massachusetts, including Benjamin Lincoln, James Bowdoin, Rufus King and Theodore Sedgwick, knew that the Annapolis convention harbored larger plans for a federal solution to the economic crisis in the states. And they counted on support from a growing nationalist lobby in their own state.<sup>23</sup> "The State of Massachusetts," Samuel Osgood, a wealthy landowner from Andover in Essex County, concluded, "appears to me to possess a high Degree of a federal Disposition."<sup>24</sup>

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<sup>20</sup> Stephen Patterson identifies the existence of an organized body of nationally minded men in Massachusetts as early as 1780. Among the founding members were Thomas Cushing, Nathaniel Gorham, John Lowell. Early additions to the network included Theophilus Parsons, Timothy Pickering, Jonathan Jackson and William Pynchon. By the early 1780s, the membership expanded westward to include Theodore Sedgwick, Caleb Strong and Artemas Ward. Stephen E. Patterson, "The Roots of Massachusetts Federalism: Conservative Politics and Political Culture before 1787," in Ronald Hoffman and Peter J. Albert, eds., *Sovereign States in an Age of Uncertainty* (Charlottesville: The University Press of Virginia, 1981), 31-61.

<sup>21</sup> Benjamin Lincoln to [Henry Jackson?], 27 December 1785, *BLP*. See also: Benjamin Lincoln to Henry Jackson, 8 October 1785; Nathaniel Goodwin to Benjamin Lincoln, 20 November 1785, *BLP*.

<sup>22</sup> *Journal of the House of Representatives*, 6:529, 542.

<sup>23</sup> Rufus King to Benjamin Lincoln, 16 April 1786, *BLP*; Rufus King to Theodore Sedgwick, 15 February 1786, *SFP I*; Theodore Sedgwick to Pamela Sedgwick, 24 June 1786, *SFP II*.

<sup>24</sup> Samuel Osgood to Benjamin Lincoln, 11 May 1786, *BLP*.

Ordinary voters in western Massachusetts saw reform of government in strikingly different terms, demanding a reduction in the size and cost of government and immediate relief from individual taxes, debts and courts. Accordingly, westerners supported broad reforms in state government, including a general restructuring of the courts, lower taxes and stabilization of paper currency. But these reforms were not forthcoming and eastern politicians, flush with victory in the most recent election, misread the electoral results as a vote of confidence. James Bowdoin, the incumbent, won 73 percent of the vote in a largely uncontested gubernatorial election, carrying all but two counties. The voters in western Massachusetts were doubly disappointed when the Senate was returned largely intact.<sup>25</sup> But voting patterns in Maine and in central and western Massachusetts revealed significant tears in the statewide political fabric.

Disillusioned by legislative resistance to the movement for statehood, voters in Maine rejected Bowdoin's bid for reelection in 1786 at a rate of 3:1. The governor suffered a second embarrassing defeat in Bristol County, where voters were equally agitated at legislative intransigence to the demand for increased use of paper money. The numbers were less dramatic in the three western counties, but the indications were, perhaps, even more ominous. Bowdoin found considerable support in the southern portion of Hampshire County, particularly in Springfield, the county seat. But more than one-third of the ballots were cast for other undeclared candidates and Bowdoin was soundly defeated in the northern towns of Brimfield, Shelburne, Belchertown and Colrain. Voters in the politically active towns of Sutton and Spencer in Worcester

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<sup>25</sup> Hall, 197-8.

County also rejected Bowdoin by sizeable margins. Berkshiremen were even more decisive, casting 45 percent of their ballots in opposition to the governor.<sup>26</sup>

Voter disappointment in western Massachusetts was centered largely on legislative inaction and on a governor who was plainly antagonistic toward western interests. In addition to withholding votes in the gubernatorial election, almost half the western towns responded to the general lack of confidence by withholding their representatives for the new session of the legislature, scheduled for May 1786.<sup>27</sup> Other western towns instructed their representatives to work for popular legislation, including a reduction in the costs of litigation, elimination of Courts of Common Pleas and expansion of the confession act.<sup>28</sup> More significantly, voters turned once again to county conventions and public demonstrations to compel government's attention, tentatively at first and with building fury after August 1786.<sup>29</sup>

Representatives from five towns in Middlesex County assembled as a plenary committee in Groton at the end of June 1786 to "consult upon matters of publick grievances." The meeting closed with a countywide call for a convention to be held in Concord on August 23, 1786.<sup>30</sup> Signs of renewed activism were also apparent in Worcester County. Riding from Boston to Worcester to attend the county court, Caleb Strong "observed a few Persons in Habits similar to those we have seen in Cases of Opposition to the Courts." Although he saw no evidence of the protesters when he

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<sup>26</sup> Results of Elections for Governor and Lieutenant Governor, 1786 (House of Representatives), Massachusetts Archives: Hall, 196-202. On the issue of Maine statehood, see: Leamon, 189-203.

<sup>27</sup> Marion L. Starkey, *A Little Rebellion* (New York: Alexander A. Knopf, 1955), 7.

<sup>28</sup> Instructions of the Town of New-Braintree to its Representative, 15 May 1786 in *Worcester Magazine* 9 (June 1786): 106-7.

<sup>29</sup> David Szatzmary points out that the protests erupted in August and September, when the harvests were in and farmers had more time to devote to political pursuits. This undoubtedly had something to do with the size of the turnout, but the timing of the county conventions, which served as a major impetus for the protests, frequently interfered with the farmers' seasonal schedule. Szatzmary, 58.

<sup>30</sup> *Worcester Magazine*, 13 (August 1786): 211.

arrived in Worcester. Strong heard reports that a “formidable Opposition was made to the Courts.”<sup>31</sup> What Strong probably observed that day were the remnants of a small county convention held in Leicester on the June 22, 1786. Hastily called, the convention drew delegates from only seventeen towns and it adjourned with no significant results, but not before a second convention had been scheduled for mid-August, which would allow enough time to secure broader representation from towns throughout the county.<sup>32</sup>

Strong may not have been completely misinformed, however. It is highly likely that the delegates and their supporters had turned out for the convention prepared to take action against the courts. An experienced committeeman and conventioneer, Strong recognized earlier than most politicians the signs of renewed activism in the western counties, and he was clearly concerned about them. The governor and the majority of the legislature, on the other hand, having taken no notice of the same reports, continued to ignore petitions calling for broad reforms in government. A petition from the Bristol County convention demanding expansion of paper currency was soundly defeated (118-19) in a House depleted of western representatives. Other western-oriented legislation fared no better, including a popular bill to make personal and real property legal tender for the payment of debts. Additional bills and petitions addressing western grievances were allowed to languish when the legislature voted to adjourn on July 8, deferring debate on public grievances until January 31, 1787, when the two houses were scheduled to reconvene.<sup>33</sup>

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<sup>31</sup> Caleb Strong to Theodore Sedgwick, 24 June 1786, *SFP 1*.

<sup>32</sup> Minutes of Grafton Town Meeting, 22 June 1786, *Luke Drury Papers*, Special Collections and Archives, W.E.B. Du Bois Library, University of Massachusetts, Amherst, MA; Brooke, *The Heart of the Commonwealth*, 209.

<sup>33</sup> George Richards Minot, *The History of the Insurrections in Massachusetts . . .*, 2<sup>nd</sup> edition (Freeport, NY: Books for Libraries Press, 1970; 1810), 31-2.

The legislative recess provided added impetus for the county conventions that were already scheduled for August, encouraging active attendance and aggressive agendas. The Worcester County convention reassembled in Leicester as scheduled on August 17, 1786 with Deacon Willis Hall, an experienced conventioneer and a former delegate to the constitutional convention in the chair.<sup>34</sup> Under the skillful leadership of Hall, the delegates opened the assembly with a defiant and unanimous proclamation declaring that "this convention is lawful and constitutional." Resolutions followed, demanding relocation of the capital; expansion of paper currency; immediate reduction in the costs of litigation; elimination of the common courts; and cutbacks in the cost of government. The convention adjourned until the last Tuesday in September, when the towns would reassemble in Paxton, but not before issuing an advisory to voters to refrain from independent crowd actions. In the interim, the Worcester County convention would make every effort to coordinate its actions with "our sister counties."<sup>35</sup> The demands were clear and they all hinged on one necessary action: the legislature must be immediately recalled in order to address outstanding grievances from the people. Until this was done, western political leaders would continue to demand action, coordinating their efforts across county lines through conventions; and they would refrain, at least for the moment, from direct political actions.

Fed by broad popular support, momentum for conventions continued to grow over the next few weeks, culminating in a convention of fifty Hampshire County towns in Hatfield on August 22. In what had become an established pattern, the delegates opened

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<sup>34</sup> Willis Hall had attended the Worcester County convention in April 1777, held to protest the consolidation act, the pricing convention in Concord in 1779 and the constitutional convention in Cambridge and Boston. Schutz, 240; Brooke, *The Heart of the Commonwealth*, 199.

<sup>35</sup> Proceedings of the Worcester County Convention, 17 August 1786 in *Worcester Magazine* 21 (August 1786):246-7.

with a vote declaring “that this meeting is constitutional.” The convention followed with a list of twenty-five resolutions that included elimination of the Senate, removal of the capital from Boston and broad revision of the constitution. Moderate delegates from Springfield, Hatfield and Northampton, three of the most influential towns in the county, dissented. But the convention, led by Benjamin Bonney, an experienced legislator from Chesterfield and a colonel in the militia, confirmed the resolutions.<sup>36</sup> Similar resolutions were offered by the Middlesex and Berkshire County conventions when they assembled at the end of the month.<sup>37</sup> No longer limited to immediate concerns like debt and taxes, the new sets of resolutions called for sweeping and relatively radical reforms of government.

Antithetical to eastern interests, the county conventions and the resolutions they promoted met with immediate resistance from voters and political leaders in the east. Cambridge, which was situated on the eastern edge of Middlesex County, rejected outright the call for a convention.<sup>38</sup> Voters in Medford followed suit, expressing “disapprobation of such an unwarranted attempt to take the business out of the hands of those with whom the constitution has lodged it.”<sup>39</sup> An editorial in the *Boston Gazette* denounced conventions in general as unnecessary and illegal, and the men who attended them as radicals. “These Conventioneers appear to adopt the following for their tenets:— That it is the duty of the people to resist a good government equally as a bad one.”<sup>40</sup> A second editorialist, styling himself an old republican, begged the readers to “fix a jealous

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<sup>36</sup> *Boston Gazette*, 11 September 1786; Taylor, *Western Massachusetts in the Revolution*, 137-41.

<sup>37</sup> Minot, 33-7, 43-4; *Boston Gazette*, 4 September 1786.

<sup>38</sup> *Worcester Magazine*, 18 (August 1786): 211.

<sup>39</sup> *Ibid.*, 22 (August 1786): 261-2.

<sup>40</sup> *Boston Gazette*, 28 August 1786. See also *Boston Gazette*, 11 September 1786.

eye upon County Conventions.”<sup>41</sup> But the harshest denunciation came from the town of Shrewsbury in Worcester County. Written in the hand of Artemas Ward, a major general in the Massachusetts militia, chief justice and a key link in the nationalist network, the Shrewsbury letter rejected county conventions as unconstitutional and the entire process of political protest as seditious.<sup>42</sup>

Government, on the other hand, offered no public response. Instead Governor Bowdoin sought the private counsel of Theophilus Parsons, a prominent jurist and nationalist who had played a major role in the state constitutional convention. Anticipating more protests in the near future, Bowdoin questioned Parsons about the legality of public assemblies. Parsons, in turn, outlined what would become the governor’s future policy toward public assemblies in the west. According to Parsons, little room existed for a lawful assembly outside the arena of town or state government. Substantial opportunity existed, on the other hand, to violate the law. Three or more persons meeting together to commit an unlawful act or a lawful act in a forcible manner constituted an unlawful assembly, whether or not they attempted to put the act into force. Unlawful assemblies escalated into routs when the same persons made some overt threat but did not actually carry out their plan. Routs became riots when the threat was fully implemented. Each of these actions, Parsons concluded, justified a firm response on the part of government. Accordingly, the sheriff could on his own authority raise a posse to “suppress any *riot, rout, or unlawful assembly* in his view without any warrant.”<sup>43</sup>

To illustrate the argument, Parsons drew on a hypothetical attempt to obstruct the courts, an example that pointed directly to recent events in Worcester County. Parsons

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<sup>41</sup> Reprinted from the *Hampshire Herald* in the *Worcester Magazine* 25 (September 1786): 295-7.

<sup>42</sup> Town of Shrewsbury to Worcester County Convention, [?] August 1786, *AWP*.

<sup>43</sup> Theophilus Parsons to James Bowdoin, [?] August 1786, *Bowdoin-Temple Papers*.

deduced that a crowd would be acting in a lawful manner, only if they had gathered to peacefully petition the justices for a voluntarily suspension of the court. If this same crowd was armed with weapons of any kind, including sticks, they would qualify as an unlawful assembly whether or not they made any attempt to use their weapons. Men—armed or unarmed—blocking the entrances or the streets leading to the courts would constitute a rout. “If they refuse to move out of the way when required by the Sheriff & oppose him with force, it is then clearly a riot.” At every point, the sheriff was authorized to use whatever force he deemed necessary to disperse or otherwise suppress the assembly.<sup>44</sup>

It was a lawyerly analysis that drew on English common law as codified in William Blackstone’s *Commentaries*; and it was an analysis western voters were sure to reject in favor of the Massachusetts declaration of rights.<sup>45</sup> More importantly, assemblies of this kind and the court obstructions they supported were essential to western politics. Fully aware of this, Parsons left only one alternative for western activists: protesters could petition the justices to voluntarily suspend the courts, as long as they made no attempt to coerce the court officers or obstruct the courthouse. “[B]ut such a case as this,” Parsons admitted, “probably never has happened or ever will.”<sup>46</sup>

Bowdoin accepted the interpretation along with the probability of new conventions and court closings, placing the state on a collision course with the rising tide of anger in the west. Tolerated in the past and on occasion applauded as advantageous to

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<sup>44</sup> Ibid.

<sup>45</sup> William Blackstone defines riots, routs and unlawful assemblies in strikingly similar terms and offers a comparable opinion on the powers of the sheriff, including the use of the *posse comitatus*. William Blackstone, *Commentaries on the Laws of England*, 4 volumes (1769, reprint, Chicago: The University of Chicago Press, 1979), 4:146-7.

<sup>46</sup> Theophilus Parsons to James Bowdoin, [?] August 1786, *Bowdoin-Temple Papers*.

the Revolution, public assemblies—whether they involved conventions, committees or protests—would now fall into one criminal category or another, justifying forceful suppression and widespread arrest. Within days a large crowd acting in support of the Hampshire County convention put the opinion to a practical test. Led by three former army officers—Luke Day, Joseph Hinds and Joel Billings—four to five hundred men converged on Northampton on August 29, 1786, the day the courts were scheduled to convene. Armed with muskets, swords and white staves, they marched on the courthouse in orderly ranks, parading to the sound of drums and fifes and growing to about 1500 by ten or eleven o'clock in the morning. At this point, Caleb Strong reported, "it was tho[ugh]t Expedient by the Inhabitants of the Town not by any means to oppose or Irritate them but to trust them with Civility."<sup>47</sup>

The crowd and its leaders fulfilled that trust, settling for a petition drawn up by Day, Billings and four other committee members. Asserting the crowd's constitutional right to protest, the petition invited the justices to voluntarily suspend the courts "until the Minds of the People can be obtained & the Resolves of the Convention of this County can have an Opportunity of having their Grievances redressed by the General Court."<sup>48</sup> The justices, who were faced with a sizeable and well organized crowd, made no attempt to open the court, remaining in the local tavern until the petition had been delivered, at which point they agreed in writing to the adjournment and the crowd withdrew peacefully.<sup>49</sup>

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<sup>47</sup> Statement of Caleb Strong, 21 September 1786, *MAC*, 189:5; *Boston Gazette*, 11 September 1786; Taylor, *Western Massachusetts in the Revolution*, 143.

<sup>48</sup> Petition of the Hampshire County Convention, 29 August 1786, *MAC*, 318:4.

<sup>49</sup> *Boston Gazette*, 4 and 11 September 1786; Statement of Caleb Strong, 21 September 1786, *MAC*, 189:5; Taylor, *Western Massachusetts in the Revolution*, 143-4.

Although it was marked by orderliness and respect, the protest in Northampton qualified as an unlawful assembly under Parsons' interpretation, because some of the participants carried weapons, just as they had in earlier court obstructions that were held to protest the royal government. Seizing on the first element and ignoring the second, Bowdoin used his executive power to issue a proclamation calling on all civil and military officers to "suppress such violent and riotous proceedings if they should be attempted in their several counties."<sup>50</sup> Bowdoin's order came precariously close to usurping the authority of the legislature, but the governor received broad support from influential men like Artemas Ward, who had grown increasingly anxious over the renewal of political activism in the west. "Some Busybodies," Ward reported in disgust, "are riding from town to town & from one County to another Scattering the seeds of Strife, contention and Sedition: Stimulating the incautious to Enter into Associations, to disturb the peace and quiet of the Commonwealth."<sup>51</sup>

Ward's concern was well placed. Men like Adam Wheeler, a farmer and veteran officer from Hubbardston, were busily recruiting supporters to stop the courts in Worcester, where Artemas Ward served as one of the justices. The planning came to a head on September 4, 1786, the day before the court was scheduled to sit, when the alarm to mobilize was spread throughout the county. Two hundred men, half of them armed with guns and swords, marched into Worcester the next day to the sound of fife and drum, with their captains at the head of the columns. Surrounding the court, the crowd took possession of the entrance, where they waited for the arrival of the justices, clerks and attorneys. At noon the court officers made their way through the crowd, with

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<sup>50</sup> Broadside, Governor's Proclamation, 2 September 1786, *American Antiquarian Society* [microform]. A copy of the proclamation is also available in the *Boston Gazette*, 4 September 1786.

<sup>51</sup> Town of Shrewsbury to Worcester County Convention, [?] August 1786, *AWP*.

Artemas Ward and the sheriff prominently in the lead, coming to a sudden halt at the courthouse door, where they confronted armed guards with fixed bayonets. The justices demanded passage, calling on the leaders of the protest to identify “by what Authority they assembled in that Hostile Manner and why those Bayonets were poised.” The crowd remained silent and unmoving, but this did not deter Ward, who proceeded to lecture the crowd—protestors, court officers and onlookers alike—for over an hour on what constituted a rebellion against government. A proven leader and an influential speaker, Ward had little effect on the protesters that day and the justices were forced to retire to the tavern, where a one-day adjournment was ordered.<sup>52</sup>

Neither side was prepared to yield, however. The justices scheduled hearings for the next morning and the protesters posted guards to secure the courthouse overnight. As day faded into twilight, a petition arrived from the town of Athol offering a possible solution that would involve voluntary suspension of all debt cases where the creditor was not in immediate danger of losing his claim. All other cases would be heard by the justices prior to adjournment. “This,” an observer remarked, “appeared to coincide with the sentiments of the court.”<sup>53</sup> But it did not agree with those of the crowd. Moses Smith, one of the crowd leaders, stormed into the tavern sword in hand, demanding in the name of the people that the court adjourn without delay. The justices refused and the matter lay unresolved overnight, with the crowd in possession of the courthouse and the justices sequestered in the United States Arms Tavern.

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<sup>52</sup> Report on Court Closing at Worcester [unsigned], 5-6 September 1786, *MAC*, 318:7.

<sup>53</sup> Petition from the Body of the People to the Worcester County Justices, 6 September 1786, *MAC*, 318:8; J. M. Stowe, *History of the Town of Hubbardston* (Hubbardston, MA: Published by the Committee, 1881), 57-9.

In the morning, armed guards paraded in front of the courthouse while a committee waited on the justices with a petition from the "Body of the people Now Colected for their own Common Good and the Good of the Commonwealth." Requesting voluntary suspension of the courts, the petition set a deadline of thirty minutes for the justices' response.<sup>54</sup> The justices declined again, claiming that they had no authority to adjourn or to make any other promises. "But if the Body Assembled dispersed and the Court set," they replied, "the Good people of the County would not have any reason to complain."<sup>55</sup> Confident that they could hold the courthouse and outlast the justices, the protestors rejected the offer, fully aware that the sheriff's plea for help from the militia would go unfulfilled. Orders had, in fact, been hand delivered to Captain Luke Drury the night before, instructing him to call "the Rgmt ... and march them to Worcester to support the Court."<sup>56</sup> But Drury refused to comply, "for the insurgents were a Set of likely men and he would not put himself between the Inferior Court and them."<sup>57</sup> More importantly, Drury had already advised Adam Wheeler, one of the principal leaders of the crowd action, about his decision to disregard the call up. With no support in sight and with the crowd growing in size as the morning wore on, the court finally adjourned, deferring all cases until the next term.<sup>58</sup>

The court obstructions at Northampton and Worcester were notably successful, compelling the courts to adjourn without resorting to violence. The product of considerable planning and coordination, both actions were carried out in support of the

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<sup>54</sup> Ibid.

<sup>55</sup> Report on Court Closing at Worcester [unsigned], 5-6 September 1786, *M.A.C.*, 318:7.

<sup>56</sup> James Bowdoin to Jonathan Warner, 2 September 1786, *M.A.C.*, 189:8, *Robert Treat Paine Papers*, Massachusetts Historical Society, Boston, MA; Moses Wheelock (Colonel) to Luke Drury (Lieutenant Colonel), 5 September 1786, *Luke Drury Papers*.

<sup>57</sup> Testimony of Gorsham Chapin, Jonathan Adams, Samuel Small and John Pierce, 26 April 1787, *RTP*.

<sup>58</sup> Ibid.; *Boston Gazette*, 11 September 1786.

county conventions, placing additional pressure on government for an immediate redress of grievances. More importantly, both protests had succeeded despite the presence of the sheriff and other locally prominent men, revealing a discernable decline in obedience to authority. And both protests had unfolded with no opposition from the local militia, exposing a weakness in the governor's plan for suppression. Bowdoin responded by expanding the definition of unlawful assemblies to include anyone who refused to assist government when they have been constitutionally summoned to duty. In a curious contradiction, however, the governor countermanded his orders mobilizing the militia for the upcoming Middlesex County court that was scheduled to meet in Concord on September 12.<sup>59</sup>

Bowdoin's sudden turnabout in Middlesex was motivated more by expediency and political opportunity than it was by leniency. Concord had particular meaning in the battle for public attention, having served as one of the first battlefields of the revolution and as the first seat of the revolutionary state government. Given the town's history and its proximity to Boston, deployment of the militia to Concord might advance the cause of the opposition by promoting an image of desperation on the part of government. Left to its own devices, however, Concord could prove to be a hostile environment for the protestors. Unlike Northampton and Worcester, where the public openly sympathized with the protestors, voters in Concord town had emphatically denounced the court obstructions in a recent circular letter. Furthermore, the town leaders had pledged to appoint a committee of responsible citizens to mediate between opposing parties, should a similar attempt be made to obstruct the Middlesex County courts.<sup>60</sup>

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<sup>59</sup> *Boston Gazette*, 11 September 1786.

<sup>60</sup> *Worcester Magazine* 24 (September 1786): 297.

Bowdoin's strategy failed, when seventy armed men from Middlesex County under the leadership of Job Shattuck, a veteran officer of the Revolutionary War, took possession of the courthouse in Concord.<sup>61</sup> At two o'clock in the afternoon the crowd, which had already increased to about two hundred, was supplemented by a force of ninety-five men under the command of Adam Wheeler, a veteran of the recent court closing in Worcester. It was an unusual and somewhat unprecedented example of trans-county cooperation that lent force to the earlier promise for increased coordination among the "sister counties." This time, however, political cooperation had reached eastward to within 18 miles of Boston. Coordination and common purpose were also evident in the protestors' petition, which employed the same verbiage used in similar petitions in Northampton and Worcester. Signed by Job Shattuck in the name of "the People of this County," the petition demanded suspension of the courts "untill such time as the people shall have a redress of a number of Grievances they labour under at present, which will be set forth in a Petition or remonstrance to the next General Court."<sup>62</sup>

Although it demonstrated broader coordination, the presence of outsiders also revealed public ambivalence toward the protest among voters in Middlesex County. A competing assembly comprised of committees from more than 24 Middlesex towns gathered that same day in Concord to discuss an alternative plan of action. Consciously refraining from the title convention, which by now had become inextricably linked with opposition to government, the assembly delegated two committees, as promised in the recent circular letter to act as mediators between the protestors and the courts. One committee was assigned to the protestors; the second to the court. Neither team

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<sup>61</sup> Caleb Butler, *History of the Town of Groton, Including Pepperell and Shirley ...* (Boston: T. R. Marvin, 1848), 301.

<sup>62</sup> Abraham Fuller to James Bowdoin, 12 September 1786. *M.A.C.*, 190:256-7.

succeeded initially, but the committee assigned to the court did gain a minor concession, persuading the justices, who were completely surrounded by armed protestors and had no hope of assistance from the militia, to temporarily suspend the court while the convention worked to defuse the situation.<sup>63</sup>

Negotiations with the protestors continued into the afternoon, but the committee was unable to secure withdrawal by convincing the protestors “of the impropriety of their conduct.”<sup>64</sup> The protestors and their leaders were also seemingly indifferent to the presence on the committee of men like Eleazor Brooks, a Senator and one of the original framers of the state constitution, and William Prescott, Shattuck’s commanding officer at the Battle of Bunker Hill. No matter how hard the committee pressed, the protestors would not permit the justices to enter the courthouse. They would, however, allow the justices to convene the court in the tavern long enough to order an official adjournment until the end of November. The mediators lobbied the beleaguered justices for a concession and they reluctantly agreed to postpone the court. But the decision to yield to the mob and return home without conducting any business left a bitter aftertaste. Justice Samuel Savage complained angrily in a letter to the governor about the “final determination of the Mob ...the insolence of which wounded the feelings of every Gentleman present.”<sup>65</sup> The mediators, pained by their role and what they saw as the disagreeable experience of dissuading men who they believed were bent on violence,

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<sup>63</sup> Samuel Phillips Savage to James Bowdoin, 13 September 1786, *MAIC*, 190:258-9.

<sup>64</sup> Proceedings of the Committees from the Towns in Middlesex County, 12 September 1786, *MAIC*, 190:249-51.

<sup>65</sup> Samuel Phillips Savage to James Bowdoin, 13 September 1786, *MAIC*, 190:258-9.

appointed a new committee to brief the governor on events in Concord and to consult with him on possible action in the future.<sup>66</sup>

Bowdoin took the advice to heart, ordering the mobilization of local militia units to protect the upcoming court in Bristol County. Charged with protecting the justices, General David Cobb and thirty volunteers armed with one cannon took possession of the Taunton courthouse just prior to the opening session of the Bristol County court. They were immediately opposed by about 400 mostly unarmed protestors, but the advantage went to government this time, with Cobb and his small band firmly in possession of the courthouse and the numbers continuing to shift in their favor, when four-hundred volunteers arrived along with three companies of militia from Plymouth County. Unobstructed, the court opened on schedule, but it was quickly adjourned by the justices until early December as a concession to "alarming disturbances of the day," a politically motivated decision that met with the approval of both parties. Supporters of government saw the temporary opening of the courts as a victory for government and the opposition saw the quick adjournment as an acknowledgement of their grievances. "The Mob," General Cobb reported, "shouted 'a generals concession' on the part of Authority and the Militia retired in great order with the thanks of Government for their generous firmness on this occasion."<sup>67</sup>

Bristol County served as a qualified success for the governor's strategy, but it would be considerably more difficult to repeat that success on the other end of the state. Distance not only hindered the transfer of troops, it delayed the delivery of instructions from the capital to sheriffs, constables and militia officers in the upper counties. Sensing

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<sup>66</sup> *Ibid.*

<sup>67</sup> David Cobb to James Bowdoin, 13 September 1786. *MLC*, 190:262; *Worcester Magazine* 25 (September 1786): 303.

that plans were being laid to obstruct the Berkshire County court, which was scheduled to meet in Great Barrington on September 12. Sheriff Caleb Hyde "made every preparation necessary for supporting Government that lay in my power without calling out the Militia." Hyde was still unaware of the governor's proclamation authorizing the use of militia three days before the scheduled opening of the court. When news of the proclamation finally arrived, he made an immediate appeal for military assistance to Major General John Patterson, the commanding officer of the county militia.<sup>68</sup> Patterson, in turn, ordered a total turnout of the local militia with "their arms compleat" at Great Barrington for the opening session of the court, minus the alarm list, which was to be held in reserve for emergencies.<sup>69</sup> But the orders and the militia arrived too late. "On monday evening before the time of the Courts sitting," Hyde reported, "the Court house was filled with armed men in opposition to Government."<sup>70</sup>

The speed, organization and secrecy of the protestors' mobilization, which included men from twenty-three towns, some of them traveling as far as 50 miles, caught the sheriff and the militia by surprise.<sup>71</sup> The militia, with Patterson at the head of the column and the justices at their heels, marched into Great Barrington on Tuesday morning to find the protestors in firm control of the courthouse and the surrounding streets.<sup>72</sup> A confrontation appeared imminent, but the justices avoided it by ordering all those in favor of the court to muster on one side of the courthouse and all those opposed to muster on the other. A count was made and, with the opposition outnumbering

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<sup>68</sup> Caleb Hyde to James Bowdoin, 13 September 1786, *MAC*, 190:263.

<sup>69</sup> John Patterson to Caleb Hyde, 10 September 1786, *MAC*, 190:241.

<sup>70</sup> Caleb Hyde to James Bowdoin, 13 September 1786, *MAC*, 190:263.

<sup>71</sup> Henry Van Schaack to Peter Van Schaack, 18 September 1786, *VSP*.

<sup>72</sup> Caleb Hyde to James Bowdoin, 13 September 1786, *MAC*, 190:263; Taylor, *Western Massachusetts in the Revolution*, 145.

supporters 800 to 200, the court was immediately adjourned. But the concession to the protestors, intended to defuse the situation, backfired, inflaming “the Spirits of the People against the Courts to such a Degree that they determined to bring the Judges to their terms.” Parading to Judge William Whiting’s home, where the justices were meeting, the crowd presented them with a declaration demanding suspension of the courts “until the constitution of Government shall be revised or a new one made.” Justice Jahleel Woodbridge refused to endorse the proclamation, swearing to resign his commission before he would agree to these terms. But three of the justices signed it, including Whiting, whose sympathies lay with the protestors. Emboldened, the crowd marched to the jail, broke open the door and freed the debtors who were serving prison sentences before they marched out of town.<sup>73</sup>

Once again, the entire evolution was well organized and orderly, inspiring Henry Van Schaack to report with a large measure of pride that the protest might constitute treason “in the Eye of the Law,” but “not one private outrage was committed during the whole transaction,” excluding two drunken protestors from Pittsfield, who were quickly confined by the leaders of the crowd action “lest they should commit irregularities.”<sup>74</sup> The discipline and orderliness of the crowd matched its purpose, which transcended local conflicts and simple grievances about debt and court costs. In fact, the general attitude toward debt was surprisingly cooperative once the courts had been suspended. “I have called upon a great number of my Debtors,” Van Schaack wrote one week after the protest, “who manifest a degree of ability and willingness to pay me far beyond what they

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<sup>73</sup> For the quotations, see: Caleb Hyde to James Bowdoin, 13 September 1786, *MLC*, 190:263. For a commentary on William Whiting’s behavior as a justice, see: Rufus King to Theodore Sedgwick, *SFP I*.

<sup>74</sup> Henry Van Schaack to Peter Van Schaack, 18 September 1786, *ISP*.

ever did while the power of compulsion existed."<sup>75</sup> Similar attitudes toward debt could be found in Worcester County, where a committee made up of delegates from six towns, including Adam Wheeler, one of the leaders of the court closings at Worcester and Concord, exhorted the public to seek "speedy settlement of their Debts by offering Real or Personal Estate to their Creditors."<sup>76</sup>

Viewed from this perspective, the jailbreak freeing the debtors was nothing more than a last minute ancillary action. Debt, in turn, was one of many grievances motivating public hostility toward the General Court, but it was not the core issue. Drawing on the Berkshire constitutionalist tradition, the protesters summarized these grievances as a broad demand for government reform and revision of the state constitution. "The people at large," Van Schaack reported, "are for such reform in the Constitution as will give the administration of this Government a very different tone from the present."<sup>77</sup> But the goals outlined by the protestors in Great Barrington were not unique to Berkshire County. Earlier protests in Northampton, Worcester and Concord had also targeted the court in order to compel governmental and constitutional reforms; and each of the county conventions had already demanded revisions to the state constitution as part of their larger package of grievances. The demand for constitutional reform, Henry Van Schaack concluded, was not treason nor was it rebellion. "Its [the constitution's] total subversion, I am persuaded, is not aimed at by the majority but what the present measures tend to time only can develop."<sup>78</sup>

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<sup>75</sup> Ibid.

<sup>76</sup> Address from the Committee Meeting at Hubbardston, 22 September 1786. *MAC*, 318:20.

<sup>77</sup> Henry Van Schaack to Peter Van Schaack, 18 September 1786. *VSP*.

<sup>78</sup> Ibid.

Van Schaack's assessment of the protestors was, however, unique among Massachusetts merchants and political conservatives. Most men in his position responded by denouncing the protestors as ruffians seeking to evade debt and their leaders, conventioners and militia officers alike, as "crafty inveterate Tories."<sup>79</sup> The reports of radicalized rabble and British sympathizers were, however, spurious and inflammatory, since the crowd actions, with the notable exception of the jailbreak in Great Barrington, had all ended peacefully, having inflicted no damage to public or private property, and having evidenced nothing that approached an overthrow of government. Dignities were undoubtedly wounded and the suddenness and success of the protests shocked county and state authorities, forcing the governor to call the General Court into early session on September 27, 1786 as a direct response to the "many tumults and disorders which have since taken place, in several counties, within the Commonwealth."<sup>80</sup>

In this sense, the protests were a success and the governor's decision to recall the legislature encouraged a new spate of conventions. On September 26, voters throughout Worcester County gathered in town meetings to select delegates for a convention scheduled to meet in Paxton at the end of September. Several of these meetings proved to be more contentious than expected, including the town meeting in Worcester. Responding to a series of heated debates between activists and moderates over a recent circular letter from Boston condemning the court closings in Hampshire and Worcester Counties, the town compromised by selecting two delegates: Daniel Baird, whose

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<sup>79</sup> *Worcester Magazine* 25 and 26 (September 1786): 303, 309; Thomas Clarke to James Bowdoin, 8 September 1786, *MLC*, 318:10. For a defense of the conventions, see "A Member of the Convention", *Worcester Magazine* 26 (September 1786): 320-1.

<sup>80</sup> *Boston Gazette*, 18 September 1786.

sympathies lay with the protestors, and David Bigelow, a veteran committeeman and conventioneer from the early days of the Revolution, whose politics were at this point decidedly more moderate.<sup>81</sup> Reflecting the compromise, the local newspaper encouraged the delegates to support resolutions demanding a fair redress of grievances, but to avoid anything that would be productive of anarchy.<sup>82</sup>

Duly instructed, Baird and Bigelow joined delegates from forty other towns on September 26 for what would become the first of three days of planning and deliberation that included the issue of debt, but did not by any means treat debt as the central issue of the convention. Chaired once again by Willis Hall, the convention debated and eventually ratified a petition that incorporated a wide range of grievances, including the location of the capital; the need for a circulating medium; court reform; and the rising cost of government. Specific attention was given to the issue of constitutional revision, particularly the demand for a statewide referendum of all qualified voters to assess public opinion on the need for a special convention to amend the constitution.<sup>83</sup> Among the many delegates was Penuel Bishop, who attended as an official representative from the Bristol County convention. In this same spirit, the Worcester County convention established a committee of correspondence to coordinate information and activities with the other counties “in order to produce an union, and to agree to send our petitions, by counties, as nearly together as may be.”<sup>84</sup>

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<sup>81</sup> Daniel Baird was included in a list of men wanted by Massachusetts for treason in connection with the Regulation. Governor’s (New Hampshire) Proclamation, 27 February 1787. New Hampshire Historical Society, *Letters and Papers of Major-General John Sullivan, Continental Army*, 3 vols. (Concord, NH: New Hampshire Historical Society, 1939), 509-12.

<sup>82</sup> *Worcester Magazine* 26 (September 1786): 314.

<sup>83</sup> Petition from the Worcester County Convention, [? September 1786]. *Luke Drury Papers*.

<sup>84</sup> *Worcester Magazine* 27 (October 1786): 318.

Daniel Baird and Timothy Bigelow returned from the convention to a mixed response from the town meeting. When questioned by the selectmen, Baird stood by the convention's resolutions, but he agreed that the petition should be put to a vote of the town. In a surprising turnabout, the town meeting rejected the convention's petition, even though they had approved similar grievances in the past; and they voted to dismiss the delegates from any further service at the convention. Moderates and conservatives carried the day, refusing to support the convention's list of grievances, as long as the list included a demand for constitutional revision and a call for broad cooperation among the county conventions, which smacked of collusion and rebellion. But the vote fell far short of consensus. Unlike the pre-convention meeting, which was held on a Saturday, the second meeting took place on Monday, which in all likelihood decreased representation among ordinary voters, especially among farmers from the outlying sections of town.<sup>85</sup>

Compared one against the other, the two town meetings—one held before and the other after the convention—revealed the deep fissures that divided voters in western Massachusetts. A growing body of voters, particularly those in the east, agreed with one editorialist who, styling himself “A Farmer”, argued “that in every county in this commonwealth where they have had county conventions, that mobs and riots have followed close to their heels!”<sup>86</sup> A second group of voters carefully distinguished county conventions from public protests, arguing that: “Our conventions have had no hand in stopping the Courts of Justice.”<sup>87</sup> A third perspective supported conventions and court closings as allied political actions intended to rouse the General Court, but “in a

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<sup>85</sup> Ibid.

<sup>86</sup> Ibid., 28 (October 1786): 333.

<sup>87</sup> Ibid.

Constitutional way, and not as has been injuriously reported to subvert all Government, and throw all things into a State of Anarchy and confusion."<sup>88</sup>

The third perspective came closest to describing the relationship of county conventions and crowd actions. Both were anchored in a common political experience that dated back to the early days of the Revolution, when conventions and committees worked together to coordinate attacks on loyalists and to rally support for the patriot cause. Like their predecessors, conventions and protests in 1786 shared common goals and they shared some of the same leadership. Daniel Shays, Reuben Dickinson and Luke Drury gained a measure of their authority as crowd leaders from their prior experience as officers in the Revolutionary War, an experience they shared with Job Shattuck, Luke Day and Adam Wheeler. All six men answered the alarm in 1775, rushing with their flintlocks to intercept the British at Concord and Lexington; and they continued to serve for extended periods in the militia and, later, in the Continental Army, emerging as captains at the end of the war.<sup>89</sup>

Luke Drury, Reuben Dickinson and Daniel Shays did not, however, gain their authority as crowd leaders on the basis of their former rank in the military alone, as some critics and historians have argued. Their positions of leadership also reflected local confidence in their political experience, including their service as delegates to county conventions. Luke Drury, a farmer from Grafton, was actively involved in community affairs prior to the war, serving on a number of occasions as guardian and legal advisor to

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<sup>88</sup> Address from the Committee Meeting at Hubbardston, 22 September 1786, *MAC*, 318:20.

<sup>89</sup> Daniel Shays served as a Minuteman under Reuben Dickinson at Lexington and Bunker Hill, where he was cited for bravery and designated for promotion. *Massachusetts Soldiers and Sailors of the Revolutionary War*, 4: 579-80, 752, 987: 14:24-5, 76: 16:959.

widows and children.<sup>90</sup> Throughout the war he was a trusted leader in town government, filling a variety of positions, including surveyor of highways, deputy sheriff, constable, delegate to the constitutional convention in 1779 and delegate to the Worcester County convention in 1786.<sup>91</sup> By 1784, Drury, who had risen to the rank of a Lieutenant Colonel in the local militia, had developed influence at the county level as well. That year Dan Clap, a veteran of the war and former representative for the town of Rutland, wrote Drury, seeking his recommendation for appointment as Registrar of Deeds in Worcester County. Drury's opinion apparently carried weight at the county level: Clap got the appointment and he held the position until 1816.<sup>92</sup>

Like Drury, Reuben Dickinson's political experience covered the entire spectrum of colonial, revolutionary and state politics, beginning with a pre-revolutionary town squabble over the need for a second parish. In 1774, Dickinson became a leader in the local committee of correspondence and a delegate to the inaugural county convention in Hampshire. As a selectman, Dickinson signed the town return that rejected the proposed constitution in 1778 and in 1782 he led the rescue party that freed Samuel Ely from the Springfield jail.<sup>93</sup> In contrast, Daniel Shays gained most of his experience during the war years, serving as a member of the Pelham committee of safety and as a delegate to the Hampshire County convention in 1782, the convention that ignited the protest led by

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<sup>90</sup> Minutes of Meeting of Proprietors of Croyden, 9 March 1773; Appointment of Luke Drury as Guardian, 30 January 1770; Delegation of Power of Attorney to Luke Drury, 22 April 1773. *Luke Drury Papers*. Drury's business correspondence reveals active involvement in exchanges of credits and debts and some involvement in local trade. For additional information, see: *Luke Drury Papers*: Series 1, Folders 3-5, 9.

<sup>91</sup> Luke Drury's Expense Report as Deputy Sheriff, 1 March 1770 and 4 March 1773; Instructions to Luke Drury, Surveyor of Highways, 10 May 1763; Writ Issued to Constable Luke Drury, 25 January 1774. *Luke Drury Papers*. See also: Schutz, 209; Butler, 301; Wheeler, 39-40.

<sup>92</sup> Dan Clap to Luke Drury, 2 August 1784; [Moses Wheelock] to Luke Drury, 13 April 1783. *Luke Drury Papers*; Schutz, 189.

<sup>93</sup> Nobles, 151-3, 180; Hampshire County Convention to Boston Committee of Correspondence, 27 July 1774, *BCC*; Handlin and Handlin, *Popular Sources*, 222.

Samuel Ely. Shays also had experience in local government, serving as a selectman, town warden and member of a committee to settle the town debt.<sup>94</sup>

Each of these men shared a legitimate claim to leadership along with an easy familiarity with rank-and-file protestors. More importantly, no single man, including Shays, served in the role of commanding officer. Instead they maintained their local and county identities, joining forces across county lines, in a manner that was strikingly similar to the cross-county strategies of the conventions, to rally large numbers of protestors in support of town and county resolutions and petitions. This spirit of trans-county cooperation was exemplified by the court obstruction in Springfield at the end of September 1786. News of a crowd action led by Adam Wheeler and Daniel Shays ran through the countryside, alarming supporters and opponents in equal measure. Ordered into action by the governor, General William Shepard, commander of the Hampshire County militia, organized a general muster of the militia and the training band. An advance guard of 600 men armed with one artillery piece was strategically posted in front of the courthouse on Saturday, September 23<sup>rd</sup>, three days ahead of the scheduled court session. Troops continued to pour in and the residents of Springfield awoke on the morning of September 26<sup>th</sup> to a town filled with 800-1000 militiamen. Still Shepard was uncertain if he could hold out against the protestors. Intelligence, ably abetted by rumor, numbered the potential "insurgents" at five thousand, a testimony to Shays' and Wheeler's reputation. More importantly, the local militiamen appeared reluctant to fight and Shepard was unsure of the townspeople as well. "I have reason to depend on some further assistance," Shepard informed the governor, "but from the coolness toward

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<sup>94</sup> Walter A. Dyer, "Embattled Farmers," *New England Quarterly* 4 (July 1931): 466-8; C. O. Parmenter, *History of Pelham, Massachusetts* (Amherst, MA: Press of Carpenter & Morehouse, 1898), 145, 148, 150-1.

government, which is too general and prevalent, the number and issue must be uncertain and precarious."<sup>95</sup>

Shepard had grossly overestimated the size of the opposition, which never exceeded that of the militia and probably fell short of their numbers, since Shepard's forces had been generously augmented by a contingent of gentlemen volunteers. More importantly, Shepard was firmly in control of the courthouse and the surrounding area when the protestors entered the town, parading in respectable formation until they reached the government ranks. Someone in the "government party," either Shepard himself, one of his officers or a pro-government volunteer, challenged the protestors, daring them to take possession of the court.<sup>96</sup> But Shays and Wheeler and the other crowd leaders held the protestors in check, refusing to succumb to insults or to break their ranks. The moment passed and the protestors issued their demands, promising to withdraw peacefully if the court postponed all civil cases, suspended indictments against all protesters, past and present, and dismissed the militia without pay. Citing a lack of authority, the justices, backed for the first time by a sizeable force, refused to comply.<sup>97</sup>

A tense stalemate resulted, with the militia and their gentlemen supporters holding fixed positions in front of the courthouse, and the protestors parading past their ranks daily, some of them with loaded muskets others with swords and sticks. The protestors made no attempt to forcibly seize the court or the other likely target, the federal weapons arsenal on the outskirts of town. Shepard, on the other hand, became fixated on the arsenal, worrying that the weapons it stored presented too tempting a target. In a

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<sup>95</sup> William Shepard to James Bowdoin, 25 September 1786, *MAC*, 318:23.

<sup>96</sup> *Worcester Magazine* 28 (October 1786): 340.

<sup>97</sup> *Ibid.* At a later date Daniel Shays argued that his primary motive for taking command of the court obstruction in Springfield was to prevent confrontation and bloodshed. See: Daniel Shays Interview with Rufus Putnam, 8 June 1787, as reprinted in Parmenter, 395.

peaceful redeployment. Shepard's militia took possession of the arsenal and the protestors assumed control of the courthouse. The exchange made little difference to the court, however. The doors to the courthouse were locked before the militia abandoned its position and this, together with the crowds and constant parading, made it impossible for the justices to conduct business or to raise a jury. More importantly, the protestors showed no sign of relenting, setting up camp on the outskirts of town and insisting that Shepard order the militia to surrender their weapons to the arsenal and withdraw. In exchange, the protestors would relinquish their own positions.<sup>98</sup> After four days of tense stalemate the court adjourned, leaving Shepard with nothing to defend. The confrontation ended uneventfully, if not amicably when the militia placed their weapons in storage and both bodies of men retired.<sup>99</sup>

In the end, the protestors could reasonably claim victory, having forced the court to adjourn not only in Springfield, but also for the upcoming session of the Supreme Court in Great Barrington. This did not, however, stop 200-300 protestors from gathering on the day of the opening session "for fear of a Surprise."<sup>100</sup> Uncontested and with no real purpose, the crowd action in Great Barrington looked for targets, breaking one courthouse window and chasing Theodore Sedgwick, a prominent lawyer and conservative politician, out of Great Barrington. All in all, Henry Van Schaack reported, it was a relatively peaceful protest despite Sedgwick's panicked flight home. "Poor S.." a bemused Van Schaack wrote, "went off on acct. of some threatenings; I am persuaded

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<sup>98</sup> Daniel Stebbins' Notebook as quoted in Brynner, 84-5; Account of Bezaleel Howard as reprinted in Richard D. Brown, "Shays's Rebellion and Its Aftermath: A View from Springfield, Massachusetts, 1787," *William and Mary Quarterly* 40 (October 1983): 604-5.

<sup>99</sup> *Worcester Magazine* 28 (October 1786): 340; Minot, 46-9; Taylor, *Western Massachusetts in the Revolution*, 145-6.

<sup>100</sup> Henry Van Schaack to Peter Van Schaack, 6 October 1786, *VSP*. See also Taylor, *Western Massachusetts in the Revolution*, 146-7.

had he boldly slipped forth among the people not a hair of his wo[ul]d have been injured."<sup>101</sup>

The events at Springfield and Great Barrington extended what had by now become a regular pattern of non-violent protests that dated back to the earliest court obstruction in Worcester in June 1786. As they had done in the past, the protests called attention to the formal grievances submitted by the various county conventions. At the same time, the most recent crowd actions in Springfield and Great Barrington suggested new strategies that would guide protesters and some government officials for the next few months. "Both sides are now gone home," one observer wrote after the court had adjourned at Springfield. "... and I shall only add that it is my opinion, if government had appeared with greater force on their side, there would have been no danger of engagement, but the insurgents would have melted away like ghosts before the sun."<sup>102</sup> The same formula held true for the protestors, as the Great Barrington action had proven. Whoever held the preponderance of power would be in a position to force a concession from the other side without resorting to violence.

Many miles away in Boston, Governor James Bowdoin, who showed little interest in negotiating non-violent resolutions to court obstructions, spent the legislative intercession laying the foundation for a military response to political activism in western Massachusetts. On the opening day of the emergency session of the General Court, Bowdoin addressed both houses of the legislature in a "very Spirited & animated speech" that ignored the ostensible purpose of the session, redress of public grievances. Outlining what he saw as the primary issues confronting government, Bowdoin argued for

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<sup>101</sup> Henry Van Schaack to Peter Van Schaack, 6 October 1786, *VSP*.

<sup>102</sup> *Worcester Magazine* 28 (October 1786): 340.

legislation that would vindicate the dignity of Government and enforce obedience among the people.<sup>103</sup> The House of Representatives responded with a plan that was equal to the governor's claim of crisis, appointing a committee to pay the militia "who have been or may be called into service in the support of the government."<sup>104</sup> Anticipating numerous arrests, the House enacted a bill authorizing the use of local venues in each county for trials of defendants charged with treason.<sup>105</sup>

In a smaller measure, the representatives also approved a petition from Harrison Gray Otis and a number of other gentlemen volunteers, who were seeking a charter as a light infantry company. Inspired by the governor's call to restore the dignity of government, Otis' company initiated what would become a flurry of volunteers and subscribers from the eastern gentry for the campaign to oppose the western activists. Otis, in turn, was rewarded by the governor with a commission as captain under the command of Major General Benjamin Lincoln, even though he had no prior military experience, having spent the last few years as a student at Harvard College and a leader of the Tea Assembly in Boston.<sup>106</sup>

Of utmost importance to the governor was a bill authorizing the suppression of unlawful assemblies.<sup>107</sup> Titled "An Act to prevent Routs, Riots and tumultuous Assemblies," the bill clarified the earlier interpretation offered by Theophilus Parsons. Unlawful assemblies would now consist of any crowd numbering twelve or more persons armed with weapons of any kind, or any unauthorized gathering consisting of more than

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<sup>103</sup> *Boston Gazette*, 2 October 1786.

<sup>104</sup> *Journal of the House of Representatives*, 7:296.

<sup>105</sup> *Ibid.*, 7:306.

<sup>106</sup> *Ibid.*; James Bowdoin, Commission as Captain of Light Infantry, 27 October 1786, *Harrison Gray Otis Papers* [microform], Massachusetts Historical Society, Boston, MA.

<sup>107</sup> *Journal of the House of Representatives*, 7:300.

thirty persons. Under this interpretation, court obstructions and county conventions were equally unlawful. The bill also granted broad powers of arrest to local civil officials, authorizing justices, sheriffs and constables to disperse assemblies by commanding silence and reading a prescribed proclamation. Once the proclamation was read—it did not matter if it was heard—the assembly had one hour to dissolve peacefully, after which the sheriffs and constables could demand assistance from the public or the militia to arrest offenders and bring them to trial. Any attempt to prevent arrests would be construed as obstruction of justice, a crime that was punishable by excessive penalties, including possible forfeiture of all property and thirty-nine lashes to be administered in a public whipping. Added to this was indemnification of sheriffs and constables from civil and criminal claims, if they were forced to wound or kill a culprit in the course of their duties.<sup>108</sup>

Shocked by the legislature's reaction, a handful of editorialists criticized what they saw as the government's oversimplification of events in the western counties. "Had public grievances been redressed in the last session of the General Court," one editorial protested, "our country would not feel her present convulsions."<sup>109</sup> For the most part, however, western activists paused in their campaign for redress. Timing, as one historian suggests, was partly responsible for the suspension of crowd actions and county conventions at this point in the year.<sup>110</sup> The October harvest decreased the available pool of activists, contributing to the failure of one crowd action, held to obstruct the Supreme Court in Taunton on October 25. Unable to gather a sizeable crowd, the protestors were opposed by 300 militiamen, who had already taken defensive positions around the

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<sup>108</sup> *Boston Gazette*, 30 October 1786.

<sup>109</sup> *Ibid.*, 9 October 1786.

<sup>110</sup> Szatzmary, 58.

courthouse. Outnumbered and outmaneuvered, the protestors quickly withdrew after they had submitted a petition requesting suspension of the court. The harvest also influenced a rump session of the Middlesex County convention that assembled on October 3, 1786 to renew the county's list of grievances. Lightly attended, the convention issued a resolution that was conspicuously conciliatory, omitting the demand for constitutional revision and including a denunciation of the recent court obstruction in Concord.<sup>111</sup>

While it was a factor, timing was not the only reason for the temporary suspension of political activism in the western counties. Western activists had won a major victory, forcing the governor to recall the legislature. Accordingly, they waited peacefully while the House of Representatives and Senate reviewed the accumulated petitions. If government ever needed a guide for future actions, it could be found in the suspension of western activism when the legislature was in session and supposedly engaged in finding solutions to public grievances. "I have seen nothing," Abigail Dwight reported from Stockbridge, "we are all peaceable here. Some grumbling—no Teeth Shewn."<sup>112</sup>

The same concerns did not inhibit supporters of government, who included a number of prominent advocates for increased federal authority. Henry Knox, a former bookseller and artillery officer from Boston and the current Secretary of War for the Continental Congress, rushed to Springfield in the immediate aftermath of the court obstruction to inspect the federal arsenal. "The storm is over," Knox reported to a fellow officer and member of the Society of Cincinnati, "and is quiet, but from the dispositions

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<sup>111</sup> *Worcester Magazine* 29 (October 1786): 357-8.

<sup>112</sup> Abigail Dwight to Mrs. [?] Morton, 17 November 1786. *SFP II*.

which have been exhibited it cannot last."<sup>113</sup> Knox painted a picture of national desperation that pointed to the court obstruction in Springfield as a herald of broader rebellion within and outside Massachusetts. "Government has lost ground," he argued. "Faction gains strength hourly—They speak of a military government and embodying troops against the constitution."<sup>114</sup> But the protestors had, up to this point, shown no interest in the arsenal or in overthrowing government. Knox considered this and then just as quickly discarded it. "It is possible," he allowed, "that the Malcontents may not have any designs on the Stores here, but if they should, the United States must depend on their good friends the late Officers of the Continental Army, provided an adequate protection cannot be obtained without them."<sup>115</sup>

Knox was, of course, referring to the Society of Cincinnati, an association of former army officers that had repeatedly promoted itself as a fraternal organization with no political ties or ambitions. Many of these men, including Henry Jackson and James Swan in Boston, had served under Knox during the war and were eager to return to their former positions in the military.<sup>116</sup> To this end, Knox sponsored a campaign against the Indians in the Ohio territory with the support of Benjamin Lincoln. Together Knox and Lincoln lobbied influential politicians for an enlarged military, taking their case to Governor Bowdoin in Massachusetts and George Washington in Virginia, among

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<sup>113</sup> Henry Knox to Samuel Parsons, 3 October 1786. *HKP*.

<sup>114</sup> Henry Knox to John Taylor, 3 October 1786. *HKP*.

<sup>115</sup> Henry Knox to Samuel Parsons, 3 October 1786. *HKP*. See also: Henry Knox to Colonel Wadsworth, 3 October 1786. *HKP*.

<sup>116</sup> For an example, see: James Swan to Benjamin Lincoln, 13 December 1786. *BLP*. For additional information on the Society of Cincinnati and the controversy surrounding it, see: Wallace Evan Davies, "The Society of the Cincinnati in New England, 1783-1800," *William and Mary Quarterly* 5 (1948): 3-25; Sidney Kaplan, "Veteran Officers and Politics in Massachusetts, 1783-1787," *William and Mary Quarterly* 9 (January 1952): 29-57.

others.<sup>117</sup> The plan had a strategic purpose, since a military presence in the western territories would promote settlement, enabling sales of federal lands and, in turn, providing much needed income for the national government. But it would also allow Knox to increase the federal militia and move in the direction of a standing army. The malcontents in Massachusetts, as Knox referred to them, offered a second and potentially more persuasive justification for military expansion.<sup>118</sup>

Henry Jackson was equally enthusiastic about the Ohio campaign and the disturbances in Massachusetts. "What will be the result of this, time must determine." Jackson wrote after the court obstruction in Springfield. "I pray to God Something important will be the event."<sup>119</sup> Jockeying for a position in the new army, James Swan joined the chorus of former Continental Army officers. "My heart is warm for supporting Government," he admitted in a letter encouraging Knox to press for federal intervention in Massachusetts.<sup>120</sup>

Encouraged by the enthusiasm of his junior officers, Knox pressed his proposal for military augmentation, gaining significant support in Congress and in Boston, where Governor Bowdoin reported favorably on the plan to the legislature.<sup>121</sup> But the potential for federal military intervention in Massachusetts was cooled by a report from another member of Knox's wartime staff. "The People here smell a rat." William North advised him from Boston, "that the Troops about to be raised are more for the insurgents than the

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<sup>117</sup> Benjamin Lincoln to George Washington, 4 December 1786, *BLP*.

<sup>118</sup> William North to Henry Knox, 20 October 1786, *HKP*. For a detailed analysis of the campaign to enlarge the federal army, see: Joseph Parker Warren, "The Confederation and the Shays Rebellion," *American Historical Review* 11 (October 1905): 42-67.

<sup>119</sup> Henry Jackson to Henry Knox, 28 September 1786, *HKP*.

<sup>120</sup> James Swan to Henry Knox, 26 October 1786, *HKP*.

<sup>121</sup> James Bowdoin to the Senate and House of Representatives, 27 October 1786, *AWP*.

Indians."<sup>122</sup> Unwilling to jeopardize the larger nationalist platform, Knox was left with one option—he could release the federal militia, but only if the insurgents moved against the federal arsenal at Springfield. Planning for this eventuality, Knox authorized the use of Continental troops stationed in Connecticut, if the arsenal were actually attacked.<sup>123</sup> But the protestors had done nothing to justify Knox's suspicions, much less the sobriquets of rebels and insurgents. No property damage had occurred, with the exception of a few broken windows and a damaged jail door, and no violence had taken place under the jurisdiction of the crowd actions. More importantly, the protestors in Springfield had made no effort to seize the arsenal when the opportunity presented itself. In fact, all of the protests, as Henry Van Schaack had reported, had been surprisingly orderly and disciplined, from their initial parades into town to their peaceful withdrawals.

Despite this, the supporters of government continued to portray the protestors, specifically Daniel Shays, as insurgents, and the evidence for this was attributed to Shays himself. A communiqué was intercepted in which Shays allegedly called for immediate activation of a rebel army. Dated October 13, 1786 and addressed from Shays' hometown of Pelham, the message ordered all of the insurgents to organize into regular units, elect their officers and be prepared to turn out on a minute's notice, well armed and equipped with 60 rounds of ammunition.<sup>124</sup> The implication was clear—Shays was preparing for a major assault and a lengthy campaign against government. Governor Bowdoin made immediate and effective use of the alleged rebel order, which was

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<sup>122</sup> William North to Henry Knox, 20 October 1786. *HKP*.

<sup>123</sup> Henry Knox to Major Joseph Williams, 16 October 1786. *HKP*. James Bowdoin was advised by Congress about the plan to augment federal troops against a "combination of a number of Indian nations for the purpose of making war upon the United States." The plan included 600 recruits from Massachusetts. *Journal of the House of Representatives*, 7:298-9.

<sup>124</sup> Order Allegedly Issued by Daniel Shays, 13 October 1786, as reprinted in Parmenter, 374.

subsequently “confirmed” by other sources of intelligence, including William Henshaw, a colonel of militia in Worcester County.<sup>125</sup> Presenting it to the legislature as evidence of a general insurgency, Bowdoin connected the order to an upcoming convention in Hampshire County. “It also appears, that a County Convention is to be holden at Hadley on the first Tuesday of November, which is to-morrow: for the purposes mentioned in the notification ... These proceedings Gentlemen, are of a very alarming nature, and require your immediate attention.”<sup>126</sup>

The House of Representatives divided over the appropriate response, with some legislators pushing for repressive measures and others for reforms. A bill suspending habeas corpus met with solid resistance, passing into law after three votes had been taken. Scheduled to expire in July 1787, the suspension of habeas corpus broadened the repressive power of the executive, authorizing the governor and the Council to imprison anyone they deemed dangerous without formal charges and without bail. The House also struggled over a proposed act empowering the Supreme Court to try defendants accused of obstructing the courts in any county in the state—a clear violation of the constitution. The bill barely passed on the initial vote, but it failed when a recount was ordered for the record. A compromise between the House and the Senate resulted in an indemnity act that allowed a pardon for anyone involved in the recent court obstructions, if they agreed to take an oath of loyalty by January 1, 1787 and remained on good behavior in the meantime. All others would be subject to trial.<sup>127</sup>

With the legislature inching ever closer to another recess, intelligence continued to pour into the capital reporting growing protest in New Hampshire and Vermont and the

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<sup>125</sup> William Henshaw to James Bowdoin, October 24, 1786, *MAC*, 318:27.

<sup>126</sup> *Journal of the House of Representatives*, 7:321-2.

<sup>127</sup> *Ibid.*, 7:322, 328-9, 334, 350.

formation of a rebel army in Hampshire County. This intelligence was underwritten by unsubstantiated reports from sources outside the activist counties that funneled through Henry Knox and from him directly to Governor Bowdoin. Writing from his distant vantage point in Middletown, Connecticut, General Samuel Parsons reported active recruitment and training of rebel forces, and distribution of militia stockpiles in early November 1786. Parsons' report was influenced, in part, by the order allegedly issued by Shays and, additionally, by a third hand report from one of his neighbors who had traveled to Hampshire County. This did not, however, stop Parsons from reaching decisive conclusions that included statements attributed directly to Daniel Shays. "Shayes saith his men were not well armed before," Parsons wrote. "But they will be sufficiently armd by the next meeting."<sup>128</sup> A second analyst reporting from Boston accentuated the impending threat of rebellion and the key role played by the militia captain from Pelham. "Shays," William North affirmed, "is said to be enlisting men in the back country, & making himself Strong."<sup>129</sup> The goal of these efforts, observers insisted, was an attack on Cambridge and possibly Boston.

In a few short weeks, Daniel Shays had unwittingly become the center of western rebellion, at least in the eyes of the government, even though he had done nothing to deserve the title of "generalissimo." Shays vehemently denied having command authority and he rejected the alleged order mobilizing a rebel militia, attributing it to the friends of government, who forged the communiqué to discredit the protest movement. "I never had any hand in the matter," Shays claimed in an interview with his former commanding officer, Rufus Putnam. "[I]t was done by a committee and Doctor Hunt and

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<sup>128</sup> Samuel Parsons to Henry Knox, 6 November 1786, *HKP*.

<sup>129</sup> William North to Henry Knox, 29 October 1786, *HKP*.

somebody else, who I don't know, put my name to the copy and sent it to the Governor and Court."<sup>130</sup> Shays' claim of innocence was substantiated by a report from Abel Whitney, who was located in Westfield in northern Hampshire County, the center of protest. "The reports are, but they are not authenticated, that inlistments are made in different parts, for forming a body to make you a visit in Boston." Whitney relished a confrontation between the protestors and the government, which he believed would put a sudden end to their agitation. But Whitney reported the situation as he saw it and from his perspective the facts argued otherwise. "I believe ... that the Malcontents are exceedingly perplexed that nothing has been communicated from the legislature, either to appease them, or at least to furnish them with more abundant pretense for taking arms."<sup>131</sup> The protestors had, in fact, temporarily suspended their activities while they waited for a positive sign from the legislature.

Whitney's observations, offered directly to General Shepard, did not reach the governor or if they did, Bowdoin chose to ignore them. In either case, Bowdoin, armed with the new legislation and fueled by reports of spreading rebellion, chose action over reflection, mobilizing a sizeable force of militia and volunteers from the eastern counties to protect the Supreme Court at Cambridge, which was scheduled to sit on November 1, 1786. Bowdoin's troops occupied Cambridge uncontested, since no effort was made to stop the court. The governor attributed this to "a conviction [among the insurgents] of the extreme impropriety and unlawfulness of their former conduct."<sup>132</sup> More likely,

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<sup>130</sup> Daniel Shays Interview with Rufus Putnam, 8 June 1787, as reprinted in Parmenter, 396. Hunt's status as a friend of government is confirmed by the fact that he was not named in any indictments, nor did he ever take the oath of loyalty. Hunt also failed to sign the petition issued by the town of Pelham requesting clemency for Henry McCulloch, who had been sentenced to death for his role in the Regulation.

<sup>131</sup> Abel Whitney to William Shepard, 25 October 1785. *MAC*, 183:29.

<sup>132</sup> *Journal of the House of Representatives*, 7:347-8.

western political leaders, hoping for favorable legislation at the last minute, chose to wait until the legislature had actually adjourned. Voters in Hampshire County reacted in much the same way, ignoring a call for a convention in Hadley on November 7, 1786.<sup>133</sup>

Western voters found little solace, however, in the final days of the legislature. Resolutions were issued forming joint committees to discuss court reforms and elimination of debtors' prisons, but these committees were scheduled to meet during the upcoming recess.<sup>134</sup> In stark contrast, the legislature had been particularly diligent when it came to legislation favored by the governor, creating a legal environment that promised entrapment for protestors at every turn. Not surprisingly, many determined activists, including Daniel Shays, saw little need for conventions and petitions once the legislature had adjourned on November 18 for a recess that would last until January 31, 1787. Elected as a delegate to the convention at Hadley, Shays asked to be excused.<sup>135</sup>

Disappointed by the long-term ramifications of legislative recess, western voters and political leaders were also concerned about government, which was once again left in the hands of Governor Bowdoin and the Council during the legislative recess. Their suspicions were quickly confirmed: Bowdoin waited no more than two weeks before he made his intentions clear, moving swiftly to crush political opposition in Middlesex County. The governor's decision was provoked, in part, by a crowd action in Worcester, where a relatively small group of protestors succeeded in closing the Court of Common Pleas in Worcester on November 21. A similar attempt was made to close the court the following week in Concord, but heavy snows impeded travel and the protestors retired

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<sup>133</sup> The chief justice of the Supreme Court had recently used a charge to the grand jury in Middlesex County to denounce conventions as totally repugnant to the constitution. *Worcester Magazine*, 34 (November 1786): 404-8; Taylor, *Western Massachusetts in the Revolution*, 153-4.

<sup>134</sup> *Journal of the House of Representatives*, 7:313, 322.

<sup>135</sup> Parmenter, 160.

without any success. Both protests had been mounted with no visible opposition from the government, which at the very least was embarrassing to the governor, who had promised to protect the courts.<sup>136</sup> Bowdoin was also responding to encouragement from military-minded centralists, including Stephen Higginson, an influential merchant from Salem who stood at the forefront of the movement for widespread revision of national government. Higginson saw the campaign against protestors and conventioners as a timely stimulus for the nationalist cause and he received broad support for this from Henry Knox.<sup>137</sup> The "affairs of Massachusetts," Knox insisted, "are so important as to interest the whole continent."<sup>138</sup>

Bolstered by support in both capitals—Boston and Philadelphia—and with a sizeable militia regiment activated (and more in reserve), Bowdoin took the offensive, interrupting a crowd action against the Court of Common Pleas at Cambridge on the 29<sup>th</sup> of November with a well-planned attack that had as its chief aim the arrest of Job Shattuck, Oliver Parker and Benjamin Page, the principal leaders of the opposition movement in Middlesex County. Parker and Page were taken easily, but Shattuck proved more difficult, escaping, evading and fending off more than 100 militiamen and volunteers until he was wounded and captured. The three men were transported to the Boston jail, where they were held incommunicado and without bail under orders from Bowdoin.<sup>139</sup>

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<sup>136</sup> *Worcester Magazine*, 34 (November 1786): 415; Nathaniel Gorham to Henry Knox, 29 November 1786, *HKP*.

<sup>137</sup> Governor's Proclamation (signed by John Avery), 1 December 1786, *MAC*, 189:48; Stephen Higginson to Henry Knox, 25 November 1786

<sup>138</sup> Henry Knox to Thomas Dwight, 25 November 1786, *HKP*.

<sup>139</sup> Benjamin Lincoln, Division Orders, 20 November 1786, *BLP*; Orders to Sheriff William Greenleaf, *MAC*, 189:49; *Worcester Magazine*, 36 (December 1786): 440; Minot, 76-8.

If it was intended as a warning to other protestors, Shattuck's arrest was a failure. Undaunted and probably inspired by government's actions in Middlesex County, 350 protestors, who had gathered in Rutland the night before, paraded into Worcester on Sunday evening, December 3<sup>rd</sup>, where they were joined by men from the surrounding towns. Reacting to a steady stream of negative reports identifying them as insurgents and rebels, the protestors were, at this point, referring to themselves as Regulators, a term that aptly fit their goals and methods.<sup>140</sup> Like their predecessors in North Carolina, the Massachusetts Regulators saw themselves as government reformers and not insurgents. Writing for the public record, Adam Wheeler insisted that he and his supporters "had no intention to destroy government but ... to prevent such abuses as have of late taken place by the sitting of those Courts [of Common Pleas]."<sup>141</sup> The Regulators' reformist goals were also reflected in the enlistments, which were limited to three months, a period of service that was too brief, if revolution was the desired end. Instead the enlistments consciously overlapped with the legislative recess and with the timing of the Courts of Common Pleas, which were scheduled to meet in December and the end of January.<sup>142</sup>

Marching into Worcester as Regulators under the leadership of Daniel Shays and Adam Wheeler, the column quickly took possession of the courthouse and the surrounding streets. When the men were in position messengers were sent into the countryside with a call for reinforcements.<sup>143</sup> Hearing the news in nearby Charlton, Caleb Curtis, a graduate of Princeton College and a former minister and legislator, spoke

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<sup>140</sup> Minutes from the Town Meeting in Rowe, 4 December 1786. *BLP*.

<sup>141</sup> Adam Wheeler's statement, dated 7 November 1786, was republished in the *Boston Gazette*, 11 December 1786. See also: Address from the Committee Meeting at Hubbardston, 22 September 1786. *MAC*, 318:20.

<sup>142</sup> The enlistment form is duplicated in Parmenter, 373.

<sup>143</sup> *Boston Gazette*, 11 December 1786.

out in favor of the Regulation, announcing publicly that "he reckoned it was best to go & stop the Court." Hundreds of men responded, including Samuel Bingham, a Paxton farmer. Although he was a little reluctant at first, Bingham received encouragement and assistance from Abraham Smith, one of the Paxton selectman, who assigned his own son Jonas to watch over Bingham's cattle, releasing the farmer for duty in the crowd action. Other men answered the call with more enthusiasm, including Asa Clement, who promptly stole his father's rifle and set off for Worcester.<sup>144</sup>

Groups of men continued to arrive over the next two days from towns in Worcester, Hampshire and Berkshire Counties in the face of a major snowstorm, swelling the ranks of the protestors to at least 1000 men. The government, on the other hand, was only able to muster 170 local militia and volunteers. A sizeable force of militia from the neighboring counties never arrived, halted first by snow and then cancelled on the governor's orders. Faced with an untenable situation, Bowdoin instructed the court to adjourn until January 23, 1787. The governor's supporters interpreted the adjournment as a strategic postponement of the court, but many observers concluded otherwise. "The insurgents who were assembled at Worcester in Massachusetts have been disbanded," Henry Knox reported. "But the fact is that the insurgents effected their object, which was to prevent the Court of Common Pleas from proceeding to business."<sup>145</sup>

Unopposed, the protestors remained in town until Thursday afternoon, while their leaders met with delegates from the Worcester County convention and with several

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<sup>144</sup> Recognized Witnesses viz. Caleb Curtis and Selectmen of Paxton, [?] April 1787; Testimony of Accused Rebels, [?] February 1787. *RTP: Worcester Magazine* 36 (December 1786): 440.

<sup>145</sup> Henry Knox to George Washington, 21 December 1786. *HKP*.

committees from surrounding towns.<sup>146</sup> Together they crafted a petition to the governor and Council that connected the most recent protest to the untimely recess of the legislature. “[Y]our petitioners would have dutifully submitted, and waited for relief from the Hon. General Court, as they gratefully acknowledge the attention of that Body, in some instances, respecting their grievances, in the last session.” The legislative recess was, however, one of many complaints. The petitioners denounced suspension of habeas corpus as “absolutely destructive to Republican Government” and equal in measure to the repressive tactics of Great Britain during the recent war for independence. Moreover, they demanded a show of good faith on the part of government, which included the release of Job Shattuck and the other prisoners, extension of indemnity to include all protestors and suspension of the Court of Common Pleas in the western counties until May, when the next scheduled session of the legislature would conclude. In exchange, the petitioners promised to return to their homes and “conduct themselves as good and faithful subjects.”<sup>147</sup>

The petition was promptly published in the newspapers and distributed to town committees throughout the western counties. When this task was completed, the rank-and-file was dismissed, minus a core group of supporters who returned to the barracks in Rutland with Daniel Shays. The sudden dismissal of the Regulator forces took some observers by surprise, but it was meant as a show of good faith and it underscored the nature of the Regulation.<sup>148</sup> Once again, the protestors had signaled their desire for a constitutional solution by demanding recall of the legislature. But the leadership, now

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<sup>146</sup> *Boston Gazette*, 11 December 1786; *Worcester Magazine* 36 (December 1786): 440; 38 (December 1786): 452.

<sup>147</sup> *Boston Gazette*, 18 December 1786.

<sup>148</sup> Thomas Dwight to John Lowell, 13 December 1786, *Charles Lowell Papers*.

organized as Regulators, had little faith in Governor Bowdoin and they were unwilling to retire completely and allow government to gain the advantage in the field.

In the interim, the Regulator leadership held a meeting in Pelham on December 9, 1786 to coordinate actions for future protests. Luke Day and Daniel Shays joined fifteen other militia captains as a planning committee, whose responsibilities included recruitment, organization and training for future actions.<sup>149</sup> A similar meeting had already been held in Worcester in late November after the court closing there, and both meetings shared a common purpose: to demonstrate public support for governmental reform through large and well-disciplined protests. At no point, however, did either of these committees represent a council of war, preparing for rebellion against the established state government.<sup>150</sup>

Nothing the Regulators said or did could sway the governor. Bowdoin tacitly discounted the stated goals of the Regulators and he dismissed the offer of a peaceful withdrawal in exchange for indemnity and suspension of the courts, even though he had already ordered postponement of some court sessions until January and February and had already approved bail for Job Shattuck.<sup>151</sup> Instead Bowdoin chose escalation, promoting an anti-government editorial by Thomas Grover, a Regulator captain, as a declaration of rebellion against government. It was obvious from the text, however, that Grover had offered his opinion as an individual and not as a representative of the Regulation or the county conventions.<sup>152</sup> The governor also publicized sketchy intelligence from questionable sources, including a report from a post rider named Pease that described the

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<sup>149</sup> Meeting of the Several Officers Commanding Companies in the County of Hampshire, 9 December 1786, *M.A.C.*, 190:297.

<sup>150</sup> James Bowdoin to Eleazor Brooks, 7 December 1786, *M.A.C.*, 189:56

<sup>151</sup> Testimony of Edmund Quincy Jr., 18 December 1786, *M.A.C.*, 190:222.

<sup>152</sup> As reproduced in Minot, 84-6.

Regulator meeting in Worcester as a "Council of War" in which plans were being made to invade Boston and free Shattuck and the other prisoners.<sup>153</sup> Rumors of a rebel invasion quickly spread aided by unconfirmed newspaper reports, spurring a frenzy of activity in Boston, including efforts to raise a volunteer force by collecting contributions or subscriptions from wealthy easterners. Bowdoin privately doubted the rumors, but he took full advantage of them, ordering the militia in Middlesex County to stand in readiness and instructing the sheriffs in every county to use their authority under the Riot Act to disperse any suspicious crowds that might be gathering for a march on Boston.<sup>154</sup>

The invasion never occurred: it was never planned and Bowdoin never expected it. Instead the Regulators set their sights on the upcoming court in Springfield, a goal that was clearly in keeping with their stated objectives and one that government should have anticipated. On December 25, 1786, more than 300 men led by Luke Day, Daniel Shays and Thomas Grover, many of them armed with flintlocks, stationed themselves in front of the courthouse as they had done many times in the past, while a petition was delivered to the justices requesting suspension of the Court of Common Pleas. The purpose of the action was not elimination of debts, as some critics and historians have suggested. The petition requesting suspension of the court stated that all business pending in the court should remain *status quo* until the court was reopened, preventing immediate collection of debts, but also protecting creditors from losing their claims on the basis of expiration. As conceived by the Regulators, obstruction of the Springfield court represented one more attempt to stress the need for immediate redress of longstanding grievances. Once

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<sup>153</sup> James Bowdoin to Eleazor Brooks, 7 December 1786, *M.A.C.* 189:56

<sup>154</sup> For an example of invasion rumors, see: *Boston Gazette*, 11 December 1786. For the subscriptions, see Henry Jackson to Henry Knox, 11 December 1786, *H.K.P.* See also: Draft of Sheriff's Proclamation Ordering Dispersal of Unlawful Assemblies [noted "Boston March"], [n.d.], *Luke Drury Papers*.

again, the entire evolution unfolded peacefully and with no opposition from government, even though militia troops had been stationed in Springfield to protect the arsenal. Flush with success, Daniel Shays dismissed his men, sending a clear signal that the Regulators were willing to stand down and await action from the legislature, which was scheduled to reconvene at the end of January 1787.<sup>155</sup> Once again Bowdoin ignored the opportunity for a peaceful resolution, demonstrating a preference for action over compromise.

Bowdoin had, in fact, already scheduled a plenary session with the Council for December 20<sup>th</sup>, “when means of effectually suppressing the Insurgents will be taken into serious consideration.” And he knew that he could count on broad support from prominent easterners, particularly those with military ambitions and those with nationalist leanings, who actively encouraged the governor’s plan for a campaign against the Regulators.<sup>156</sup> Gaining the governor’s confidence as well as his ear, General William Shepard advised strongly against procrastination or leniency on the part of government.<sup>157</sup> For many easterners the campaign against the Regulators was a foregone conclusion. General Henry Jackson, recently appointed to a post in the enlarged federal army, looked forward to the upcoming campaign with only one reservation. “I am afraid,” he wrote, “the Insurgents will be conquered too soon.”<sup>158</sup> Henry Knox agreed, predicting a sudden—and sad—end for the Regulators, unless they chose to leave the

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<sup>155</sup> Winthrop Sargent to Henry Knox, 30 December 1786; Henry Jackson to Henry Knox, 31 December 1786, *HKP*; Eleazor Porter to James Bowdoin, 26 December 1786; Samuel Lyman to Samuel Breck, 27 December 1786; Levi Shephard to James Bowdoin, 28 December 1786, *Bowdoin-Temple Papers*; Abigail Dwight to Mrs. [?] Morton, 17 November 1786, *SFP II*.

<sup>156</sup> Henry Knox was busily promoting the Regulators as rebels with random and undefined goals, which made redress difficult, if not outright impractical. Henry Knox to Robert Morris, [?] December 1786, *HKP*. For a second example of “Shays” hysteria, see: Colonel Wadsworth to Henry Knox, 11 December 1786, *HKP*.

<sup>157</sup> James Bowdoin to William Shepard, 14 December 1786; William Shepard to Henry Knox, 17 December 1786, *HKP*; William Shepard to James Bowdoin, 17 December 1786, *Bowdoin-Temple Papers*.

<sup>158</sup> William Jackson to Henry Knox, 14 December 1786, *HKP*.

state. But Knox, having backed away from his plans for federal intervention in Massachusetts, feared the worst and he anticipated future events with a surprising accuracy. "If government find that they are the Majority they will coerce the insurgents—Vengeance may not be less certain for being deferred."<sup>159</sup>

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<sup>159</sup> Henry Knox to Colonel Wadsworth, 30 December 1786. *HKP*. See also: Henry Knox to William Shepard, 24 December 1786; Henry Knox to [?], 24 December 1786. *HKP*.

## CHAPTER 6

## TO CHECK THE MADNESS OF DEMOCRACY

As 1786 came to a close, five to six feet of snow had accumulated, making roads impassable and political activism impractical. Western voters, conventioners and Regulators waited, hoping for a break in the weather and, more importantly, in the unyielding position of government. But nature and government were both resolute. The cold and snow persisted into January and government continued to pursue a military solution to the constant demand for reform. "The Governor & Council," Winthrop Sargent wrote from Boston, "have I believe convinced themselves of the Propriety of girding on the Sword."<sup>1</sup> Governor James Bowdoin, with the Council's consent, had in fact already ordered the militia into action under General Benjamin Lincoln, initiating what would become a short-lived but intense campaign to suppress and eliminate the Regulation.

The governor's strategy succeeded from a military perspective, but it failed to win public opinion, necessitating a second strategy that drew on government's prior experience with conciliatory politics. Here the eastern political leadership was more successful: political harmony, of a sort, was restored and western politics defeated.

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<sup>1</sup> Winthrop Sargent to Henry Knox, 30 December 1786, *HKP*.

Tainted by their association with “Shays’ Rebellion,” popular political assemblies were discredited; committees receded into the background; and county conventions assumed an air of illegality and factionalism. The failure of western politics left little opposition to the eastern political leadership and the centralized, representative politics they espoused. Western opposition retreated indoors once again just as the debate over a new federal constitution was heating up. But the victory came too late for the sitting government. Voters turned out in record numbers in 1787 to defeat Governor James Bowdoin along with many incumbent legislators.

In early January 1787, most observers, including the governor’s military advisors, anticipated renewed attempts to obstruct the courts, beginning with the Court of Common Pleas scheduled to meet in Worcester on the 23<sup>rd</sup> of the month. General William Shepard, commanding officer of the militia at Springfield, estimated that 2000 men supported by two companies of artillery and one hundred cavalry could secure the court in Worcester. This same force would then be in a position to move into Hampshire and Berkshire Counties and “crush all opposition,” if the legislature allowed the militia to operate without restraint.<sup>2</sup> And the same troops could quickly march to Springfield to reinforce Shepard’s regiment at the federal arsenal should the Regulators change their objective. The governor supported the strategy with enthusiasm; but he was unwilling to call the legislature into early session to secure funding for the campaign. Instead, Bowdoin, acting in concert with the Council, endorsed a plan to raise private funds from

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<sup>2</sup> William Shepard to James Bowdoin, 30 December 1786, *Bowdoin-Temple Papers*. See also: Benjamin Lincoln to Jonathan Titcomb, 15 January 1787, *BLP*.

the monied men” of Boston and the eastern port towns, priming subscriptions with a £250 donation of his own.<sup>3</sup>

Bowdoin’s energetic—and unconstitutional—plan consciously preempted the legislature by promising government compensation for all borrowed funds. This decision reflected Bowdoin’s misgivings about the House of Representatives, which had proven particularly reluctant to use force prior to the November recess. The governor’s strategy also reflected growing criticism among influential nationalists concerning his leadership in the face of chronic court obstructions. Henry Knox described the current stalemate between the governor and the Regulators as the “consequence of something like imbecility in the government.”<sup>4</sup> A second observer raised doubts about the governor’s willingness to use force. “[T]rue it is they the insurgents [who] have thrown down the gauntlet,” Jeremiah Wadsworth noted. “—but that Government will take it up every day grows more doubtful.”<sup>5</sup> Added to this were serious questions about Bowdoin’s chances in the upcoming election.<sup>6</sup>

Confronted with growing disfavor on all sides, Bowdoin overrode the constitutional limits on his authority, mobilizing 4000 militiamen and six companies of artillery under the command of General Benjamin Lincoln, whose primary task was the protection of the courts in Worcester and, if necessary, in Hampshire and Berkshire Counties. If the Regulators failed to appear, Lincoln was ordered “to detach parties after their principal Leaders, and bring them to Civil Justice or pursue them root and branch

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<sup>3</sup> Nathaniel Gorham to Henry Knox, 31 December 1786; Henry Jackson to Henry Knox, 31 December 1786, *HKP*; Preamble and List of Subscriptions, 4 January 1787, *MIC*, 189:64.

<sup>4</sup> Henry Knox to Gouverneur Morris, 16 January 1787, *HKP*.

<sup>5</sup> Jeremiah Wadsworth to Henry Knox, 7 January [1787], *HKP*.

<sup>6</sup> *Ibid.*

out of the State.”<sup>7</sup> At the same time, General William Shepard and 1,000 troops would reinforce the arsenal at Springfield, securing it against possible attack.<sup>8</sup> Lincoln and Shepard could also count on reserves, many of them drawn from the ranks of the local gentry. This was made possible by pro-government recruiters, who experienced some success in the west enlisting prominent men and ordinary citizens as volunteers, particularly in towns where the friends of government were openly displaying their loyalties by wearing pieces of white paper in their hatbands.<sup>9</sup> Drawing on this pool, Jeduthan Baldwin organized a company of 56 men from the town of Brookfield in Hampshire County, 18 of them militia officers who agreed to serve as privates.<sup>10</sup> Overall, however, local recruitment proved quite difficult for government, as illustrated by an incident in Holden. On January 18, Captain Ebenezer Estabrook beat the town for pro-government volunteers, assembling a large party of potential recruits in the meetinghouse. At this point Artemas Dryden, an officer in the Regulation, intervened, encouraging the same men to “turn out against government.” Dryden’s ploy succeeded, winning thirty new recruits for the Regulator campaign.<sup>11</sup>

Not surprisingly, government recruiters found easier going in the eastern counties, where veteran officers and affluent young men jockeyed for commissions in the militia.<sup>12</sup>

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<sup>7</sup> Henry Jackson to Henry Knox, 7 January 1787, *HKP*.

<sup>8</sup> William Shepard to Benjamin Lincoln, 19 January 1787, *BLP*.

<sup>9</sup> Friends of government adopted white slips of paper to counter the Regulators and their supporters, who were already sporting hemlock in their hats as their badge of loyalty. The intention is unclear, however. It may have been the most convenient badge available. On the other hand, white slips of paper may have been intended as a symbolic gesture in support of the ballot as a legal means of change or the rule of law as a whole. Henry Van Schaack to Peter Van Schaack, 26 January 1787, *VSP*.

<sup>10</sup> Jeduthan Baldwin to Benjamin Lincoln, 19 January 1787, *BLP*. Other efforts made as well to raise western volunteers to support government. See: Oliver Prescott to James Winthrop, 8 January 1787, *MAC*, 189:70.

<sup>11</sup> John Childs, Testimony in the Case of Artemas Dryden, *RTP*.

<sup>12</sup> Szatmary, 87-8.

General Henry Jackson, the federal army's chief recruiter in Massachusetts, was overwhelmed by renewed enthusiasm for military service among Bostonians. "I assure you," Jackson gushed, "it is more like the year 75 than anything I have seen since—you remember how we used to enjoy ourselves in those happy days."<sup>13</sup> Attitudes among government forces in the field were strikingly different, however. Enlisted men, having experienced delays in pay and supply during the Revolutionary war, questioned the willingness of government to meet its financial obligations to the militia. Senior officers, doubted the willingness of their men to fight on the basis of prior experience with mutinies and insubordination. Responding to erroneous estimates of Regulator strength, Benjamin Lincoln worried that he would be outnumbered and William Shepard added a steady stream of reports depicting his situation in Springfield as desperate and his force as undermanned.<sup>14</sup>

The outlook was no better in the Regulator camp at Rutland. News of the government's military preparations, coupled with a warrant for the arrest of sixteen Regulator officers, had a chilling effect on the leadership.<sup>15</sup> Added to this were intelligence reports from a variety of sources warning the Regulators that "the Governor and his adherents" were intent on crushing the Regulation in one bold move, beginning with the defense of the court in Worcester. A committee of Regulators, including Daniel Shays and Reuben Dickinson, responded defensively with an alert requesting all

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<sup>13</sup> Henry Jackson to Henry Knox, 21 January 1787, *HKP*.

<sup>14</sup> Benjamin Lincoln to [John] Brooks, 18 January 1787; Jonathan Warner to Benjamin Lincoln, 10 January 1787; Ezra Bedlam to Benjamin Lincoln, 12 January 1787, *BLP*; Henry Van Schaack to Peter Van Schaack, 26 January 1787, *VSP*.

<sup>15</sup> A warrant had been issued on January 10, 1787 authorizing the arrest of 16 Regulator leaders, including Daniel Shays and Luke Day. This was followed in early February 1787 by a series of bounties: £150 on Daniel Shays and £100 each on Luke Day, Adams Wheeler and Eli Parsons. Parmenter, 325; Bentley, 54.

Regulator units to assemble at or near Pelham “well armed and equipped with ten days provisions.”<sup>16</sup> At the same time, the Regulators made every effort to avoid a confrontation with government. Daniel Shays expressed his personal desire for a non-violent solution during an interview with General Rufus Putnam, who was acting as the governor’s representative. Asked if he would accept a pardon and quit the Regulation, Shays replied: “Yes—in a moment.”<sup>17</sup> Although he was acting on his own in this instance, Shays’ response was consistent with the overall position of the Regulator leadership. Faced with the prospect of conflict, a committee of Regulators that undoubtedly included Shays offered to defer action against the courts and dismiss their men, if government would guarantee their safety and withhold their own troops. More importantly, the Regulators were willing to place all of their trust in the legislature, “Being in full Expectation that the Next Session of General Court Will Redress all our Real Greavances and Restore peace and Harmony to this Common Wealth.”<sup>18</sup>

John Fessenden and Amos Singletary, senators from Worcester County who were sympathetic to the Regulators, carried the offer directly to Governor Bowdoin in Boston—with no success.<sup>19</sup> The petition was abused publicly as “absurd,” allowing the governor to dismiss the offer for a ceasefire. In any case, Bowdoin had already made his position clear, denouncing the Regulators as “Insurgents” whose main purpose “is to annihilate our present happy constitution, or to force the General Court into measures

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<sup>16</sup> As reprinted in Sidney Kaplan, “A Negro Veteran in Shays’ Rebellion,” *Journal of Negro History* 33 (April 1948): 127.

<sup>17</sup> Parmenter, 397.

<sup>18</sup> Committee from the Counties of Hampshire and Worcester (Rutland, MA) to James Bowdoin and Council, 17 January 1787, *MAC*, 190:304.

<sup>19</sup> Henry Jackson to Henry Knox, 21 January 1787, *HKP*; Schutz, 218, 339.

repugnant to every idea of justice.”<sup>20</sup> This depiction of the Regulators—like the portrayal of Daniel Shays as their “generalissimo”—quickly emerged as the popular perception of the Regulation among eastern voters. Unobstructed by the legislature and buoyed by public support in the east, Bowdoin pursued a strategy intended to force the Regulators into action, basing his plan on the Regulators’ need for some sort of public demonstration. Accordingly, the governor’s initial maneuver aimed at shutting off the traditional field of protest—obstruction of the courts—which allowed him to dictate the time and place for the Regulators’ response.

On January 22, 150 Regulators from Middlesex County passed through Lancaster in Worcester County.<sup>21</sup> The westward march suggested one possible target. “I have been informed by Genl. Shepard,” Benjamin Lincoln wrote from Worcester the following day, “that he is apprehensive the magazine at Springfield is in danger. Hence I have been induced to call for men from Berkshire, one regiment from this county and your company to reinforce him.”<sup>22</sup> Lincoln proceeded with caution, however, placing the reinforcements under civil authority and under strict orders to avoid bloodshed, even if they were opposed by armed forces. “Should that be the case you will remonstrate against their conduct, warn them of their danger and apprise them of the consequences should they be obstinate in their opposition.”<sup>23</sup> The Regulators shared Lincoln’s desire to avoid armed conflict, hoping that superior numbers on their part would “prevent the shedding of Humane Blood.” To this end, the Regulators had already collected over

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<sup>20</sup> Massachusetts, Governor (James Bowdoin), “An address, to the good people of the commonwealth . . .” 12 January 1787, EAI, microfiche, 802 no.20500; *Boston Gazette*, 22 January 1787.

<sup>21</sup> Ephraim Stearns to Benjamin Lincoln, 22 January 1787, *BLP*.

<sup>22</sup> Benjamin Lincoln to Jeduthan Baldwin, 23 January 1787, *BLP*. See also: Benjamin Lincoln to Jonathan Warner, 23 January 1787, *BLP*; Benjamin Lincoln to James Bowdoin, 24 January 1787, *HKP*.

<sup>23</sup> Benjamin Lincoln to Timothy Newall, 23 January 1787, *BLP*.

2000 men, not including additional reinforcements who were expected momentarily from Berkshire County.<sup>24</sup>

Bowdoin and Shepard viewed the situation from the opposite perspective and their strategy confirmed Henry Knox's recurring suspicion that "the executive, have determined to coerce the insurgents."<sup>25</sup> The central focus of the plan—the federal arsenal at Springfield—offered a tempting target, whether or not the Regulators were intent on civil war. It also offered the best possible battlefield for government, despite Shepard's complaints to the contrary. The arsenal was positioned on a rise overlooking the town and it was well defended by at least one thousand and possibly as many as 1400 men, who were armed with new weapons, a bounty of powder and shot, and artillery drawn without permission from the federal storehouses.<sup>26</sup> "It will be very disagreeable to me to be defeated by such a wicked banditti," Shepard offered in the way of justification, "when I am guarding the arms of the union ... because I had no arms to defend myself even from insult."<sup>27</sup>

Shepard's concern with insult revealed a key element of the defensive plan for the Springfield arsenal. He could depend on the Regulators to turn up at Springfield; the governor's strategy had left the arsenal as the only realistic option for the Regulators, short of complete withdrawal. But he did not expect the Regulators, who were led by veteran officers, to mount a desperate attack against his position. Having experienced similar battles in the past, Shepard realized that it would take a stronger force than the

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<sup>24</sup> Copy of Letter from Adam Wheeler to the Town of Leominster, 23 January 1787, *BLP*.

<sup>25</sup> Henry Knox to Gouverneur Morris, 16 January 1787, *HKP*.

<sup>26</sup> Estimates on Shepard's strength varied. It appears that he started with about 1000 men, but received considerable reinforcement from local volunteers. See: *Boston Gazette*, 29 January 1787. For a description of the arsenal, see: Joseph P. Warren: 44.

<sup>27</sup> William Shepard to Benjamin Lincoln, 19 January 1787, *BLP*. See also: Joseph P. Warren: 60.

Regulators could mount to overrun a fortified position supported by artillery. Infantry operating in the open area in front of the arsenal would be cut down by deadly grapeshot before they could come close enough to use their muskets. A siege was a more likely strategy for an invading force, but this option was also fraught with problems, since Shepard could expect sizeable reinforcements from Worcester within two days of any attack and he could anticipate support from federal forces in Connecticut, if the siege lasted longer.<sup>28</sup> The Regulators would be caught in a deadly crossfire, encircled on the perimeter and pressured by overwhelming firepower from their center.

It would be a fitting ending from government's perspective, but it was too obvious a trap. The Regulators would most likely repeat their earlier strategy of parades, public demonstrations and threats—or insults, as Shepard saw them. Four months earlier a sizeable and disciplined crowd of protestors had done just that, successfully obstructing the court at Springfield, despite the presence of William Shepard and the militia. On this occasion the Regulators showed no interest in seizing the arsenal, even though they held a numerical advantage and the arsenal was largely unguarded. But an unguarded arsenal made a poor target for public protest. Instead, 'he Regulators held multiple parades in front of the courthouse and one parade up the hill to the arsenal and back, "nominally to take possession of the Public Grounds—but to do no injury."<sup>29</sup> They set up camp on the outskirts of Springfield, insisting that Shepard and his troops surrender their weapons to the arsenal storehouse and withdraw, at which point the Regulators would also depart

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<sup>28</sup> The forces under the command of Benjamin Lincoln arrived in Worcester on 23 January 1787. *Boston Gazette*, 29 January 1787; Benjamin Lincoln to James Bowdoin, 24 January 1787, *HKP*. On the issue of local volunteers, see: Jonathan Warner to Benjamin Lincoln, 26 January 1787, *BLP*.

<sup>29</sup> Daniel Stebbins' Notebook as quoted in Brynner, 84-5.

peacefully.<sup>30</sup> Shepard complied, but the incident left a bitter taste in his mouth. It was at this point that Shepard, along with Henry Knox and James Bowdoin, began to cultivate the theory of a Regulator plot to seize the arsenal, tying the Bowdoin-Shepard strategy to suppress western protests to Knox's strategy to enlarge the federal army.<sup>31</sup>

On January 25, 1787, with less than an hour of daylight remaining, the Regulators returned to Springfield 1200 strong, parading on the paths that led to the arsenal. The events of that day were carefully recorded in William Shepard's action report, which continues to serve as the primary source of information on the conflict at Springfield.<sup>32</sup> Shepard portrayed his own decisions at Springfield as reasonable, adhering somewhat to the rules of engagement laid out by the commanding general, Benjamin Lincoln. "The unhappy time," he informed the governor, "is come in which we have been obliged to shed blood."<sup>33</sup> The casualties were regrettable, Shepard reasoned, but necessary, given the aggressive intentions of the Regulators, who arrived in "battle array" with loaded muskets under the command of arrogant officers. Approached by two of Shepard's aides, Daniel Shays announced his intention to seize the barracks and stores. With this said the Regulators advanced to within 250 yards of the arsenal, forcing Shepard to dispatch a second party of officers with a demand that the Regulators halt or risk being fired on. "A Mr [John] Wheeler," Shepard reported, "who appeared to be one of Shays' aids ... made

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<sup>30</sup> Richard D. Brown, "Shays's Rebellion and Its Aftermath: 604-5. N.B. Bezaleel Howard's account of this event is misdated September 1787. Howard is undoubtedly describing the attempt to obstruct the court in Springfield that began on September 26, 1786.

<sup>31</sup> See Chapter 5 for additional details on Henry Knox's reaction to the Springfield court obstruction. For a thorough discussion of Knox's views on the Springfield arsenal, see: Brynner, 103-25.

<sup>32</sup> Shepard's report on the engagement influenced the official report filed by General Benjamin Lincoln and subsequent public and historical accounts of the battle. See: Benjamin Lincoln to James Bowdoin, 27 January 1787, *HKP*.

<sup>33</sup> William Shepard to James Bowdoin, 26 January 1787 as reprinted in "Documents Relating to the Shays Rebellion, 1787," *American Historical Review* 2 (July 1897): 694-5.

answer, that that was all he wanted.” At this point, Shays ordered his ranks to march at double time, giving Shepard no choice but to fire two warning shots from the cannon over their heads. Ignoring the warning, the Regulators pressed on and the next three shots were directed at the center of the column, throwing them into confusion and leaving three men dead and one mortally wounded. “Had I been disposed to destroy them.” Shepard concluded. “I might have charged upon their rear ... and could have killed the greater part of his whole army within twenty five minutes.”<sup>34</sup> Shepard’s decision to abstain from further attack was, however, more strategic than merciful, since an open attack on the Regulators would have sacrificed his advantage.

Did the Regulators intend to attack the arsenal and seize the weapons in order to equip a rebel army? Shepard, Bowdoin and Knox promoted this idea prior to and following the actual clash at Springfield. Although the facts argued otherwise, Shepard consistently pointed to the arsenal as the primary target of the Regulators, arguing that Daniel Shays and Adam Wheeler intended to seize the weapons during the court obstruction at Springfield the prior September. Shepard was placed in charge of the arsenal largely on the basis of this claim and he continued to forward intelligence to the governor, most of it faulty, pointing to a sizeable buildup of rebel forces intent on capturing the weapons supply. No actual threat had been made by the Regulators against the arsenal, but Bowdoin had concluded otherwise, exhorting Shepard to “defend it at all hazards.”<sup>35</sup>

The governor also prepared the general public for a harsh military response to any future protests by reinforcing the image of the Regulators as insurgents whose only object

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<sup>34</sup> Ibid.

<sup>35</sup> James Bowdoin to William Shepard, 21 January 1787, *Bowdoin-Temple Papers*, 129-30.

was forceful overthrow of government.<sup>36</sup> Knox, in turn, promoted the idea of a threat to the arsenal among other nationally minded men.<sup>37</sup> These reports found their way into routine correspondence and, most likely, into everyday conversation in the days and weeks leading up to the confrontation. Absorbed in the news from Hampshire County, Abigail Dwight wrote to her friend from Stockbridge in Berkshire County about the preparations at the arsenal two months before the actual confrontation. “Coll Sheppard a Brave Continental Officer has taken Possession of the magazine—and the court House at Springfield.” Dwight reported, “[and] stationed a sufficient [number] of men—for any contingency.”<sup>38</sup>

The government’s interpretation of the action at Springfield as a desperate attempt on the part of the Regulators to seize arms was apparently confirmed by statements made by the Regulator leadership prior to the battle. Daniel Shays had already declared during his interview with Rufus Putnam that he would, if compelled by government, “collect all the force I can and fight it out.” “[A]nd, I swear, so would you,” he added, “and anybody else, rather than be hanged.”<sup>39</sup> John Wheeler, a veteran of the Revolution who had served under Shays, had sworn prior to the engagement that “they would have the ground Shepard was on before night.” Asked if the ground at the arsenal “was more holy than any other” and why he was willing to buy it at such a great cost, Wheeler replied that “there were too many men and that Hell wanted filling up.”<sup>40</sup> A second witness offered a

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<sup>36</sup> Massachusetts, Governor (James Bowdoin), “An Address to the good People of the Commonwealth,” 12 January 1787 (Boston: 1787), EAI, microfiche, 802 no. 20500; Minot, 94-5.

<sup>37</sup> See Chapter 5 for communications between William Shepard, James Bowdoin and Henry Knox concerning the Springfield arsenal. See also: Henry Knox to General Parsons, 3 October 1786. *HKP*.

<sup>38</sup> Abigail Dwight to Mrs. Morton, 17 November 1786. *SFP II*.

<sup>39</sup> Parmenter, 397.

<sup>40</sup> Joseph Miller, Testimony in the Case of John Wheeler, *RTP: Massachusetts Soldiers and Sailors of the Revolutionary War*, 16:975.

somewhat different testimony. According to this witness Wheeler had sworn that he “would lodge in Springfield the next night or in HELL—that HELL was not full enough—some more men must be kill’d.”<sup>41</sup>

In the aftermath of Springfield these and other isolated statements by Regulators, along with the presence of loaded Regulator muskets discarded on the battlefield, appeared to corroborate government’s interpretation of the Regulators’ intentions. Daniel Shays, Luke Day, Reuben Dickinson and the other Regulators seemed suddenly radicalized, having moved within the span of a few days from pleas for peaceful resolution to a plot to seize federal weapons and stores.<sup>42</sup> In fact, little had changed politically or strategically for the Regulators in the four months since their last appearance at Springfield. The Regulators returned to Springfield not to seize the arsenal, but to stage a massive protest. Viewed from this perspective, the statements made by Daniel Shays and John Wheeler take on a different meaning, revealing a significant level of bravado among the Regulator leadership in the days and hours leading up to the confrontation. This bravado did not, however, suggest growing aggressiveness or radicalization. Instead it underscored a growing sense of desperation on the part of the Regulators, who had made a number of unsuccessful attempts to reach a peaceful solution with government. Spurned by the government in every effort to find a peaceful solution, the Regulator leadership summoned every ounce of commitment and discipline they could muster from their men in order to confront Shepard’s forces and compel a concession from government *without* bloodshed. Military bravado, which for many of

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<sup>41</sup> Noah Warriner, Testimony in the Case of John Wheeler, *RTP*.

<sup>42</sup> For an example of this interpretation see: Szatmary, 91-100. In contrast, Rock Brynner raises doubts concerning the Regulator’s intentions at Springfield, concluding that it was a poorly planned “comedy of errors.” See: Brynner, 97.

these men was tied to their experience in the war for independence, also suited the occasion, helping to overcome the anxieties that undoubtedly plagued the rank-and-file.

This interpretation of the Regulators' plan for Springfield is supported by their actions prior to and during the protest at the arsenal. On the 23<sup>rd</sup>, two days prior to the engagement, Adam Wheeler contacted General Benjamin Lincoln requesting honorable terms in exchange for complete withdrawal on the part of the Regulators "to prevent the shedding of Humane blood."<sup>43</sup> On the morning of the actual engagement Luke Day sent a separate notice to William Shepard demanding his immediate withdrawal from the arsenal. The militia was required to deposit their weapons in the public storehouse at the arsenal and return to their homes "on parole." The tone was disrespectful, but the terms varied little from those Shepard had accepted four months earlier, when he agreed to vacate the arsenal and the Regulators had, in turn, withdrawn peacefully. Day's proposal for peaceful withdrawal represented a genuine first offer that was supported by an additional day to allow negotiation. But the message informing Shays of the delay never reached him. The insulting tone in Day's message was also intentional and was in all probability directed at Shepard specifically, since Shepard had become the chief antagonist of the Regulation, having made his views on the need to suppress the Regulators well known. In stark contrast, Daniel Shays' petition to General Benjamin Lincoln offering to withdraw in exchange for indemnity was significantly more respectful.<sup>44</sup>

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<sup>43</sup> Adam Wheeler to Benjamin Lincoln, 23 January 1787. *BLP*.

<sup>44</sup> Interpretations vary widely at this point. Szatmary describes Luke Day's message as an ultimatum, but he fails to put it in its proper context. Missing from Szatmary's discussion are the other two petitions—the one by Wheeler and the second one by Shays. Also missing is any discussion of the earlier experience at Springfield. George Minot, on the other hand colors Day's message as insolent and as a self-interested attempt to secure Shepard's surrender. At the same time, Minot describes Shays' petition as largely pro forma; a message from a man intent on attacking the arsenal under any circumstances. Like Szatmary,

Both petitions were rejected and with no compromise in sight, the Regulators dispatched scouts early in the morning to watch the roads leading into Springfield. More than anything else, the Regulator officers feared a sudden attack from the rear by Lincoln's forces who, they suspected, were already on the march. With light fading and no sign of Lincoln, the Regulators made their move, marching onto the field in front of the arsenal in a reenactment of the parades they had made in front of the courthouse four months earlier. They expected, as John Wheeler had stated the night before, to "lodge" or camp at Springfield at the foot of the arsenal until Shepard agreed to withdraw his troops. This was not only consistent with the Regulators' recent demands, but also with the alert ordering the Regulators to turnout with ten days provisions. Ten days provisions would not have been necessary, if an assault on the arsenal was already under consideration.

Shepard operated under a different set of expectations, concealing his men behind the public buildings on the arsenal's grounds along with scouts, who had taken cover in the bushes along the perimeter. Differing accounts concerning Shepard's warning and his line of demarcation also shed doubt on Shepard's account, raising the possibility that Shepard may have withheld his warning until the Regulators had advanced within range of his artillery. Daniel Shays' response—alternately described as a laugh or a threat to seize the stores—was met not with a second warning, but with a challenge of equal bravado. "The answer returned," Shepard admitted in his own report, "was he must

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Minot overlooks Wheeler's letter to Lincoln. Finally, Szatmary and Minot both interpret Day's message to Shays calling for a one day postponement as a missed communication that bordered on incompetence or cowardice. See: Szatmary, 101; Minot, 108-10.

purchase them dear, if he had [to have] them."<sup>45</sup> Shepard's claim of a second warning, if one was given, and his line in the sand placed the Regulators within range of the grapeshot, while the arsenal remained out of range of the Regulators' muskets.<sup>46</sup> And yet the Regulators advanced, even though the officers and many of the privates were combat veterans and were well aware of the effective ranges of their own and Shepard's weapons. Confident that they would not be fired upon, the Regulators were caught by surprise when Shepard gave the order to release the grapeshot, giving rise to cries of "murder" as four men dropped to the ground and the rest rushed for safety.<sup>47</sup> Retreating in panic, none of the Regulators returned fire, not even in frustration or fear, even though their muskets were loaded.<sup>48</sup> In fact, the presence of loaded muskets offered no clear evidence concerning the Regulators' intentions, since protestors had appeared with loaded muskets at various court obstructions in the past. Measuring the reports from Springfield against Regulator actions at prior court obstructions, Henry Van Schaack concluded several days later that there "is good reason to believe that there was no design

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<sup>45</sup> William Shepard to James Bowdoin, 26 January 1787, "Documents Relating to the Shays Rebellion, 1787": 694-5. Two other accounts of the battle describe only one effort to warn the Regulators before the grapeshot was unleashed. A third account makes no mention of a warning being issued on the actual field of battle. Instead the line of demarcation is drawn and the warning is delivered before the march commences. See: Daniel Stebbins' Notebook as quoted in Brynner, 97-9; *Boston Gazette*, 29 January 1787; Richard D. Brown, "Shays's Rebellion and Its Aftermath": 606.

<sup>46</sup> Shepard estimated the Regulators at 300 feet (or 100 yards) from the arsenal when he ordered the warning shots. Bezaleel Howard recorded the distance as 100 rods (or 1650 feet), an estimate that would have placed the Regulators at quite a distance from the arsenal. It appears that Howard had come up with the same estimate as Shepard, recording it erroneously as rods rather than yards. This is important, since the effective range of grapeshot fired from a 3 pound cannon of the type used during the American Revolution was about 200 yards. The effective range of a smooth bore musket, the type carried by most Continental soldiers and militiamen, was about 80 yards. William Shepard to James Bowdoin, 26 January 1787, "Documents Relating to the Shays Rebellion, 1787": 694-5; Account of Bezaleel Howard in Richard D. Brown, "Shays's Rebellion and Its Aftermath": 606.

<sup>47</sup> Parmenter, 377.

<sup>48</sup> William Shepard acknowledges that no muskets were fired by either side. William Shepard to James Bowdoin, 26 January 1787, "Documents Relating to the Shays Rebellion, 1787": 694.

to Attack Genl Shepard but that the Insurgents relied on a belief that Government w[oul]d not without great provocation proceed to extremities."<sup>49</sup>

Van Schaack's interpretation of the event was supported by the Regulators' actions over the next few days. A petition signed by Daniel Shays and Daniel Gray proposing mutual withdrawal as a means of avoiding any further violence was forwarded to General Benjamin Lincoln immediately following the retreat. For their part, the Regulators offered to disband until the next session of the legislature and remain home "patiently waiting and hoping for constitutional relief from the insupportable burdens they now labour under" in exchange for temporary indemnification and release of all Regulators held prisoner by government.<sup>50</sup> The offer was repeated over the next few days in communications from Daniel Shays and from a committee of Regulators that included Shays and Adam Wheeler.<sup>51</sup> Similar appeals from western towns flooded Lincoln's headquarters, including a petition from the Hardwick town meeting offering to act as an intermediary between the two camps.<sup>52</sup>

Lincoln received the offers for a ceasefire with military formality, showing full respect for all messengers arriving under the flag of truce; and he sympathized with the Regulators' desire to prevent violence.<sup>53</sup> "No man," Lincoln responded, "wishes more than I do to see order restored to the common wealth or wishes more to avoid the shedding

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<sup>49</sup> Henry Van Schaack to Peter Van Schaack, 28 January 1787. *VSP*.

<sup>50</sup> *Boston Gazette*, 29 January 1787.

<sup>51</sup> Copies of the following correspondence were included in a letter from Major Haskell to Henry Knox, 30 January 1787. *HKP*: Daniel Shays to Benjamin Lincoln, 30 January 1787; Committee of Reconciliation to Benjamin Lincoln, 31 January 1787; Benjamin Lincoln to Daniel Shays et al, 31 January 1787.

<sup>52</sup> Petition from Hardwick, 30 January 1787. See also: Petition from Williamstown, 28 January 1787; Petition of Ruggles Spooner, 29 January 1787; Petition from Colrain, 29 January 1787; Petition from Leverett, 29 January 1787; Petition from Oakham, 31 January 1787. *BLP*.

<sup>53</sup> William Eustis to William Jackson, 1 February 1787. *HKP*.

of blood in affecting this object."<sup>54</sup> Lincoln insisted, however, that the only recourse left for the Regulators was "to lay down their arms & submit to the clemency of their country," since he had no authority to negotiate the terms of surrender.<sup>55</sup> It was an honest appraisal of the situation. Governor Bowdoin, who retained absolute control over the political aspects of the campaign, insisted on a rigid policy of total surrender. The governor made this choice in the face of mounting calls for leniency from various town committees in western Massachusetts and from his own generals.<sup>56</sup> Benjamin Lincoln's reports supported rigorous measures against the Regulator leadership, but only as one part of a larger plan for reconciliation with the general public. "Shays & his abettors," Lincoln advised the governor, "must be healed as open enemies the sooner it is done the better—For if we drive him from one strong post he flees to another; in these movements he could not be supported if he was not comforted by the many disaffected in these counties."<sup>57</sup>

Lincoln's strategy of restraint in Worcester and Hampshire Counties had already proven somewhat successful. But the governor gave more credence to reports from William Shepard supporting total submission in the west. Shepard's influence increased significantly after the confrontation at Springfield, when he was summoned to Boston to explain his actions to the legislature. Granting permission for the trip, Lincoln encouraged Shepard to impress upon the legislature that "the tattering fabrick of our constitution can acquire stability only through their magnanimity." "[M]ay every

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<sup>54</sup> Benjamin Lincoln to the Selectmen of Williamstown, 30 January 1787, *BLP*. See also: Benjamin Lincoln to Nathan Harrington, 29 January 1787, *BLP*.

<sup>55</sup> Benjamin Lincoln to James Bowdoin, 27 January 1787; Benjamin Lincoln to Daniel Shays et al. 31 January 1787 as recorded in Major Haskell to Henry Knox, 30 January 1787, *HKP*.

<sup>56</sup> John Brooks to James Bowdoin, 29 January 1787, *Bowdoin-Temple Papers*, 133-4.

<sup>57</sup> Benjamin Lincoln to James Bowdoin, 30 January 1787; Benjamin Lincoln to John Patterson, 31 January 1787, *BLP*.

member think justly.” Lincoln entreated. “and have fortitude enough to speak & act his own sentiments.”<sup>58</sup> Influenced by the governor—and indirectly by Shepard—the legislature behaved quite differently from what Lincoln had hoped. Throughout the period of protest and political action westerners had looked to the House of Representatives as the people’s arm of government, petitioning constantly for its reassembly. But the House did not respond favorably to the needs of western voters when it reconvened on February 3, 1787.

Instead the House united in support of Bowdoin’s platform, turning a deaf ear to petitions from various towns requesting recall of the militia and leniency for the Regulators. More importantly, the House dismissed a direct appeal for clemency from Francis Stone, chairman of the Regulator committees, assigning the petition to a joint committee comprised of Nathaniel Gorham, Artemas Ward and Samuel Adams, who were stalwart enemies of the Regulation. Not surprisingly, the committee recommended outright rejection, coloring the petition as an insult to government. In the meantime, the legislature gave unanimous approval to resolutions commending the overall conduct of Benjamin Lincoln and, to the Regulators’ disappointment, the actions of William Shepard at Springfield. The House followed with an act appropriating £40,000 to reimburse subscriptions and a bill declaring a state of rebellion.<sup>59</sup> The new legislation sanctioned the governor’s actions during the legislative intercession and, at the same time, satisfied his demands for vigorous prosecution of the Regulators, who, according to Bowdoin, continued to represent a real and imminent threat. Respectable persons in the western

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<sup>58</sup> Benjamin Lincoln to William Shepard, 31 January 1787, *BLP*.

<sup>59</sup> House of Representatives, Resolution, 5 February 1787; James Bowdoin, Resolution Declaring a State of Rebellion, 9 February 1787, *MAC*, 189:112, 121-2; *Journal of the House of Representatives*, 7: 378-80, 388, 393. See also: *Boston Gazette*, 12 February 1787; Minot, 124-30.

counties, the governor reported. "all agreed in the necessity of speedy & vigorous measures being taken for the effectual suppression of the insurgents: without which the well affected might, from a principle of self preservation, be obliged to join them; and the insurrection become general."<sup>60</sup>

In formulating his plan for total suppression in the west, the governor denied the intentions of the Regulator leadership, who had been seeking a peaceful solution prior to and following the confrontation at Springfield, and he dismissed out of hand all petitions requesting leniency, reinterpreting these requests as disapprovals of government.<sup>61</sup>

Bowdoin's plan also ignored the military reality. By early February 1787 the Regulators presented no immediate threat to the troops in the field or to government in Boston.

"[T]hey have no Idea of Fighting," General Henry Jackson concluded, "unless they are pushed to it—their only cry is mercy—mercy—they are much afraid of the Military."<sup>62</sup>

Lincoln reached a similar conclusion, worrying less about the larger strategy and more about isolated conflicts with desperate and encircled Regulator units. Accordingly, he impressed on his officers the need to withhold fire, but he revised the rules of engagement, authorizing deadly force, if any attempt was made to obstruct the militia.<sup>63</sup>

Desperation emerged quickly among the Regulators in the aftermath of Springfield, leading to a skirmish at New Braintree between a small company of Regulators, under the command of Thomas Moore of Spencer, and a detachment of government cavalry. The firefight, the first initiated by the Regulators, ended in two

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<sup>60</sup> *Journal of the House of Representatives*, 7:369-74.

<sup>61</sup> *Ibid.*

<sup>62</sup> Henry Jackson to Henry Knox, 3 February 1787, *HKP*.

<sup>63</sup> Benjamin Lincoln to John Patterson; Benjamin Lincoln to Jonathan Warner; Benjamin Lincoln to John Brooks, 28 January 1787; Benjamin Lincoln to John Patterson, 1 February 1787, *BLP*.

government casualties, but it was far removed from rebellion. Instead the incident, which began with an isolated action against a creditor, reflected a desire for vengeance and heightened anger over government's actions at Springfield.<sup>64</sup> For the most part, the Regulators avoided direct contact with the militia, seeking instead to renew discussions for a peaceful withdrawal. Adam Wheeler met with General Rufus Putnam on February 3, 1787 under a flag of truce, requesting once again a guarantee of safety for the Regulator officers. Putnam, aware of Benjamin Lincoln's imminent arrival, rejected the request and the two men returned to their camps.<sup>65</sup>

On February 4, Lincoln's troops reached Petersham after a forced march in deep snow and poor weather, catching the Regulators by surprise.<sup>66</sup> Numerous prisoners were taken and the remaining Regulators retreated in disarray, leaving the government in control of the county. "If the men under Shays should disperse," Lincoln informed the governor, "no men will be retained in the field nor in this Division, saving a guard at the magazine at this place [Springfield]."<sup>67</sup> But the Regulators attached to Shays and the remaining captains showed no interest in fighting. On the following day, February 5, Lincoln received information garnered from captured and returning Regulators confirming the dismissal of the Regulator forces in Hampshire County. "I have received further accounts from Shays's troops," Lincoln advised the governor, "... that each man

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<sup>64</sup> Recognized Witnesses in the Case of New Braintree, [?] April 1787, *RTP*. See also: Szatmary, 104.

<sup>65</sup> Benjamin Lincoln to Adam Wheeler, 3 February 1787 (Letterbook); Benjamin Lincoln to James Bowdoin, 4 February 1787 (Letterbook), *BLP*.

<sup>66</sup> Benjamin Lincoln to John Patterson, 6 February 1787, *Walker-Rockwell Papers*; Benjamin Lincoln, Statement to His Troops, 4 February 1787, *HKP*; Benjamin Lincoln to James Bowdoin, 4 February 1787 (Letterbook), *BLP*.

<sup>67</sup> Benjamin Lincoln to James Bowdoin, 28 January 1787, *BLP*. Jonathan Warner took issue, advising against recall of militia forces, since the "rage against government, though abating in some places, yet in Others it seems to be rising to a higher degree." Jonathan Warner to Benjamin Lincoln, 31 January 1787, *BLP*.

must take care of himself."<sup>68</sup> Small groups of Regulators continued to harass local storekeepers and officials and more than one attempt was made to assassinate William Shepard. Like the skirmish at New Braintree, these incidents reflected anger and frustration rather than continued rebellion and they were limited to a handful of Regulators.<sup>69</sup> Most of the privates and non-commissioned officers returned home as soon as the order was given, submitting to the requirements of the pardon.<sup>70</sup>

Other Regulators were apprehended by the militia, including many enlisted men, who were permitted to apply for an immediate pardon, if they were willing to swear allegiance, surrender their weapons and post bond for good behavior.<sup>71</sup> Officers, on the other hand, were disqualified from any pardon and they received no quarter when they were apprehended. Luke Drury, one of the principal captains, was arrested along with Caleb Curtis and Artemas Dryden, who had played active roles as recruiters for the Regulation. All three men were immediately transferred to Boston, where they were held without trial and under poor conditions.<sup>72</sup> On the whole, however, government was unsuccessful in its attempts to arrest the principal leaders of the Regulation. Adam Wheeler, who played an important role in every phase of the Regulation, was apprehended at the Vermont border, but he was quickly rescued by supporters from New

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<sup>68</sup> Benjamin Lincoln to James Bowdoin, 5 February 1787 (Letterbook), *BLP*.

<sup>69</sup> For the various raids on shopkeepers and government officials, see: Szatmary, 103-4. Two attempts were apparently made to assassinate William Shepard, one at the end of January, the other in April 1787. See: Information Concerning General Whitney, 30 January 1787; B. Oliver to Col. Murray, 16 April 1787; *RTP*; Szatmary, 113.

<sup>70</sup> Benjamin Lincoln to James Bowdoin, 8 February 1787, *BLP*.

<sup>71</sup> William Greenleaf to James Bowdoin, 17 February 1787, *Bowdoin-Temple Papers*, 138-41; Israel Chapin to Benjamin Lincoln, 3 February 1787; Jonathan Warner to Benjamin Lincoln, 4 February 1787; Benjamin Lincoln to James Bowdoin, 5 February 1787; Benjamin Lincoln to Ephraim Stearns, 6 February 1787, *BLP*; William North to Henry Knox, 19 February 1787, *HKP*; Szatmary, 107-8, 118-19.

<sup>72</sup> Petition of Luke Drury to James Bowdoin, 9 March 1787; Jonah Goulding to John Prentice, 15 March 1787, *Luke Drury Papers*; Petition of Jonah Goulding, 10 March 1787; Petition of Job Shattuck, 2 April 1782, *MAC*, 189:213.

York.<sup>73</sup> Daniel Shays, Luke Day, Reuben Dickinson, John Billings, Thomas Grover and about 200 other men crossed the border into Vermont on or after February 6, where they were joined by additional escaping Regulators.<sup>74</sup>

The exodus of Regulators added to Lincoln's conviction that the insurgency had been effectively suppressed in Worcester and Hampshire Counties. Accordingly, Lincoln ordered the furlough or outright release of entire regiments. "I think he [Shays] cannot again collect in force," Lincoln advised his generals. "Such is the present appearance of things that I conceive it unnecessary to call in any more Troops."<sup>75</sup> This done, Lincoln marched his forces to Berkshire County to neutralize that region as a possible haven for the Regulators.<sup>76</sup> For the most part the campaign in Berkshire matched the recent experience in Hampshire County. Government forces and Regulators clashed once in what may have been the most significant battle of the Regulation, a six-minute firefight at Stockbridge. Isolated raids aimed at harassing local shopkeepers and officials followed, as they had in Hampshire County, and some of the Regulators escaped across the border into eastern New York State, causing continued warnings of renewed rebellion against government.<sup>77</sup> In every other respect, however, the campaign in Berkshire went smoothly, resulting in the arrest of "a number of characters who gave birth to the present Rebellion."<sup>78</sup>

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<sup>73</sup> Royal Tyler to Benjamin Lincoln, 20 February 1787. *Bowdoin-Temple Papers*, 143-4.

<sup>74</sup> See: Blacklist, County of Hampshire, 13 April 1787. *RTP*.

<sup>75</sup> Benjamin Lincoln to Jonathan Warner, 5 February 1787 (Letterbook). *BLP*.

<sup>76</sup> Benjamin Lincoln to James Bowdoin, 5 February 1787. *BLP*.

<sup>77</sup> Accounts of the battle vary. Some of the evidence indicates more than 60 killed and wounded. Bezaleel Howard reported no more than 5 killed in addition to a number wounded. See: Szatmary, 109-12; Account of Bezaleel Howard in Richard D. Brown, "Shays's Rebellion and Its Aftermath": 611.

<sup>78</sup> [Caleb Strong] to Theodore Sedgwick, 7 February 1787. *SFP I*. The letter is unsigned, but it appears to be in the hand of Caleb Strong. See also: Benjamin Lincoln to James Bowdoin, 12 February 1787. *BLP*.

On February 17, three weeks after the confrontation at Springfield, Benjamin Lincoln confidently announced that the Regulation was coming to a speedy end and that efforts at reconciliation should move forward at a rapid pace.<sup>79</sup> With this in mind, Lincoln advocated a three-pronged approach to normalization that included a town-by-town search for the “disaffected”, a program encouraging non-commissioned Regulators to surrender, and a brief but relatively lenient application of justice that fell well short of occupation and widespread retaliation.<sup>80</sup> “A few prompt punishments,” Lincoln advised the governor, “would work more conviction in the minds of these people than ten times the number executed at a distance & with the usual delay.”<sup>81</sup> Once again, Bowdoin ignored Lincoln’s advice, opting for a punitive course of action favored by William Shepard that was intended “to rivet in their [the westerners] minds a compleat conviction of the force of government and the necessity of an entire submission.”<sup>82</sup> In keeping with this policy, Bowdoin approved the activation of 2,600 additional militiamen and the reenlistment of 1,300 who were already in the field. This combined force would police the western counties, extending its reach beyond state borders, if necessary, in order to suppress any and all remnants of the Regulation.<sup>83</sup>

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<sup>79</sup> Benjamin Lincoln to Henry Knox, 17 February 1787, *HKP*. “Indeed the rebellion seems nearly to be crushed,” Lincoln declared two weeks later, “and certainly the people are fast submitting to government.” Benjamin Lincoln to Henry Knox, 1 March 1787, *HKP*.

<sup>80</sup> Benjamin Lincoln to Henry Wood, 17 February 1787 (Letterbook); Benjamin Lincoln to Peter Van Schaack (Letterbook), 18 February 1787; Benjamin Lincoln, Proclamation, 19 February 1787 (Letterbook), *BLP*; Benjamin Lincoln to Henry Knox, 1 March 1787, *HKP*; Henry Van Schaack to Peter Van Schaack, [?] March 1787, *VSP*.

<sup>81</sup> Benjamin Lincoln to James Bowdoin, 12 February 1787, *BLP*.

<sup>82</sup> William Shepard to James Bowdoin, 18 and 20 February 1787, *Bowdoin-Temple Papers*, 141-3, 146-8.

<sup>83</sup> Massachusetts, Governor (James Bowdoin), “An act describing the disqualifications to which persons shall be subjected . . .” 17 February 1787 (Boston: Adams & Nourse, 1787), EAI, microfiche, 802 no. 20501; Commonwealth of Massachusetts, Resolution, 8 March 1787, *MLAC*, 189:192; Minot, 126; Benjamin Lincoln to Jonathan Warner, 13 February, 1787, *BLP*.

The political adjunct of the governor's campaign to suppress the Regulation included a bill requiring immediate payment of overdue taxes to provide funds for the next phase of the campaign. The wording added a test of loyalty, enjoining the public "to give a substantial proof of their attachment to our happy Constitution ... by an immediate payment of their taxes."<sup>84</sup> The legislature also passed bills disqualifying former and current members of the Regulation from voting, holding office, serving on juries or holding licenses as innkeepers and tavern keepers.<sup>85</sup> Encouraged by the legislature the governor forged ahead with a series of Supreme Court hearings under the direction of Attorney General Robert Treat Paine, whose charge, as defined in the recent declaration of rebellion, included anyone who participated, assisted or in any way supported the Regulation.

The governor's judicial plan worried Henry Van Schaack. "I fear some of the lists for apprehending are too extensive," he wrote. "There are real offenders enough, [but] those who are not objects of public resentment ought to escape vengeance from Individuals."<sup>86</sup> Van Schaack was admittedly oversensitive to this issue, having suffered under a similar system of political justice as a suspected Loyalist in the 1770s. But his apprehensions were well founded, since the size and scope of the trials were unprecedented on both the local and state levels. Witnesses, as one observer noted, were easily procured: the grand jury in Berkshire County alone had collected 197 witnesses.

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<sup>84</sup> Massachusetts, Senate. "Whereas it is necessary that a considerable sum of money should be immediately procured to defray the expences ... for the suppression of the unnatural rebellion ...." 15 February 1787 (Boston: 1787), EAI, microfiche, 802 no. 20508.

<sup>85</sup> Massachusetts, Governor (James Bowdoin). "An Act Describing the Disqualifications to Which Persons Shall be Subjected ...." 16 February 1787 (Boston: Adams & Nourse, 1787), EAI, microfiche, 802 no.20501; Massachusetts, House of Representatives. "An Act for Preventing Persons Serving as Jurors." 26 February 1787 (Boston: 1787), EAI, microfiche, 802 no. 45100.

<sup>86</sup> Henry Van Schaack to Theodore Sedgwick, 16 February 1787. *VSP*.

including a number of the county's leading citizens. More than 200 witnesses came forward in the other counties as well, offering to testify against neighbors and, in some cases, family members. Others came forward to provide the names of other potential witnesses and defendants.<sup>87</sup>

Trials of Regulator officers attracted particular attention. A "Cloud of Witnesses" volunteered to testify against Artemas Dryden, the Regulator recruiter who bested the government's enlistment officer at Holden.<sup>88</sup> Dryden's legal burden also included Lemuel Abbott and his entire family, who were willing to testify that "when Dryden left Shays' Army and came home to Holden he professed a very disagreeable Temper of mind by Saying he had rather a Dyd than come home."<sup>89</sup> But the testimony was not limited to witnesses to friends of government. Some Regulators like Silvanus Billings unwittingly provided evidence in their own confessions.<sup>90</sup> Others became willing participants, testifying against the Regulator leadership to secure their own clemency. Dr. Aaron Hill pled guilty to carrying arms and messages to the Regulators, but he offered detailed testimony against Comfort Rice to gain some measure of clemency, accusing Rice of speaking out against government and rallying volunteers in the towns surrounding Uxbridge.<sup>91</sup>

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<sup>87</sup> Account of Bezaleel Howard in Richard D. Brown, "Shays's Rebellion and Its Aftermath": 611; Witnesses Sworn before the Grand Jury at Great Barrington, March 1787, *RTP*. Lists of potential and deposed witnesses were collected by Robert Paine from courts, grand juries and sheriffs in the three western counties. They can be found in the Shays' Rebellion Box of the *RTP*. For examples of witnesses who were willing to name names, see: Solomon Stow to Robert Treat Paine, 24 April 1787; Benjamin Tupper to Col. Murray, 17 and 19 April 1787; Testimony of Isaiah Brown viz. Abel Marshall, 24 April 1787, *RTP*.

<sup>88</sup> John Child to [Robert Treat Paine], 30 April 1787, *RTP*.

<sup>89</sup> Witnesses Against Said Dryden & Harrington, 27 April 1787, *RTP*.

<sup>90</sup> Petition of Silvanus Billings, 10 March 1787, *AWP*.

<sup>91</sup> Dr. Hill's Confession, 16 February 1787, *RTP*. See also: Examination of Alpheas Cotton, 10 April 1787; Testimony of Joshua Randall, 25 April 1787, *RTP*.

The lengthy list of witnesses was matched by more than 400 defendants, including some notable leaders of the Regulation.<sup>92</sup> But most of the indictments involved privates who refused to take the oath or surrender their weapons and men who played limited roles in the Regulation. Bezaleel Howard saw the entire process as an unwarranted abuse of authority on the part of government. "Magistrates, officers, and soldiers of Government." Howard noted in his journal, "... vent all the spite, malice, and spleen ... under pretense of warrant and Civil Authority." Few citizens were willing to speak out against this abuse, fearing arrest and retaliation from the militia and pro-government officials. "The Gun and Bayonet." Howard concluded, "was now the only standard of authority." Soldiers assumed license to forcibly seize and imprison without warrant anyone suspected of participation in the Regulation. "Such a state of anarchy & Confusion, Dispotism and Tyranny," Howard observed, "succeeded the Dispersion of Shays troops."<sup>93</sup>

Caught in the broad net of military justice were men like Abner Thaler, whose only crime was lending a gun to someone who had joined the Regulation. Others were charged with treason for providing supplies or delivering provisions and messages. Four witnesses testified against Ezekiel Butler, insisting that it was his refusal to raise men in favor of government that had squashed any chance of securing volunteers from the town of Paxton.<sup>94</sup> Ten witnesses were willing to testify "in the Case of Mr Curtiss with Respect to his praying with the Shaysmen."<sup>95</sup> Also targeted were local officials who

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<sup>92</sup> This estimate is drawn from lists of defendants, prisoners and men on probation available in the Shays' Rebellion Box of the RTP.

<sup>93</sup> Account of Bezaleel Howard in Richard D. Brown, "Shays's Rebellion and Its Aftermath": 609-10.

<sup>94</sup> Information Reflecting the Longmeadow Insurgents. [n.d.]; List of Persons Rebelling in the Town of Paxton, 25 April 1787, RTP.

<sup>95</sup> Witnesses Proper to be Summoned in the Case of Mr. Curtiss. [?] April 1787; Recognized Witnesses viz. Malichir Partridge, William Tucker and Aaron Tucker. [?] April 1787, RTP.

were sympathetic to the Regulation and men who played prominent roles in the various county conventions. A recently enacted bill disqualified from any pardon civil and military officials and members of conventions who were accused of supporting or aiding the Regulation.<sup>96</sup>

Pro-government officials used the disqualification to influence the direction of indictments and trials. John Child, a justice of the peace and town official from Holden, argued for the disqualification of one grand juror because he “has uniformly been on the Insurgent Side by all his actions at Town meetings & a great friend to County Conventions.”<sup>97</sup> The government also targeted influential men who supported the regulation and many who merely sympathized with the reasons behind the protests. Accordingly, lists of defendants were annotated to identify men who held appointed or elected positions in government or the militia, including James Perry, an arms manufacturer, justice of the peace, militia officer and representative from Easton who had served as a delegate to the Massachusetts constitutional convention.<sup>98</sup> Members of the various county conventions attracted considerable attention as well. A list of seven insurgents from the town of Ware included Isaac Pepper, who was specifically identified as a “conventioner & mober.” Joseph Chaddock and John Gould were identified doubly as members of the Convention and as “very busy in Encouraging the Rebellion.” Simeon Bardwell of Belchertown attracted particular attention as a member of the convention who had been “very active under the noted Sam[ue]l Ely.”<sup>99</sup>

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<sup>96</sup> Account of Bezaleel Howard in Richard D. Brown, “Shays’s Rebellion and Its Aftermath”: 611.

<sup>97</sup> John Child, Testimony in the Case of Artemas Dryden, 27 April 1782, *RTP*.

<sup>98</sup> List of Defendants beginning with “Squint Eyed Hitchcock of Brookfield,” [untitled], [?] April 1787; List of Persons Confined in the Goal at Northampton, 10 April 1787, *RTP*; Schutz, 309.

<sup>99</sup> Information Concerning Ware Rebels, 12 April 1782; A List of Persons Belonging to Oakham, 24 April 1787; List of Persons Confined in the Goal at Northampton, 10 April 1787, *RTP*.

Many of the most notable cases progressed to completion, including seven trials in Berkshire County for high treason, a crime that was punishable by death. Six of these men were found guilty and sentenced to hanging; the seventh was acquitted. The Supreme Court also sentenced “great numbers” of other men to prison terms and sizeable fines, including Justice William Whiting, who had openly sympathized with the protestors during one of the earlier court obstructions. Most of the cases, however, did not feature leading Regulators. At least 100 men were pardoned by the commissioners, fourteen of them on condition that they enlist in the federal army; and many other cases were bound over to the next session when the court moved on to Hampshire County. “[T]he task is indeed great,” Justice Increase Sumner wrote. “& we expect to be worn out, by the time we get to Concord.”<sup>100</sup>

The court tried an equivalent number of cases in Hampshire County, condemning six additional men to death, including John Wheeler, Henry McCulloch and Jason Parmenter. Benjamin Tupper, an ardent opponent of the regulation, delighted in the sentences, largely because they had muted the normally vociferous population of Hampshire County. “Government never appeared more brilliant,” Tupper remarked, “... and there is not a dog that dare to move his Tongue.”<sup>101</sup> Once again, many of the lesser cases were put over until the September session when the court relocated to Worcester.<sup>102</sup>

Armed with a dozen capital sentences, Bowdoin moved quickly, issuing warrants for twelve executions in mid-May—six each in Berkshire and Hampshire Counties. But

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<sup>100</sup> Increase Sumner to Betsey Sumner, 8 April 1787, *Increase Sumner Papers*, Massachusetts Historical Society, Boston, MA.

<sup>101</sup> Benjamin Tupper to Henry Knox, 30 April 1787, *HKP*.

<sup>102</sup> Account of Bezaleel Howard in Richard D. Brown, “Shays’s Rebellion and Its Aftermath”: 611-12; Supreme Judicial Court, March-April 1787, *MAC*, 189:397-8; *Boston Gazette*, 30 April 1787.

the governor confronted mounting opposition to the trials and, in particular, to the executions. "Good God! What havock has this business made among our Citizens," Henry Van Schaack wrote. "Numbers have been pardoned but many are in suspense."<sup>103</sup> The death sentences cast a pall over the western counties, encouraging numerous petitions for clemency. Elisha Porter, the Hampshire County sheriff, interceded on behalf of Jason Parmenter, making one attempt after the other "to rescue him from impending Death."<sup>104</sup> Henry Gale's parents, Josiah and Elizabeth Gale, pleaded for their son's life: their petition was underwritten by a similar plea from the town of Holden.<sup>105</sup> Petitions also arrived from Pelham, Hatfield, Hadley and Colrain requesting clemency for Henry McCulloch.<sup>106</sup> Some westerners, angered by the death sentences, were once again parading with green twigs in their hats, the symbol of the Regulation. In response, government troops marched through the countryside, agitating an already anxious situation.<sup>107</sup> Israel Chapin, who had served as a brigadier general during the campaign to suppress the Regulation, worried that the tentative peace would collapse unless clemency was granted.<sup>108</sup>

Facing renewed conflict and reelection, Bowdoin approved a postponement of the death warrants until the hearings were completed; and his secretary, John Avery, hinted at the possibility of clemency for some of the condemned men.<sup>109</sup> "Perhaps some of the

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<sup>103</sup> Henry Van Schaack to Peter Van Schaack, 1 April 1787, *VSP*.

<sup>104</sup> Elisha Porter to Doctor Cutler, 5 May 1787, *MAC*, 189:299. See also: Petition from Parmenter Family, 11 May 1787, *MAC*.

<sup>105</sup> Petition from Josiah and Elizabeth Gale, March or April 1787; Petition from the Town of Holden, 5 May 1787, *MAC*, 189:399-400.

<sup>106</sup> Petition from the Town of Pelham, 19 April 1787, *MAC*, 189:298; Parmenter, 385-9. See also: Jonah McCulloch to James Bowdoin, 7 May 1787; Petition of Henry McCulloch, 7 May 1787, Petition from the Inhabitants of Hampshire County, 8 May 1787, *MAC*, 189:302-3a, 307.

<sup>107</sup> Henry Van Schaack to Peter Van Schaack, 1 April 1787, *VSP*.

<sup>108</sup> Israel Chapin to James Bowdoin, 9 May 1787, *MAC*, 189:297.

<sup>109</sup> Parmenter, 385-9.

Convicts may be less culpable than others.” Avery suggested to the Supreme Court justices, “therefore it would be best, if Mercy Should be extended to any of them, that the Judges should recommend to mercy.”<sup>110</sup> Bowdoin also approved bail for a number of prisoners held in and outside of Boston, including Job Shattuck, who had been taken prisoner and held without trial since early December 1786.<sup>111</sup> Bowdoin’s shift toward reconciliation came too late, however. It had been preceded by numerous petitions from towns throughout the state praying, begging and demanding clemency for men convicted of capital crimes and indemnity for Regulators in general. Many of these petitions included signatures from voters who had not supported the Regulation.<sup>112</sup>

Continued occupation in the western counties and suspension of the writ of habeas corpus also raised a general outcry against what many voters saw as broad violations of the constitution in the name of that same document. Among the petitions that inundated the House was one from the Town of Easton “praying that the troops sent against the Insurgents might be recalled.” It was read in the House and ordered to lie, even though it had become obvious that the legislature needed to improve relations with ordinary voters throughout the state.<sup>113</sup> Taking measure of the general public tenor, James Sullivan, an attorney and former justice and representative, concluded that the “people in this state are exceedingly soured” by the governor and the legislature.<sup>114</sup> Instead of addressing the public demand for leniency, the legislature turned against

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<sup>110</sup> John Avery to William Cushing, Nathaniel Sargent, David Sewall and Increase Sumner, 12 April 1787, *William Cushing Papers*.

<sup>111</sup> Petition of Job Shattuck, 2 April 1787 and Order for His Release, 6 April 1787, *MAC*, 189:224-5. See also: John Avery to William Cushing, Nathaniel Sargent, David Sewall and Increase Sumner, 13 April 1787, *William Cushing Papers*; Order of the Council on the Petition of Josiah Whiting, 5 April 1787, *RTP*.

<sup>112</sup> For example, see: Petition from the Town of Shirley, *Journal of the House of Representatives*, 7:388.

<sup>113</sup> *Ibid.*, 393.

<sup>114</sup> James Sullivan is quoted in Hall, 232. See also: *Ibid.*, 230-5.

Bowdoin, voting to reduce the governor's salary. Bowdoin, in turn, vetoed the bill as unconstitutional, a decision that added to his rising unpopularity, causing many eastern political leaders to question his qualifications for reelection.<sup>115</sup> Benjamin Lincoln, whose advice Bowdoin had consistently ignored, saw only one possible alternative to "bring matters right." "It must be with the next General Court," Lincoln wrote, "to say whether we shall have peace, safety and happiness or the contrary."<sup>116</sup> Moreover, rumors were already circulating concerning John Hancock's return to politics in alliance with none other than Samuel Adams.<sup>117</sup>

Weeks before the election, Hancock, who was mired in deep mourning over the sudden death of his young son, contemplated permanent retirement or at the very least a long trip to New York and Philadelphia.<sup>118</sup> He remained in Boston, however, becoming the favorite candidate of the disaffected and the primary target of Bowdoin and his supporters. "Politicks run high for Governour & Lt Governour," Henry Jackson remarked from his vantage point in Boston, "... it will be the greatest contest ever known of the occation."<sup>119</sup> Broadsides and editorials swamped readers and political talk filled the coffeehouses and the taverns as part of a highly contested and bitter campaign.<sup>120</sup> "Attention! Awake my Fellow Citizens," one broadside announced. "The Insurgents are the *pretext*; but a Standing Army, and a change of our Republican form of government, are the *real* objects of *their* machinations." Do not vote for a military governor. Cast

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<sup>115</sup> Taylor, *Western Massachusetts in the Revolution*, 165.

<sup>116</sup> Benjamin Lincoln to Theodore Sedgwick, 3 May 1787, *SFP I*.

<sup>117</sup> Henry Van Schaack to Peter Van Schaack, 12 March 1787, *VSP*; Henry Jackson to Henry Knox, 18 March 1787, *HKP*.

<sup>118</sup> John Hancock to Henry Knox, 14 March 1787, *Hancock Family Papers*.

<sup>119</sup> Henry Jackson to Henry Knox, 25 March 1787, *HKP*. Noah Goodman agreed, adding that "the spirit of electioneering has exceeded [exceeded] any before known." Noah Goodman to Henry Knox, 1 April 1787, *HKP*.

<sup>120</sup> For an example of a pro-Hancock editorial, see: *Boston Gazette*, 2 April 1787.

your votes for John Hancock—"A MAN, whose very name has been the life of FREEDOM."<sup>121</sup> The government party attacked Hancock in equal measure: "Ridiculd him in the public papers. Lampond and Burlesqued him."<sup>122</sup> It was Hancock, the Bowdoin faction maintained, who had sown the seeds of the present uneasiness, which "arise more from his Negligence, and Want of Abilities, while in Office, than from any other Circumstance." Bowdoin, on the other hand, had ended the insurgency and for this reason alone he should retain the governorship. In any case, the Bowdoin faction argued, a change in administration at this time would be dangerous—the insurgency would return.<sup>123</sup>

The campaign, the issues and the recent conflict in the west stimulated voters, who rushed to the polls in the May elections in unprecedented numbers, reversing the sluggish turnouts that had marked the prior two elections, both of them Bowdoin victories.<sup>124</sup> Bowdoin maintained a measure of support in the eastern urban centers, losing to Hancock by 1 percentage point in Boston and winning handily in Salem. But Hancock carried Suffolk and Essex Counties by sizeable margins and he won a clear majority in the remaining counties, securing 57 percent of the vote statewide.<sup>125</sup> Popular among ordinary voters in the west and east, Hancock's election also satisfied the needs of many of his former adversaries. "Mr H is undoubtedly chose first Magistrate," James

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<sup>121</sup> Hosea, "Attention! Awake, my fellow citizens, or ye may soon become the servants of Tories." (Boston: 1787), EAI, microfiche, 802 no.45031.

<sup>122</sup> Account of Bezaleel Howard in Richard D. Brown, "Shays's Rebellion and Its Aftermath": 612.

<sup>123</sup> Anonymous, "To the Free, Virtuous, and Independent Electors of Massachusetts," (Boston: 1787), EAI, microfiche, 802 no.45172.

<sup>124</sup> On a statewide basis, the turnout for the 1787 gubernatorial election was 201 percent of the 1780 total; 271 percent of the 1785 total; and 302 percent of the 1786 total. These statistics are drawn from the Results of Elections for Governor and Lieutenant Governor (House of Representatives), 1780-1787, Massachusetts Archives.

<sup>125</sup> Results of Elections for Governor and Lieutenant Governor (House of Representatives), 1787, Massachusetts Archives.

Warren wrote. "I do not regret the change so much as I once should, tho' I am sorry for it. if I used to dispise the Administration of H. I am disappointed in that of B. Every Phylosopher is not a Politician."<sup>126</sup>

The change in government did not end with the election of Hancock, however. Voters also overturned the legislature, replacing three-quarters of the incumbents in the House of Representatives along with one-half of the Senators. It was a direct backlash to legislative delays and, more recently, to the legislature's role in suppressing the Regulation.<sup>127</sup> Among the new representatives were a number of former Regulators, including Luke Drury, whose instructions from the Grafton town meeting encouraged him to support a general pardon for "all that aided or assisted or have taken up arms in what the Governor and General Court stiled Rebellion in this Commonwealth." Added to this was a demand that all disqualifications be removed and "all damages by unjust imprisonment and warrants be made Good."<sup>128</sup>

But the change in government was far from radical. The newly elected representatives from western Massachusetts included a number of men who had vehemently opposed the Regulation. With the two factions offsetting each other, the House was left in the hands of moderates, who quickly repealed the most onerous bills associated with the Regulation.<sup>129</sup> But they did little else to address longstanding western grievances and took no action concerning the demand for revision to the state

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<sup>126</sup> James Warren to John Adams, 18 May 1787, *WAL*, 2:292-3.

<sup>127</sup> According to Robert Taylor, 160 out of 222 representatives and 13 out of 24 Senators did not hold seats in the prior legislature. Taylor, *Western Massachusetts in the Revolution*, 165-6. See also: Hall, 227; Account of Bezaleel Howard in Richard D. Brown, "Shays's Rebellion and Its Aftermath": 613.

<sup>128</sup> Instructions from the Town of Grafton to Luke Drury, Representative to the General Court, 26 May 1787, *Luke Drury Papers*. Also elected were Moses Harvey of Montague and Perez Thomas of Middleborough. See: Cushing, 23, 25.

<sup>129</sup> Hall, 227-9; Account of Bezaleel Howard in Richard D. Brown, "Shays's Rebellion and Its Aftermath": 614. A list of Representatives is available in the *Boston Gazette*, 4 June 1787.

constitution. John Hancock added measures that relieved immediate tensions in the west, granting general clemency to former Regulators and issuing pardons to all but two of the condemned prisoners. John Bly and Charles Rose, who had served in the Regulation, were hanged in Berkshire County; but the capital charges included burglary, a hanging offense under normal circumstances.<sup>130</sup> The newly elected governor explained his actions as “a measure [that] would have a tendency to restore the publick tranquility, to conciliate the affections of the people: and to establish peace in the State.”<sup>131</sup>

Tranquility was restored: but peace in the west came at the cost of what had been a thriving western political culture that had its origins in the committees and county conventions of the mid-1770s. This, as Rufus King explained in a note congratulating Theodore Sedgwick on his election to the Massachusetts legislature, was the very purpose of effective government: “to check the madness of Democracy, and hold the political ship at least where she is.”<sup>132</sup> King wrote the letter from Philadelphia, where he was keeping one eye on events in Massachusetts and the other on the federal constitutional convention, which was meeting at that very moment under a thick cloak of secrecy.

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<sup>130</sup> See: Szatmary, 115; Brynner, 99; Massachusetts, Governor (John Hancock), “A Proclamation ... clemency,” 15 June 1787 (Boston: Adams & Nourse, 1787), EAI, microfiche, 802 no. 45099; *Boston Gazette*, 25 June 1787.

<sup>131</sup> *Journal of the House of Representatives*, 156-60.

<sup>132</sup> Deliberations at the constitutional convention were so secret, King wrote, that “I am precluded from communicating, even confidentially, any particulars of the proceedings.” Rufus King to Theodore Sedgwick, 10 June 1787. *SFP I*.

## CONCLUSION

The ride across Massachusetts was still as difficult in 1787 as it had been in 1773. The terrain remained largely unchanged, although some improvements had been made to the roads, and a rider still needed a stout horse, comfortable saddle and personal stamina to endure the 150 mile journey from Boston to Pittsfield. But the political landscape had changed significantly. In 1773, few voters in western Massachusetts paid much attention to politics outside of their own town meetings, including the political din that emanated from Boston. By 1787, western Massachusetts had become known—or in many minds, notorious—for its political activism. A war for independence had intervened, propelling western Massachusetts headlong into the political thicket of revolutionary politics.

For six years, beginning in 1774, western voters had eagerly supported the war with Britain while they simultaneously contested the definitions of democracy and sovereignty. Employing a combination of propaganda and political action, local committees of correspondence challenged the authority of loyalist officials. At the center of this challenge were the various county courts, which served as the primary representative of government in the west. Committees came together out of necessity, forming county conventions to coordinate actions in the absence of government. These conventions evolved quickly, emerging as representative and administrative surrogates for the royal administration and the Provincial Congress. With the eastern patriot

leadership isolated in Boston and Cambridge, the west emerged as a major force in the independence movement, contributing significantly to the military and political progress of the war.

The patriot victory in Massachusetts was due in no small measure to the steady stream of supplies and men that flowed eastward to support the siege of Boston and the success of Revolutionary politics in western Massachusetts contributed significantly to the failure of the loyalist cause. The cooperation between eastern urban politicians and western committees and conventions that exemplified the patriot movement in Massachusetts was not unique, however. Partnerships between established political leaders and ordinary voters emerged in some form or another in nearly every colony, as did committees of correspondence. Like their counterparts in Massachusetts, committeemen in other colonies became directly involved in controlling prices and supplies and in enforcing non-importation agreements. These committees, mostly local with some operating on the county level, played an active role in undermining loyalist resistance and challenging the authority of the local gentry, particularly in New York and Pennsylvania, where committees remained vital into the late 1770s. As was the case in Massachusetts, however, the revolutionary leadership worked to undermine the committees in order to reinforce political, economic and social institutions that favored their interests.<sup>1</sup>

The parallels with Massachusetts are, perhaps, most obvious in the experience of Pennsylvania. Protest and revolution in Pennsylvania brought new men into the seats of

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<sup>1</sup> Edward Countryman weaves the experience of committees throughout his study, blending the committee experience into the fabric of political and social transformation wrought by the American Revolution. And he draws some direct comparisons between Worcester County in Massachusetts, on the one hand, and Mohawk Valley in New York. Countryman, 114-17, 146-54.

government and it was these men, with broad support from ordinary voters, who promoted the radical state constitution of 1776. New politicians in Pennsylvania like those in Massachusetts lacked the political experience and economic standing needed to pursue their agendas and they confronted significant opposition from the revolutionary elite. Nudged aside, many of these men emerged as the formal opposition to the political establishment in Philadelphia, finding much of their support in the rural areas, as did their counterparts in Massachusetts.<sup>2</sup>

The connections between the two states are intriguing. Constitutionalsists and their opponents in Massachusetts were equally alert to events in Pennsylvania, drawing on the writings of Tom Paine and on the radical Pennsylvania state constitution to develop their own arguments for and against expanded democracy. Conservatives in Pennsylvania probably drew in equal measure on the experience of Massachusetts when they overturned the original state constitution. Direct connections have, however, eluded me to this point. The evidence may in fact lay on the other side of the exchange in Pennsylvania. In any case, comparisons between Massachusetts and Pennsylvania, and the other states as well, suggest a wealth of potential studies of politics and government at the state level during the period of state sovereignty. This is what Merrill Jensen meant half a century ago when he called for a state-by-state analysis of the period of confederation, arguing that historians of the Revolutionary era have overemphasized the national experience at the expense of a fuller understanding of state sovereignty. “The

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<sup>2</sup> Richard Alan Ryerson, “Republican Theory and Partisan Reality in Revolutionary Pennsylvania: Toward a New View of the Constitutionalist Party,” in Hoffman and Albert, eds., *Sovereign States*, 95-133.

result,” Jensen concluded. “has been the drawing of lessons the past does not have to teach.”<sup>3</sup>

In this vein, Massachusetts offers an abundance of historical lessons, expanding our understanding of Revolutionary politics well beyond the town limits of Boston. Revolutionary politics in Massachusetts altered the localist focus of western politics, transforming the political relationship of eastern and western Massachusetts. By 1778, western Massachusetts, derided by eastern patriots as late as 1774 for its laggardly support of the independence movement, an experience that had parallels in the southwestern counties of Virginia and the island counties surrounding New York City, had emerged as a driving force in the movement for a new state constitution. Originating in the county conventions of Berkshire, Hampshire and Worcester, the demand for a new government constructed by a special convention and ratified by the public was an innovative and untested expression of popular sovereignty. And for many eastern politicians it was an overly democratic notion. The eastern revolutionary leadership resisted the call for wholesale reconstruction of government, promoting instead a limited renovation of the existing structure of government, with themselves in the seats of power.

The struggle for a state constitution set these two political cultures against each other for the first time. It also contributed significantly to an expanded notion of democracy. Western political leaders and voters successfully thwarted two attempts to impose a constitution that did not meet the test of popular sovereignty. In doing so, westerners resorted once again to county conventions and popular actions to win their point, refusing to recognize government—particularly the courts—until it had been lawfully constituted by a mandate of the people.

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<sup>3</sup> Jensen, xii.

Eastern politicians yielded reluctantly to the demand for a special convention and popular ratification, but they succeeded in controlling the draft and manipulating the ratification phase. Many democratic initiatives failed to clear the various convention committees, including the demand for disestablishment and the fight for equal representation. But the eastern delegates did make major concessions to the changing political environment by initiating popular statewide elections for governor and by recognizing the reality, if not the theory, behind the public's right to assemble and to criticize and instruct the government. In the end, the Massachusetts constitution stood as an inventive blend of colonial practices, western-inspired democracy and the structured republican theory of John Adams, serving as a model for the U.S. Constitution and for the state constitutions that were revised in its wake. And it remains the longest-lived written constitution in modern history, a testimony to the diversity of interests that created it.

Public and popular politics flourished under the new constitution, beginning with the first gubernatorial election in 1780 and continuing into 1785, when the first contested election occurred between James Bowdoin and Thomas Cushing. The result was an expanded political role for an enlarged public that fell short of the organized party politics of the 1800s, but was still a major leap forward from the closeted politics of the colonial era. Politics and politicians were forced out of the legislative meeting rooms and caucuses and into the streets and newspapers. Campaigning, once limited to peer groups and local patron-client relationships, assumed a statewide role for the first time in the newly inaugurated gubernatorial elections. John Hancock's uncanny success in these elections confirmed what New York politicians had already learned: popular candidates could campaign their way to public office, but the slow and erratic availability of

information placed severe limits on popular and public politics at the state level. This same issue would play an important role in the federal convention seven years later when the presidency was under consideration. In the interim, public politics in Massachusetts focused on the activities of two eastern factions—one that supported John Hancock and one that opposed him.

But the new statewide focus in electioneering had little effect on state government, since the eastern political leadership failed to govern with the entire state in mind. There was nothing new in the eastern-orientation of government, which dated back to the colonial period. But the west had changed significantly in the intervening years, becoming an integral part of the expanding marketplace. Representation in government had, as a result, become more critical than it had been seven years earlier, placing new pressure on older assumptions of government.

Eastern politicians resisted demands for increased representation and government accountability by impeding western representation in the legislature, attacking western-style public assemblies and characterizing westerners as greedy, price-gouging farmers. More importantly, eastern political leaders used their dominance in the Senate to obstruct legislation favorable to western interests. Confronted by constant frustration, westerners returned once again to county conventions and protests that were punctuated in 1782 by a court obstruction led by Samuel Ely. Political activism in the west was tempered, however, by optimism over the resumption of trade, liberal credit and good harvests that lasted into early 1785, when it began to fade in the face of inflation and mounting debt. Massachusetts was not alone—similar conditions had emerged in most of the states, leading to a variety of demands and proposed solutions.

The election of James Bowdoin, who secured office in 1785 with less than a popular majority through a legislative compromise, underscored the persistence of eastern-centered politics, providing little hope for beleaguered debtors and taxpayers. Desperate for change, western voters abandoned the polls, issuing a constant stream of petitions demanding economic relief and changes in government. These petitions languished in the legislature, forcing another return to county conventions, which served as the only alternative in the west for collective politics. But the primary demand issued by the conventions was far from radical. Westerners demanded reassembly of the legislature and immediate action on long overdue grievances, including demands for increased use of paper money; court reforms to reduce or eliminate the cost of litigation; removal of the capital from Boston to a more centrally located site; and decreased cost of government.

These grievances placed the western voters at odds with the eastern-dominated legislature. At the heart of this dispute was the very nature of political culture. The eastern political leadership denounced the conventions as extralegal and unconstitutional, even though they had supported similar institutions throughout the Revolutionary War. Western voters and political leaders, on the other hand, saw collective politics as thoroughly consistent with the constitutional guarantees of assembly and as a necessary adjunct to electoral politics, which westerners found wanting under the present scheme of government. The demand for government reform came to a head in late 1786 in a series of political actions that were far removed from the mobs and crowds of the colonial and early revolutionary eras. More importantly, county conventions and direct political action were no longer limited to the three upper counties, having spread eastward into

Middlesex and Bristol Counties. Once again, the courts served as the primary target for western protests.

The Regulation—improperly referred to as Shays' Rebellion—emerged out of this milieu as an organized attempt to force government to meet its legislative responsibilities. There was, however, nothing revolutionary about the Regulation. At the same time, the Regulation was not a desperate attempt to protect a traditional agrarian way of life from encroaching commercial capitalism. At its core were the same demands that had been iterated and reiterated in numerous town and county petitions: broad political and economic reforms intended to incorporate the west into the political and economic whole, but on a fair and equitable basis. But the demands had escalated to include revision of the state constitution. The demand for constitutional reform represented the ultimate expression of western political culture and it placed the west in direct opposition to the interests of the eastern political leadership, who had carefully inserted into the constitution a clause prohibiting amendment until 1795.

Government's response was provocative, at the very least. Troops were mobilized by the governor and the Council under questionable, if not unconstitutional circumstances, initiating a harsh program of military and political suppression of the Regulation. Led by Governor James Bowdoin and encouraged by men who were interested in increased centralization of government, the campaign to suppress the Regulation succeeded militarily, but it cost Bowdoin his governorship. Mounting resistance to the political phase of the campaign resulted in curtailment of what was to be a sweeping series of trials, executions, prison sentences and disqualifications. And it

brought major changes in elected government, restoring John Hancock to the governor's chair and ousting many incumbent legislators from their seats.

Hancock's program of reconciliation eased some of the immediate complaints; but clemency and pardon did not equate to reconciliation with western political culture. The Regulation, particularly as it was perceived in its immediate aftermath, colored western politics as a whole, creating a hostile environment for political actions and conventions of all types. As the Regulation unfolded, nationalists worked behind the scenes to secure support for a national convention to revise the federal government. Among the many concerns these organizers faced in Massachusetts, and in the other states as well, was the need to convince men of first-rate abilities, as Stephen Higginson identified them, that the national convention bore no resemblance to the county conventions, either in form or purpose.<sup>4</sup>

At the same time, the Regulation provided a fertile environment for the nationalist movement. In a paradoxical twist of logic the Regulation—demonized by nationalists as an illegal attempt to reform state government and revise the state constitution—was promoted as the very reason to reform national government at the expense of the states. "Perhaps there never was a time more favourable for such a Revolution," Samuel Breck wrote.

The danger to which this commonwealth has been exposed ... will shew the necessity of parting with a greater share of our Privileges to secure the remainder than we have been willing to do at any former Period.<sup>5</sup>

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<sup>4</sup> Stephen Higginson to Henry Knox, 8 February 1787, *HKP*.

<sup>5</sup> Samuel Breck to Henry Knox, 14 July 1787, *HKP*.

Accordingly, nationally minded men like Stephen Higginson put the Regulation to good use as propaganda, holding it up as an example of the dangers that confronted the nation as a whole, if the federal government was not reformed.

This would become the historical legacy of the Regulation: that the major consequence of Shays' Rebellion was the impetus it lent to the nationalist design to reconstruct government. The nationalists did, in fact, use the Regulation to great effect as propaganda. But this interpretation reduces the Regulation to a brief moment and to a limited political vision. The Regulation was one phase of a larger, competing political culture that had emerged in western Massachusetts during the Revolutionary era. Although it failed to survive the 1780s as an alternative to electoral and representative politics, western political culture left an indelible mark on the American political landscape that could trace its origins to 1774.

Western political culture also left a more immediate legacy for the nationalists. Having played a major role in defeating western politics, the nationalists employed the political techniques of the west to advance ends embraced by the east. As conceived, the federal constitutional convention at Philadelphia borrowed generously from the western understanding of constitution-making. Delegates from the various states would assemble in Philadelphia in May 1787 in a special convention to discuss reconstruction of government. Limited by its original charter from the Continental Congress to recommendations, the delegates adopted the western paradigm of popular sovereignty, one of the earliest consequences of west-east political conflict in Massachusetts, to justify a broad expansion of their own powers. "We the people"—simplified, but readily identifiable from the preamble to the Massachusetts constitution—became the legal

fiction the framers used for ignoring the explicit limitations imposed by the Continental Congress and the Articles of Confederation. The delegates also drew on the western model for ratification, establishing a new vehicle and a new standard for change that undercut the state legislatures, the Articles of Confederation and the requirement for unanimity they imposed. Any combination of nine state conventions voting in the affirmative would constitute ratification under the plan conceived at Philadelphia.<sup>6</sup>

The framers also borrowed heavily on the structure of government that was put in place to preserve favored political and social institutions from encroaching democracy. Designed in large measure by John Adams and thoroughly tested in other states as well, the Massachusetts state government emphasized separation of powers and a system of checks and balances that included an independent judiciary and an executive with the power to veto legislation. Finally, the first ten amendments of the U.S. Constitution—a condition for ratification in Massachusetts—incorporated many of the same guarantees of rights found in the earlier state constitution, including the right to free speech and the right to assembly, and it corrected a major flaw, ruling in favor of disestablishment.

In borrowing generously from the political experience of Massachusetts, the framers omitted the right to criticize and instruct government, a key feature of the Massachusetts bill of rights and a key element in the western platform. Some might say they left this open to interpretation. As consistently interpreted by state and national government, however, the American political experience has left little room for collective politics and direct challenges to political authority outside the electoral arena. This too was, perhaps, a consequence of the defeat of western political culture in Massachusetts in 1787. “Thus stands the system,” Mercy Otis Warren wrote at the end of that year.

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<sup>6</sup> Stephen Higginson to Henry Knox, 13 February 1787, *HKP*.

referring to the eventual ratification of the U.S. Constitution. "how it will operate must be left to time. I hope it will be so modified and corrected as to be productive of unanimity and every other good effect."<sup>7</sup> Warren was an astute observer of her time and an advocate of democracy: but her prayer for unanimity may have been misplaced. James Bowdoin, Henry Knox, Stephen Higginson, Samuel Breck and many other political leaders in Massachusetts praised unanimity as a check on the "madness of democracy" that emanated from the west.

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<sup>7</sup> Mercy Otis Warren to Catharine Macaulay, 18 December 1787, *MWP*.

TABLE 1. Delegates to the Massachusetts Constitutional Convention, 1779-1780.

Name	County	Town	Age	Occupation	College	Legislative Local		
						Terms	Govt	Militia
Abbott, Zebediah	Essx	Andover	41	Farmer	Harvard	0	Y	Y
Adams, Jedediah	Suff	Stoughton	69	Clergy	Harvard	0	Y	
Adams, John	Suff	Braintree	45	Lawyer	Harvard	3	Y	
Adams, John Jr.	Berk	Alford	42	Farmer		0		Y
Adams, Richard	Essx	Newbury	54	Farmer		2	Y	
Adams, Samuel	Suff	Boston	58	Officeholder	Harvard	15	Y	
Alden, Noah	Suff	Bellingham	55	Clergy		0		
Alexander, Thomas	Worc	Templeton	43	Farmer		2	Y	Y
Alexander, Thomas	Hamp	Northfield	53	Farmer		1	Y	Y
Allen, John	Mssx	Weston	67	Artisan		0	Y	
Allen, Joseph	Worc	Worcester	31	Shopkeeper		0		
Appleton, Nathaniel	Suff	Boston	49	Merchant	Harvard	2	Y	Y
Ayrault, James	Berk	Sandisfield	50	Farmer		2		
Bacon, John*	Berk	Stockbridge	42	Clergy	Princeton	2	Y	
Bacon, Jonathan	Worc	Northbridge	47	Farmer		4	Y	
Baker, Elisha	Berk	Williamstown	56	Farmer		0		Y
Ballard, Jeremiah *	Hamp	New Salem	54	Farmer		0		Y
Barnaby, Samuel	Bris	Freetown	45	Farmer		0	Y	
Barnard, John	Essx	Amesbury	37	Farmer		0	Y	Y
Barnes, Asa*	Berk	Lanesborough	44	Farmer	Yale	1	Y	Y
Barnes, Edward	Mssx	Marlborough	36	Farmer	Harvard	2	Y	Y
Barrett, Samuel	Suff	Boston	42	Lawyer	Harvard	1	Y	
Barron, Oliver	Mssx	Chelmsford	47	Farmer		0	Y	Y
Bartlett (Bartlit), Samuel	Hamp	Ashfield	34	Farmer		0	Y	Y
Bartlett, John Heard	York	Kittery	54	Teacher	Harvard	0	Y	Y
Beamen (Bement), Asa	Berk	Stockbridge	41	Farmer		1	Y	Y
Betts, Samuel Comstock	Berk	Richmond	48	Farmer		0		
Bigelow, David	Worc	Worcester	51	Farmer		1	Y	Y

TABLE 1. Delegates to the Massachusetts Constitutional Convention, 1779-1780.

Name	County	Town	Age	Occupation	College	Legislative Local	
						Terms	Govt Militia
Billings, John	Hamp	Amherst	55	Farmer		2	Y Y
Bisco (Biscoe), John	Worc	Spencer	42	Farmer		1	Y
Bliss, Luke	Hamp	Springfield	42	Farmer		1	Y
Blodgett, Samuel	Mssx	Woburn	53	Speculator		0	
Bodman, William	Hamp	Williamsburg	39	Farmer		0	Y
Bonney, Luke	Hamp	Chesterfield	27	Farmer		0	Y
Bowdoin, James	Suff	Boston	54	Merchant	Harvard	23	
Bowman, Ezra	Worc	Oxford	35	Speculator		0	Y
Bowman, Joseph*	Worc	New Braintree	39	Farmer		1	Y Y
Bradley, Amos	Mssx	Dracut	41	Innkeeper		4	Y
Brainard, Benjamin	Linc	Winthrop	31	Teacher		1	Y
Brickett, James*	Essx	Haverhill	32	Farmer		1	Y Y
Brigham (Bridgham), Winslow	Mssx	Marlborough	44	Artisan		0	Y
Broad, Hezekiah+A6	Mssx	Natick	34	Farmer		2	Y
Brooks, Eleazer	Mssx	Lincoln	53	Speculator		8	Y
Brown, Jonathan	Mssx	Watertown	56	Farmer		9	Y
Brown, William	Mssx	Tewksbury	49	Farmer		0	Y
Brown, William	Bris	Dighton	45	Tavernkeeper		0	Y
Bryant, Samuel	Worc	Petersham	51	Farmer		0	Y Y
Bullock, Stephen	Bris	Rehoboth	35	Farmer		0	Y
Burbank, Abraham	Hamp	W Springfield	41	Farmer		0	Y
Burrill, Samuel	Essx	Lynn	63	Speculator		1	Y
Cabot, George	Essx	Beverly	28	Merchant	Harvard	0	
Carpenter, Elisha	Berk	Becket	55	Farmer		1	Y Y
Carpenter, William	Hamp	South Brimfield	59	Farmer		0	Y
Chadbourne, Benjamin	York	Berwick	62	Lawyer		18	Y Y
Chamberlain, Staples	Mssx	Holliston	50	Farmer		0	Y Y
Chaplin, Ebenezer	Worc	Sutton	47	Clergy	Yale	0	

TABLE 1. Delegates to the Massachusetts Constitutional Convention, 1779-1780.

Name	County	Town	Age	Occupation	College	Legislative		Local	
						Terms	Govt	Militia	
Choate, Stephen	Essx	Ipswich	53	Farmer		4	Y		
Church, Thomas	Bris	Dighton	53	Farmer		0			Y
Clap, Joshua	Suff	Walpole	73	Farmer		5	Y		
Clark (Clarke), Israel	Essx	Topsfield	48	Farmer		0	Y		
Clarke, John	Mssx	Waltham	42	Farmer		0	Y		Y
Clarke, Jonas	Mssx	Lexington	50	Clergy	Harvard	0			
Clarke, Timothy	Hamp	Southampton	60	Farmer		1	Y		Y
Cleaveland, Parker	Essx	Rowley	29	Speculator		0			
Coffin, Peter	Essx	Gloucester	57	Farmer		0			Y
Cogswell, Jonathan	Essx	Ipswich	55	Farmer		0	Y		
Collamore, Enoch*	Plym	Scituate	35	Farmer			Y		Y
Coolidge, Samuel	Suff	Dorchester	29	Teacher	Harvard	0	Y		
Cooper, Benjamin	Mssx	Cambridge	48	Innkeeper		0	Y		
Cotton, John	Plym	Plymouth	68	Clergy		0	Y		Y
Cowde(i)n, Thomas	Worc	Fitchburg	60	Artisan		0	Y		
Crocker, John	Essx	Ipswich	57	Farmer		1	Y		
Cummings, Henry	Mssx	Billerica	41	Speculator	Harvard	0			
Cummings, John	Mssx	Concord	52	Speculator	Harvard	1	Y		Y
Cushing, Joseph	Plym	Hanover	48	Lawyer		7	Y		Y
Cushing, Seth	Plym	Plympton	48	Merchant		3			Y
Cushing, William	Plym	Scituate	47	Lawyer	Yale	1	Y		
Daggett, John	Bris	Attleborough	56	Farmer		10	Y		Y
Dana, Stephen	Mssx	Cambridge	40	Artisan		1	Y		Y
Danielson, Timothy *	Hamp	Brimfield	47	Shop/Farmer	Harvard	17	Y		Y
Davis, Jacob	Worc	Charlton	39	Speculator		1	Y		Y
Davis, Nathan*	Mssx	Dracut	43	Clergy/Teach	Harvard				
Davis, Stephen	Berk	Williamstown	42	Farmer		0			Y
Davis, Timothy	Bris	Dartmouth	50	Farmer		0			Y

TABLE 1. Delegates to the Massachusetts Constitutional Convention, 1779-1780.

Name	County	Town	Age	Occupation	College	Legislative Local	
						Terms	Govt Militia
Dawes, Thomas	Suff	Boston	49	Artisan		3	Y Y
Dean, Isaac	Bris	Mansfield	46	Farmer		0	Y
Deming, David	Berk	Sandisfield	51	Farmer		1	Y
Dix, Jonas	Mssx	Waltham	59	Farmer		15	Y
Doolittle, Ephraim	Worc	Petersham	55	Merchant		7	Y Y
Dorr, Joseph	Worc	Mendon	50	Clergy		8	
Douglass, Asa	Berk	Hancock	65	Farmer		1	Y
Drew, William *	Plym	Kingston	49	Farmer		2	Y
Drury, Luke	Worc	Grafton	43	Farmer		0	Y Y
Dunsmore, William	Worc	Lancaster	46	Speculator		7	Y
Eaton, Jacob	Linc	Bristol	39	Artisan		1	Y
Edwards, Benjamin	Mssx	Framingham	48	Farmer		0	Y
Everett, John	Suff	Foxborough	44	Artisan		3	Y
Ewing (Ewens), William	Hamp	Shutesbury	53	Clergy		0	
Fairbanks, Ephraim	Worc	Bolton	56	Farmer		2	Y Y
Farnum, John Jr	Essx	Andover	40	Farmer		0	Y Y
Faulkner, Francis	Mssx	Acton	52	Artisan		2	Y
Fisher, Jabez	Suff	Franklin	63	Speculator		18	Y
Fisher, Nathan	Worc	Westborough	30	Farmer		0	Y Y
Fisk, Samuel	Mssx	Watertown	68	Farmer		3	Y
Fiske (Fisk or Fish), Elisha	Worc	Upton	60	Clergy	Harvard	0	
Fiske (Fisk), Ebenezer	Hamp	Shelburne	65	Farmer		0	
Fitch, Ephraim	Berk	Egremont	50	Farmer		1	Y
Flagg (Flag), Richard	Worc	Holden	72	Farmer		0	Y Y
Fletcher, Asaph	Mssx	Westford	34	Clergy		1	
Flint (Flynt), Benjamin	Mssx	Reading	52	Speculator		1	Y Y
Foster, Jedediah	Worc	Brookfield	54	Merchant	Harvard	18	Y Y
Foster, Joseph	Essx	Gloucester	50	Merchant		1	Y

TABLE 1. Delegates to the Massachusetts Constitutional Convention, 1779-1780.

Name	County	Town	Age	Occupation	College	Legislative		Local	
						Terms	Govt	Militia	
Fowler, Abner	Hamp	Southwick	44	Farmer		1	Y		
Frink, John	Worc	Rutland	49	Speculator		0			
Gerauld (Jerould), James	Suff	Medfield	34	Speculator		0	Y		
Gerry, Thomas *	Essx	Marblehead	45	Merchant		1	Y	Y	
Gilbert, Elias	Berk	Stockbridge	32	Farmer		0			Y
Glover, Jonathan *	Essx	Marblehead	49	Merchant		2	Y	Y	
Goddard, Josiah	Worc	Athol	35	Farmer		1	Y		
Godfrey, George	Bris	Taunton	60	Farmer		5	Y	Y	
Goodell (Goodale), Abiel*	Hamp	Monson	33	Farmer		2	Y		
Goodhue, Benjamin	Essx	Salem	32	Merchant	Harvard	1			
Goodman, Noah	Hamp	Hadley	46	Inn/Farmer		7	Y	Y	
Gorham, Nathaniel	Mssx	Charlestown	42	Merchant		7	Y		
Gray, Ellis	Suff	Boston	34	Merchant		2	Y		
Green, Benjamin	Worc	Uxbridge	46	Farmer		3			Y
Green, Hezekiah	Berk	Windsor	47	Farmer		0			
Green, Jonathan	Suff	Chelsea	61	Speculator		1	Y		
Greenleaf, Benjamin	Essx	Newburyport	48	Merchant	Harvard	13	Y		
Greenleaf, Jonathan	Essx	Newburyport	57	Mariner		12			
Greenwood, Miles	Essx	Salem	44	Merchant		0			
Grosvenor, Leicester	Berk	Windsor	51	Farmer		0			Y
Grout, Joel	Worc	Templeton	46	Farmer		0	Y	Y	
Hall, Stephen III	Mssx	Medford	59	Farmer		3	Y	Y	
Hall, Willis	Worc	Sutton	61	Farmer		1	Y		
Hallet, Enoch	Barn	Yarmouth	44	Farmer		2	Y		
Hancock, John	Suff	Boston	43	Merchant	Harvard	15	Y		
Harding, Joshua	Worc	Sturbridge	54	Farmer		1	Y		
Harnden, John *	Mssx	Wilmington	42	Farmer		0	Y	Y	
Harris, James	Berk	Lanesborough	47	Unknown		1	Y	Y	

TABLE 1. Delegates to the Massachusetts Constitutional Convention, 1779-1780.

Name	County	Town	Age	Occupation	College	Legislative Local		
						Terms	Govt	Militia
Harwood, David	Worc	Sutton	47	Farmer		0	Y	
Hastings, John	Worc	Hardwick	42	Farmer		6	Y	Y
Haven, Jason	Suff	Dedham	47	Clergy	Harvard	0		
Hem(m)enway, Daniel	Worc	Shrewsbury	61	Farmer		2	Y	
Hem(m)enway, Sylvanus	Worc	Royalston	54	Farmer		0	Y	
Henshaw, Samuel	Suff	Milton	36	Farmer	Harvard	0	Y	
Henshaw, William	Worc	Leicester	45	Farmer		0		Y
Herrick, Ezekiel	Berk	Tyringham	51	Farmer		3	Y	Y
Hewins, Increase	Berk	West Stockbridge	41	Farmer		0		Y
Higginson, Henry	Essx	Salem	33	Mariner		1		
Hitchcock, Gad	Plym	Pembroke	61	Clergy	Harvard	0		
Hobbs, Abraham	Essx	Topsfield	60	Farmer		0	Y	Y
Hodges, Isaac*	Bris	Norton	51	Farmer			Y	Y
Holden, Abner	Worc	Royalston	58	Farmer		0	Y	
Holton, Samuel	Essx	Danvers	42	Farmer		12		Y
Howe (How), Ezekiel	Mssx	Sudbury	60	Farmer		1		Y
Humphrey, James	Suff	Weymouth	69	Farmer		21	Y	Y
Hutchinson, Israel	Essx	Danvers	53	Farmer		3		Y
Hyde, Caleb	Berk	Lenox	41	Farmer		3	Y	Y
Jackson, Jonathan	Essx	Newburyport	38	Merchant	Harvard	2	Y	Y
Jacobs, John*	Plym	Scituate	45	Farmer			Y	Y
Jarvis, Charles	Suff	Boston	32	Speculator	Harvard	0		
Jewett, Abel (Aaron)	Mssx	Littleton	65	Farmer		4	Y	Y
Jewett, Dummer	Essx	Ipswich	48	Lawyer	Harvard	3		
Jones, David	Plym	Abington	64	Farmer		4	Y	Y
Judd, Sylvester	Hamp	West Hampton	28	Farmer		0	Y	
Kellog, Silas	Berk	Sheffield	66	Farmer		0		Y
Kendall, Edward *	Mssx	Wilmington	62	Farmer		0	Y	

TABLE 1. Delegates to the Massachusetts Constitutional Convention, 1779-1780.

Name	County	Town	Age	Occupation	College	Legislative Local		
						Terms	Govt	Militia
Keyes (Keys), Danforth	Worc	Western	40	Farmer		0	Y	Y
Kimball, George	Worc	Lunenburg	56	Farmer		5	Y	Y
King, John	Suff	Boston	40	Lawyer	Harvard	1		
King, John	Mssx	Newton	43	Speculator		0	Y	Y
Kinney (Kinne), Daniel	Berk	Patridgefield	28	Farmer		0		Y
Kirkland, John *	Hamp	Norwich	45	Farmer		1	Y	Y
Kollock (Collock), Lemuel	Suff	Wrentham	52	Farmer		3	Y	Y
Kollock, Royal	Suff	Stoughtonham	54	Farmer		0	Y	Y
Lamb, Samuel	Worc	Charlton	46	Farmer		0	Y	
Learned, Ebenezer	Worc	Oxford	52	Farmer		4	Y	
Lincoln, Levi	Worc	Worcester	31	Farmer	Harvard	0		
Livermore, Jonathan	Worc	Northborough	80	Farmer		2	Y	
Locke (Lock), Jonathan *	Mssx	Ashby	43	Farmer		2	Y	
Locke, James	Mssx	Townsend	51	Farmer		2	Y	Y
Lombard, Solomon	Cumb	Gorham	78	Clergy		6	Y	
Lowell, John	Suff	Boston	37	Lawyer	Harvard	2		
Mackintosh (McIntosh), William *	Suff	Needham	58	Farmer		2	Y	Y
Man, Thomas	Suff	Wrentham	59	Farmer		0	Y	Y
Marsh (March), Ebenezer	Essx	Newbury	35	Farmer		0		Y
Mason, Abel	Worc	Sturbridge	41	Farmer		0	Y	
Mason, John	Worc	Barre	55	Farmer		4	Y	
Mason, John	Bris	Swansea	64	Clergy		0		
May, Elisha	Bris	Attleborough	41	Farmer		2	Y	Y
Maynard, Adam	Worc	Paxton	36	Farmer		0	Y	Y
Maynard, Stephen	Worc	Westborough	60	Farmer		12	Y	Y
Merriam (Meriam), Silas	Essx	Middleton	43	Farmer		0	Y	Y
Metcalf, Matthew	Mssx	Hopkinton	40	Farmer		0	Y	
Mighill, Nathaniel	Essx	Rowley	65	Farmer		6	Y	Y

TABLE 1. Delegates to the Massachusetts Constitutional Convention, 1779-1780.

Name	County	Town	Age	Occupation	College	Legislative		Local
						Terms	Govt	
Miller, John	Plym	Middleborough	43	Farmer		0		Y
Miller, Joseph	Worc	Westminster	64	Farmer		3	Y	
Mitchell, Nathan	Plym	Bridgewater	51	Farmer		1		Y
Montague, Daniel *	Hamp	Sunderland	55	Farmer		2	Y	Y
Montague, Richard	Hamp	Leverett	51	Farmer		0	Y	
Morton, Elijah	Hamp	Hatfield	62	Farmer		0	Y	
Moseley, John	Hamp	Westfield	55	Farmer		4	Y	Y
Munn (Mun), Reuben	Hamp	Monson	38	Farmer		1	Y	Y
Nichols, Israel	Worc	Leominster	59	Farmer		6	Y	
Noyes (Noyce), Daniel	Essx	Ipswich	42	Teacher	Harvard	2	Y	
Nye, Lot	Barn	Sandwich	50	Farmer		0	Y	Y
Orne, Azor *	Essx	Marblehead	49	Merchant		8	Y	Y
Orne, Joseph	Essx	Salem	31	Speculator	Harvard	0		
Orne, Joshua III *	Essx	Marblehead	33	Merchant		4	Y	Y
Osgood, Samuel	Essx	Andover	32	Speculator	Harvard	3		
Otis, Samuel Allyne*	Suff	Boston	40	Merchant	Harvard	1		
Packard, Joseph	Hamp	Pelham	55	Farmer		0	Y	Y
Page (Paige), William	Worc	Hardwick	57	Farmer		7	Y	Y
Page, Joseph	Essx	Salisbury	47	Farmer		3	Y	Y
Paine, Robert Treat	Bris	Taunton	49	Lawyer		12		
Palmer, Joseph*	Suff	Braintree	64	Manufacturer		4	Y	Y
Parker, James Monroe	Worc	Southborough	41	Clergy	Harvard	1	Y	
Parker, Thomas	Mssx	Newton	64	Clergy		3	Y	
Parker,, Andrew	Worc	Barre	42	Farmer		0	Y	Y
Parsons, Theophilus	Essx	Newburyport	30	Lawyer	Harvard	1		
Penniman, Peter	Worc	Mendon	52	Speculator		0	Y	Y
Perry, James	Bris	Easton	35	Manufacturer		2		Y
Phelps, Charles*	Hamp	Hadley	37	Lawyer		1	Y	

TABLE 1. Delegates to the Massachusetts Constitutional Convention, 1779-1780.

Name	County	Town	Age	Occupation	College	Legislative		Local	
						Terms	Govt	Militia	
Phelps, Oliver	Hamp	Granville	31	Speculator		2	Y	Y	
Phillips, Benjamin	Hamp	Ashfield	61	Farmer		0	Y	Y	
Phillips, Samuel Jr	Essx	Andover	28	Mill owner	Harvard	6	Y		
Pickering, John	Essx	Salem	40	Speculator	Harvard	11	Y		
Pickman, William	Essx	Salem	32	Merchant	Harvard	0	Y		
Pierce, Ebenezer	Worc	Sutton	69	Farmer		0	Y		
Preble, Jedidiah*	Cumb	Falmouth	73	Merchant		13	Y	Y	
Putnam, Amos	Essx	Danvers	58	Speculator		0	Y		
Putnam, Nathan	Worc	Sutton	50	Farmer		0	Y		
Putnam, William	Worc	Lancaster	50	Farmer		1	Y	Y	
Pynch(e)on, William III	Hamp	Springfield	41	Speculator		6	Y	Y	
Rawson, Edward*	Worc	Mendon	59	Farmer		9	Y	Y	
Rea(e)d, Seth	Worc	Uxbridge	34	Farmer		0	Y	Y	
Read (Reed), John	Mssx	Bedford	49	Speculator		5	Y		
Read (Reed), Jonathan*	Mssx	Littleton	50	Farmer		1	Y	Y	
Rice, Aaron *	Hamp	Charlmont	55	Farmer		1		Y	
Rich, Thomas	Hamp	Warwick	42	Farmer		2	Y	Y	
Richmond, John*	Bris	Swansea	41	Farmer	Harvard				
Robbins, Edward H.	Suff	Milton	22	Farmer/Spec	Harvard	0	Y		
Roberts, Jospeh	Mssx	Weston	62	Farmer		1	Y		
Russell, Peter	Essx	Bradford	43	Farmer		1	Y	Y	
Sanford, David (Stanford, Daniel)	Suff	Medway	43	Clergy		2			
Sargeant (Sergeant), Nathaniel P.	Essx	Haverhill	49	Lawyer	Harvard	3	Y		
Sargent (Sergeant), Epes	Essx	Gloucester	32	Merchant	Harvard	0			
Sargent (Sergeant), John	Essx	Methuen	58	Farmer		0	Y	Y	
Sargent (Sergeant), Winthrop	Essx	Gloucester	52	Merchant		0			
Sawyer, Enoch	Essx	Newbury	57	Speculator		0			
Sears, Barnabas	Hamp	Greenwich	37	Teacher		0		Y	

TABLE 1. Delegates to the Massachusetts Constitutional Convention, 1779-1780.

Name	County	Town	Age	Occupation	College	Legislative		Local	
						Terms	Govt	Militia	
Sewall, David	York	York	45	Lawyer	Harvard	2	Y		
Shaw, Joshua	Hamp	Palmer	51	Farmer		0			
Shaw, William	Plym	Middleborough	42	Farmer		0			Y
Shillaber, William	Essx	Danvers	46	Mariner		2	Y		Y
Shute, Daniel	Suff	Hingham	58	Clergy	Harvard	0			
Slade (Slead), Philip	Bris	Swansea	48	Farmer		3	Y		
Small, Samuel	Cumb	Scarborough	62	Speculator		0	Y		Y
Smith, Hezekiah	Hamp	Colraine	54	Farmer		3			Y
Smith, Jonathan	Berk	Lanesborough	52	Farmer		1	Y		
Smith, Joseph	Hamp	Belchertown	60	Farmer		0	Y		Y
Smith, Phineas*	Hamp	Granby	63	Speculator		4	Y		
Spalding (Spaulding), Simeon	Mssx	Chelmsford	67	Speculator		11	Y		Y
Spofford (Spafford), Daniel	Essx	Rowley	59	Artisan		1	Y		Y
Spooner, Ruggles	Worc	Petersham	43	Farmer		1			Y
Spooner, Walter	Bris	Dartmouth	60	Farmer		20	Y		
Sprague, John	Suff	Dedham	62	Physician	Harvard	0			
Starkweather, Ephraim*	Bris	Rehoboth	47	Lawyer	Yale	3	Y		
Stearns, Eliphaz	Worc	Douglas	44	Farmer		0	Y		Y
Stearns, John	Bris	Attleborough	68	Farmer		3	Y		Y
Stebbins, Phineas	Hamp	Wilbraham	41	Farmer		0	Y		
Stockwell, Ephraim	Worc	Athol	47	Farmer		0	Y		Y
Stone, Issac	Worc	Oakham	50	Speculator		3	Y		
Stone, Joseph*	Worc	Harvard	49	Farmer					
Stone, Josiah	Mssx	Framingham	56	Mill/Farmer		9	Y		
Storer, Ebenezer	Suff	Boston	50	Lawyer	Harvard	0	Y		
Strong, Caleb	Hamp	Northampton	35	Lawyer	Harvard	2	Y		
Sullivan, James	Mssx	Groton	36	Lawyer	Harvard	6			
Sumner, Increase	Suff	Boston	34	Lawyer	Harvard	5	Y		

TABLE 1. Delegates to the Massachusetts Constitutional Convention, 1779-1780.

Name	County	Town	Age	Occupation	College	Legislative Local		
						Terms	Govt	Militia
Sylvester, Seth	Hamp	Worthington	40	Farmer		0		
Thatcher, Peter	Mssx	Malden	28	Clergy	Harvard	0		
Thaxter, Joseph	Suff	Hingham	38	Clergy	Harvard	2	Y	
Thompson (Thomson), Ebenezer	Plym	Halifax	54	Farmer		2	Y	
Thompson (Thomson) William	Suff	Brookline	50	Unknown		1	Y	Y
Thompson, Maxwell *	Hamp	Buckland	38	Farmer		0	Y	Y
Tobey (Toby), Samuel	Bris	Berkely	37	Artisan		4	Y	Y
Todd, Samuel *	Berk	Adams	63	Clergy	Yale	0		
Towne (Town), Salem	Worc	Charlton	35	Farmer		0	Y	Y
Tracey (Tracy), Nathaniel	Essx	Newburyport	29	Merchant	Harvard	0	Y	
Turner, William	Plym	Scituate	33	Farmer	Harvard	1	Y	Y
Tyng, John	Mssx	Dunstable	75	Speculator	Harvard	14	Y	
Upham, Joseph	Worc	Dudley	68	Farmer		0	Y	
Vinal, Israel	Plym	Scituate	36	Farmer	Harvard	0	Y	Y
Walker, William	Berk	Lenox	29	Farmer		0		
Ward, Jabez	Berk	New Marlborough	45	Speculator		1		
Warner, Jonathan	Worc	Hardwick	36	Inn/Farmer		2	Y	Y
Washburn, Israel	Bris	Raynham	62	Farmer		1		
Washburn, Seth	Worc	Leicester	48	Farmer		4	Y	Y
Waterman, Thomas	Plym	Marshfield	47	Farmer		1	Y	
Watson, Abraham	Mssx	Cambridge	51	Artisan		5	Y	
Weeks, Thomas	Hamp	Chesterfld/Gore	45	Farmer		0		Y
Wells (Welles), Agrippa	Hamp	Greenfield	41	Artisan		0	Y	Y
Wells (Welles), Nathaniel	York	Wells	40	Farmer		0	Y	
Wendell, Oliver	Suff	Boston	47	Lawyer	Harvard	5	Y	
Werde(l)n (Worden), Peter	Berk	New Providence	52	Clergy		1		
West, Caleb	Hamp	Greenwich	54	Farmer		1		Y
West, Samuel	Bris	Dartmouth	50	Clergy	Harvard	0		

TABLE 1. Delegates to the Massachusetts Constitutional Convention, 1779-1780.

Name	County	Town	Age	Occupation	College	Legislative Local		
						Terms	Govt	Militia
Wheeler, Zenas	Berk	New Marlborough	55	Farmer		1		Y
Whitcomb, Asa	Worc	Princeton	61	Farmer		10	Y	Y
White, Abraham	Bris	Norton	63	Farmer		2		Y
White, William	Hamp	Chesterfield	43	Clergy		0		Y
Whiting, William	Berk	Great Barrington	50	Speculator		5	Y	
Whitmore (Whitemore), Samuel	Essx	Gloucester	47	Lawyer	Harvard	5	Y	Y
Whitmore, Daniel *	Hamp	Sunderland	39	Farmer		0		Y
Whitney, Abraham	Mssx	Stow	56	Farmer		1	Y	
Whitney, Daniel	Mssx	Sherburne	47	Farmer		5	Y	Y
Whitney, Josiah*	Worc	Harvard	49	Farmer		1	Y	Y
Whitney, Oliver	Worc	Harvard	49	Inn/Farmer		3	Y	
Wilder, Abel	Worc	Wichendon	39	Farmer		0	Y	Y
Wilder, Ephraim	Worc	Lancaster	47	Farmer		0	Y	Y
Williams, William	Berk	Pittsfield	69	Speculator		5	Y	
Willis, Benjamin	Plym	Bridgewater	60	Farmer	Harvard	0	Y	
Winsor, William	Bris	Rehoboth	24	Speculator		0		
Wood(Woods), James	Worc	New Braintree	58	Farmer		7	Y	Y
Wood, Ephraim	Mssx	Concord	47	Speculator		2	Y	
Wood, Joseph	Essx	Beverly	41	Farmer		0	Y	
Woodbridge, Jehiel*	Berk	Stockbridge	42	Lawyer	Princeton	1	Y	
Woods (Wood), Moses	Mssx	Marlborough	41	Farmer		0	Y	
Woods, Henry *	Mssx	Pepperell	47	Farmer		1	Y	Y
Woods, John *	Worc	Hubbardston	45	Farmer		0	Y	Y
Wright, Ephraim	Hamp	Northampton	68	Farmer		2	Y	

\* Indicates late arrivals to the convention.

Source: *Journal of the Convention*, Schutz, *Legislators of the Massachusetts General Court*.

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