

REPORT OF THE COUNCIL.

THE Library, as is evident to the eye, is in good condition, and the Librarian's report shows it is receiving many gifts of value, for which we are duly grateful.

We have to record the deaths, during the last six months, of four American members and two foreign members, namely:—Charles Kendall Adams, LL.D. ; Edward Eggleston, L.H.D. ; Horace Gray, LL.D. ; John Wesley Powell, LL.D. ; John Bellows, A. M. ; Sir John George Bourinot, D.C.L.

We are glad to announce that the U. S. Bureau of Ethnology informs us that Dr. Trumbull's Dictionary of Eliot's Indian Bible is now printed in full; and the volumes will soon be ready for distribution. It has received the careful supervision of Dr. Albert S. Gatschet of that Bureau; and the students of the Algonquin language are greatly indebted to him for the care and learning with which he has edited it and carried it through the press.

For the Council,

WILLIAM B. WEEDEN,
CHARLES A. CHASE.

THREE COMMONWEALTHS, MASSACHUSETTS,
CONNECTICUT, RHODE ISLAND; THEIR
EARLY DEVELOPMENT.

BY WILLIAM B. WEEDEN.

NEW ENGLAND was settled by one of those profound impulses in the popular mind which are not easily defined. The leading motive in this case was a desire for freer government, and it was formulated under the motto, freedom of worship, growing out of the division of parties in England. The nonconforming element in the mother country, afterward and for a time, overcame the conserving forces of English society. In the first quarter of the seventeenth century, when Robinson and Bradford had established their group of separatist pilgrims, first in tolerating Holland, then on the untrodden shores of Plymouth, the nonconforming Puritans, whether within or without the Anglican pale, being as yet a minority at home, sought the opportunity of a new and—as they conceived—a larger England.

The ancient forms of aristocracy and democracy,¹ descending from Aristotle through French writers into the eighteenth century, did not now trouble these nonconforming statesmen of England. They had a more ready source of statecraft and constitutional law. In the crude legislation and prophecies of the Old Testament, they found inchoate states, fresh from the hand of Jehovah. They fondly fancied that, freed from domination of pope and prelate, they could create anew the city of God. It may be doubted whether these familiar terms and symbols convey the whole, the universal truth. We are beginning to

¹ Woodrow Wilson, "The State," pp. 604, 605.

perceive that a large world has existed, outside the Hebrew, Greco-Roman and Teutonic experience. A Japanese scholar says, "the glory of having a free government is not necessarily confined to the Aryan family or to its more favored branch, the Anglo-Saxons. I believe that the seed of representative government is implanted in the very nature of human society and of the human mind. When the human mind and the social organism reach a certain stage of development—then the representative idea of government springs forth naturally and irresistibly."¹

However these tidal waves of history may be interpreted, we are concerned here only with one current of evolution. Theology has immense scope in human affairs. In Catholic or Lutheran, in Anglican or Calvinistic communities, it puts forth varying forms of civilized, yea of political life. Without question, the form of church government known as Congregationalism afforded greatest freedom to political development in the seventeenth century. Independents, Baptists, Quakers and all forms of Separatists finally rallied through these meetings of the people, in the days when religious meetings developed into the power of the state. In the limited democracy of the Congregations of New England, the Puritan proper found his natural sphere. An acute observer has said, "Democracy when crowned with power, seeks rather what it considers the well-being of the community than the liberty of the individual."²

Taine says, "the Puritan is troubled not only by what he ought to believe, but even more by what he ought to do." He might have added, "and far more by what he ought to be doing on account of that which his neighbor doeth."

The great English movement colonizing the Atlantic

¹ Iyenaga, "Constitutional Development of Japan." "J. H. U. Studies," IX., 20.

² Stimson, "Ethics of Democracy." *Scribner*, I., 670.

states, brought to our shores European civilization subject only to the conditions of a new and free world. These American conditions prevailed in New England, and the Puritan motive expressed in Congregational democracy was engrafted upon them. An able Swiss publicist, Borgeaud, in a thorough study of all constitutional development, has given recently more prominence to the ideas of New England, than her own sons have claimed for her. He cites the ideas of John Cotton and John Wise to show the education of the people in the practical administration of local government. We must remember that the hierarchical principle—the attainment of social and political order through coöperation of priest and ecclesia—was much more potent in the seventeenth century than it is now. The wars of France and Germany and the execution of Charles I. sufficiently indicate that.

Borgeaud¹ cites Cotton—"that the ministers have power over people of the faith, that the people have an interest in their ministers, and that each member of the congregation acquires rights and duties in respect to his fellow members." John Wise, of Ipswich, more than any one man, opened the way for the American Revolution and for the manifestation of the representative citizen. Nearly a century after Cotton, he was saying in "A Vindication of the Government of New England Churches" words like these—"they must interchangeably each man covenant to join in one lasting society—then all are bound by the majority to acquiesce in that particular form thereby settled, though their own private opinion inclines them to some other model."² No French Calvinist ever comprehended this sort of give and take.

The parts became a whole in these words, "We, the people of the United States, in order to form a more perfect union. . . do ordain and establish this Constitution

¹ "Constitutions, European and American," p. 7. ² Borgeaud, p. 14.

for the United States of America.”¹ Then John Marshall, “That the people have an original right to establish for their future government such principles as, in their opinion, shall most conduce to their own happiness, is the basis on which the whole American fabric has been erected.”²

Borgeaud goes back to our commonwealths. “The constituent power throughout America is of New England origin. It is based not only upon the principle that the constituent authority resides in the people, but upon this further conception introduced into modern law by the Puritan Reformation, that this authority cannot be delegated.”³ He holds that the constitution of Massachusetts adopted in 1780 was “a sovereign decree of the people.”

Some of the consequences of this evolution of popular sovereignty appear in a comparison of England with America. “The exercise of constituent powers in all its stages by a representative body without a special mandate, is compatible with the English theory which makes Parliament sovereign. It is not compatible with the American theory, which in this matter has replaced ‘the King, the Lords and the Commons’ by the people.”

When our British cousins, within this generation, suddenly awakened to the fact that the whole government of Great Britain was concentrated practically in a majority vote of the House of Commons, they discovered a new respect for the constitutional checks of our American democracy.

The nexus between our colonial development and the autonomy of states working into the union is established by our Swiss publicist, interpreted through the sagacious observation of Mellen Chamberlain. “But those who emigrated to the colonies left behind them institutions

¹ Borgeaud, p. 131. ² *Ibid.*, p. 136. ³ *Ibid.*, pp. 137, 139.

which were monarchical in church and state, and set up institutions which were democratic. And it was to preserve, not to acquire these democratic institutions that the liberal party carried the country through a long and costly (revolutionary) war."¹

These critical expositions of a disinterested and learned publicist give new emphasis to the political life of our early commonwealths in New England. We may ask attention to a review of history which is somewhat familiar.

The colony of Massachusetts existed for fifty-five years under a royal charter granted to the "Governor and Company of the Massachusetts Bay in New England." The charter empowered the freemen of the Company forever to elect from their own number, a Governor, Deputy-Governor, and eighteen Assistants, and to make laws "not repugnant to the laws of England." The executive, including the Assistants, was authorized, but not required, to administer to freemen the oaths of supremacy and allegiance.

Winthrop, the governor, with the deputy-governor and assistants, had been chosen in England. There were some preliminary meetings at Salem, but the first American Court of Assistants was convened at Boston, Aug. 23, 1630. Some 118 persons² gave notice at this Court for admission as freemen. There were eight plantations or towns that participated in this assembly. The Court voted that Assistants only should be chosen by the Company at large, and that the Assistants with the Governor and Deputy-Governor, elected from themselves, should have the power of "making laws and choosing officers to execute the same." This movement, erratic in a democratic government, lasted only about two years. May 9, 1632, the freemen resumed the right of election, limiting the

¹ Winsor, "Nar. and Crit. Hist. of America," VI., 1, 2. Cited by Borgeaud, p. 4.

² Palfrey, I., 322.

choice of Governor to one of the existing Assistants. These issues are interesting as revealing the tides of sentiment for more or less aristocratic restriction in government. Winthrop gives in detail the angry discussion which the forecast of this measure produced in the council. He told them¹ "that the people intended at the next general Court, to desire that the Assistants might be chosen by the whole Court, and not by the Assistants only. Upon this, Mr. Ludlow grew into a passion, and said, that then we should have no government, but there would be an interim wherein every man might do what he pleased, etc." Though the other leaders were satisfied, Ludlow continued "stiff in his opinion."

In 1634, there were about 350 freemen, more than two-thirds of whom, according to Palfrey, had been admitted since the establishment of the religious test, some three years previous. It was "ordered and agreed, that, for the time to come, no man shall be admitted to the freedom of this body politic, but such as are members of some of the churches within the limits of the same."²

In 1635 and the year following, the General Court legislated to separate the municipal functions of the particular towns from the larger political prerogatives reserved to itself. "As particular towns have many things which concern only themselves and the ordering of their own affairs" it was "ordered, that the freemen of every town, or the major part of them, shall only have power to dispose of their own lands and woods,—to grant lots, and make such orders as may concern the well-ordering of their own towns, not repugnant to the laws and orders established by the General Court." They could impose fines not exceeding twenty shillings and choose "constables, surveyors for the highways, and the like."³ Representation was proportioned roughly to the population,

¹ Winthrop, I., 74. ² Mass. Col. Rec., I., 87. ³ *Ibid.*, p. 172.

ten freemen being the minimum for one representative. Towns could dispose of "all single persons to service or otherwise," subject to "appeal to the Governor and Council or the Court."¹

A curious side-light is thrown on the working of democracy in New England, by the aberrations of the freemen in creating and abolishing a "Standing Council for life." It was a new order of magistrates, not contemplated by the charter, constituted March 3, 1636. Winthrop, Dudley and Endicott only were appointed under this authority "for term of their lives, as a standing council, not to be removed but upon due conviction of crime, insufficiency, or for some weighty cause, the Governor for the time being to be always President of this Council, and to have such further power out of Court as the General Court shall from time to time endue them withal."² It was claimed that this movement proceeded from Cotton, who derived his inspiration from Lord Say and Sele.³

May 22, 1638, the Deputies at the Court of Elections proposed an order "that no person chosen a Counsellor for Life should have any authority as a Magistrate, except he were chosen in the annual elections to one of the places of magistracy established by the patent." The Magistrates concurred,⁴ altering the expression to an explanation instead of a repeal, thus "saving their face" in oriental fashion.

Mr. Savage⁵ claims that this institution was the only example of a political election for life, in our country. The extraordinary tenacity of this socio-political barnacle shows that Cotton, not to speak of Winthrop, did not easily part with the hope of bringing some of the ragged offshoots of feudalism across the Atlantic, and of planting them in the soil of the new Puritanism. The affair was of no practical consequence, but we are not yet done with

¹Mass. Col. Rec., I., pp. 178, 186. ²*Ibid.*, 167, 176, 178. ³Palfrey, I., 442, note.

⁴Winthrop, I., 302. ⁵*Ibid.*, note.

it. In 1642, "a book was brought into the Court wherein the institution of the Standing Council was pretended to be a sinful innovation."¹

In his serious account of this business, Winthrop shows his customary patient forbearance. Yet his caustic sagacity in construing popular characteristics speaks forth in the following general consideration: "And here may be observed how strictly the people would seem to stick to their patent when they think it makes for their advantage, but are content to decline it where it will not warrant such liberties as they have *taken up without warrant from thence*,² as appears in their strife for three deputies, etc."³

In 1643 was accomplished the great change which separated the Magistrates and Deputies in the General Court and established the co-ordinate branches of a legislature, which has become the method of government in all the States and in the United States. As Winthrop states "there fell out a great business upon a very small occasion." Mrs. Sherman's sow, or her claim for one, became the occasion of a suit with Captain Keayne. This suit went through the inferior courts and coming into the General Court set Magistrates and Deputies at a variance, in a most unseemly way. Sympathy for the poor woman against the rich man affected the more popular representatives, the deputies, and jealousy between the two classes of legislators or judges confused the whole matter. The judicious saw that such disputes must be stopped, and henceforth the two houses held their sessions "apart by themselves." Moreover, according to the Governor, "this order determined the great contention about the 'negative voice.'"

The towns of Massachusetts, according to De Tocqueville, included in their first elements something creative and life-giving. In New England he says "the impulsion of politi-

¹ Palfrey, I., 614. ² Italics are ours. ³ Winthrop, I., 303.

cal activity was given in the townships ; and it may almost be said that each of them originally formed an independent nation.—It is important to remember that they have not been invested with privileges, but that they have, on the contrary, forfeited a portion of their independence to the State.”¹ This position is opposed by Mr. Goodell and in the most positive terms by Mr. Charles Francis Adams, as follows : “So far as the Massachusetts system of towns is concerned, this proposition does not accord with well-established historical facts ; and if the view taken in this paper of the connection between the charter of the Massachusetts Bay Colony and the Massachusetts towns is correct, it explains in a perfectly natural way the fact, so enlarged upon by Prof. Johnston, that, while the towns in Massachusetts developed out of the colony, in Connecticut the process was reversed, and the colony resulted from a confederation of the towns, in the way stated by De Tocqueville. The charter of 1629 was the germ in both cases.”²

Mr. Adams cites the records of the early towns at length, and brings many interesting details to support the following conclusions :

“1st. The Mass. town government was of purely secular origin, and had no connection with the church organization, except that certain members of the church were freemen and inhabitants of the town, and the town was under legal obligations to maintain the church.

“2d. The basis of the town organization was the joint interest of individuals, commonly termed freemen or inhabitants, but sometimes planters, in a tract of land referred to indifferently as a town and as a plantation ; and their inhabitants were in the nature of stockholders in a modern corporation. As such they exercised a jealous oversight over the admission into the enterprise of new inhabitants, proprietors or stockholders.

¹ “Democracy in America,” 1889, I., 61. ² Proc. Mass. Hist. Soc., VII., 180.

"3d. In the original establishment of the town governments and their progressive development to meet the increasing requirements of a growing community the analogy of the charter was closely followed. The body of freemen or inhabitants constituted the General Court¹ of the town, subsequently called the general town meeting; and the townsmen, later on the selectmen, were the board of assistants, or, as they would now be called, directors.

"4th. As development and increased differentiation took place the original legal lines were strictly followed. The secular and the religious organizations separated more and more as new functions were from time to time imposed on the former; while the latter had already, at the very beginning, attained complete development."²

Again. "The organization of the Massachusetts colony was, on the contrary, distinctly and indisputably legal, commercial and corporate, and not religious, ecclesiastical or feudal."³

It will be observed that Mr. Adams and, more or less, his supporting authorities exalt the charter of the Massachusetts Bay Colony until it overwhelms and obscures all other forming causes. It is true that Mr. Lowell, whose statement he considers the best "of what the founders of Massachusetts originally proposed and what they subsequently did," with rare intuition strikes to the root and source of the forming power incorporated in these towns. Hear his suggestive words: "Sober, earnest and thoughtful men, it was no Utopia, no new Atlantis, no realization of a splendid dream, which they had at heart, but the establishment of the divine principle of Authority on the common interest and common consent; the making, by a

¹ Mr. Adams applies this term "General Court" to town government.

² *Mass. Hist. Soc. Proc.*, VII., 196.

³ *Ibid.*, p. 205. Mr. Adams brings in support of these positions Professor Parker and Judge Chamberlain; also, Doyle, "Puritan Colonies," II., 12.

contribution from the free-will of all, a power which should curb and guide the free-will of each for the general good."¹ Here Lowell gives us in a nutshell the essence of republican representative government, "the divine principle of Authority based on common consent."

A definition of an ordinary charter prevailing in the seventeenth century runs thus. The owner does what he will with his cattle "only by virtue of a *grant* and *charter* from both his and their maker." A royal charter, based on land and the feudal tendencies then inhering in land, conveys legal and commercial privilege; but in the hands of an active, intelligent body of freemen, it conveys much more. The French De Castine says "a charter cannot create liberty; it verifies it." No words more clearly explain the legitimate course of the chartered colonies of New England.

Judge Chamberlain, well versed in the origins of Massachusetts, says, "Thus Massachusetts, in some respects unique in the motives which led to its settlement and original in transforming its land-company charter into a frame of general government, ordered the founding and character of its towns, churches and other institutions on the basis of an independent Commonwealth."² Judge Chamberlain agreeing generally with Mr. Adams's views especially in relation to the charter, prefers to state his own opinion. In brief, "an early town of Massachusetts was an agricultural community, having little or nothing to do with manufactures except of the simplest kind, or with trade."

The term "inhabitant" included all male adults who were there legally, irrespective of ownership of lands.

The whole body of the people consisted, first of those who had been admitted freemen of the colony; secondly, of those who, by voluntary association or by subsequent

¹ "Among My Books," pp. 228-290; cited by Mr. Adams.

² Mass. Hist. Soc. Proc., VII., 230.

vote express or implied, had become permanent residents; thirdly, of the miscellaneous class of servants or laborers; and lastly, all other persons, as women or children, not usually reckoned as members of the body politic.¹ All of the first three classes assembled "in general meeting of the inhabitants."² Again Chamberlain says, "These towns were of domestic and secular origin, owing little to English models, and least of all to English parishes."³

Dr. Edward Channing, admitting that "the towns were of legal origin, and our State was of legal origin,"⁴ deriving their powers from the Crown, yet citing Bryce as follows, claims that "the northern township is an English parish—the town-meeting is the English vestry."⁵ Dr. Channing objects to Mr. Adams's main position that "the towns were not based on any model; they grew by the exercise of English common-sense and political experience, combined with the circumstances of the place."⁶

To complete and establish Mr. Adams's argument that the towns of the Bay, of necessity and essentially, grew out of the charter and from no other source, he would have been obliged to prove that other towns, elsewhere and of like characteristics, were created in a similar way or by charter. Only of Connecticut does he assert so much, claiming that the growths, severed from the Massachusetts stock, sprouted anew in the soil of the Connecticut river valley, though there was no distinct transfer of royal power from the original charter. If the towns of Hartford, Windsor and Wethersfield were thus silently endowed with sovereign grace by their migration into the wilderness, why did they seek and obtain a charter of their own some fifteen years after their settlement? As we shall show presently, the life of the Connecticut towns was organized on a basis quite different, and by processes not commercial or of regular corporate procedure.

¹ 2 Mass. Hist. Soc. Proc., VII., p. 230. ² *Ibid.*, p. 241. ³ *Ibid.*, p. 215.

⁴ *Ibid.*, p. 251. ⁵ "American Commonwealth," I., 583.

⁶ 2 Mass. Hist. Soc. Proc., VII., 262.

The older settlements at Plymouth had been made, expressly disregarding chartered rights. Governor Bradford said of the famous Mayflower compact, or "combination," to use his own word, that it was made to control those who on shipboard had been partly mutinous or rebellious. They declared "That when they came a shore they would use their owne libertie; for none had power to comand them, the patente they had being for Virginia¹ and not for New-england."² And moreover the "combination" was occasioned "partly that shuch an acte by them done (this their condition considered) might be as firme as any patent, and in some respects more sure."³

Let us examine into the establishment of government in the colony of Connecticut. Hooker's migration had occurred in 1636. A commission issued from the General Court of Massachusetts, March 3, 1636, to eight of the persons who "had resolved to transplant themselves and their estates unto the River of Connecticut."⁴ This commission was plainly limited, in that it took "rise from the desier of the people whoe removed, whoe judged it in Conueniencie to goe away without any frame of Gouernment, not from any clame of the Massachusetts Jurisdiction ouer them by virtew of Patent."⁵

Is not this in its essence, manifestly a semi-political and not a corporate and commercial issue of power? The forthcoming Yankees were careful to take to themselves only one side of the obligation; to profit by receiving the attributes of power, without rendering any allegiance in return. But they took a political prerogative, not a commercial privilege; a function of government and not a function of trade. Just as the colony of Massachusetts,

¹"History of Plymouth Plantation," p. 41. Bradford had said previously, "nor they ever made use of this patente (i. e. of Virginia) which had cost them so much labour and charge, as by ye sequell will appear." ²*Ibid.*, p. 89. ³*Ibid.*, p. 89.

⁴Mass. Col. Rec., 170.

⁵Rec. Com. N. E., Hazard, II., 119. Cited by J. H. Trumbull, "Constitutions of Connecticut," p. 1.

based on territorial grants and trading privileges from the British Crown, made war and peace and coined money, if necessary, so it put out a sucker of practical sovereignty, which rooted in the Connecticut valley.

The planters met January 14, 1638-9, and adopted the eleven "fundamental orders," by which the colony was substantially governed until the year 1818, though it obtained legitimate authority therefor from the British Crown, as we shall see later on. These orders "provided for an annual election by ballot of the freemen for Governor and not less than six other magistrates, the latter to be chosen only from a list of persons put in nomination six months before at the preceding session of the legislature, at which the representatives from each town might nominate two, and the Court might add others, if thought fit. The legislature was to meet twice a year, in Spring and Fall, and each town could send three or four deputies, as it pleased, to be elected for each session by ballot at town meetings. The Assistants sat in this body, and four of them were necessary to give it a quorum. The Governor was the presiding officer, with a casting vote in case of a tie. New towns were to send such number of deputies as might be thereafter fixed by law in each case. 'A reasonable proportion to the number of Freemen that are in the said Townes being to be attended therein.' There was but a single chamber."¹ This is an early record of a "frame of government." The men of Connecticut claim it to be the first written constitution in history.

The germ of constitutional government, whether it was by a formal constitution or otherwise, is justly considered by the investigators of the history of Connecticut to have been in a sermon of Thomas Hooker preached before the General Court in May, 1638, viz.: "The foundation of authority is laid, firstly, in the free consent of the

¹ Baldwin "The Three Constitutions of Connecticut," p. 180. I have freely used this thorough study.

people.—The choice of public magistrates belongs unto the people, by God's own allowance.—They who have power to appoint officers and magistrates, it is in their power also, to set the bounds and limitations of the power and place unto which they call them.”¹

Though Hooker was thoroughly Puritan, believing in theocratic ascendancy, yet as indicated above, he had gone farther than his associates of Massachusetts in clearing those jungles of sovereignty, which so easily put forth the growth of tyranny. However loyal to dictates of conscience—which were as revelation to the ordinary Puritan—Hooker² perceived that the will of the citizen, his political action, whether as ruler, judge or constable, must be firmly set within the “bounds and limitations,” of power which should be constituted in a legitimate way. This is of the essence of constitution-making.

By a series of legislative acts in 1697, 1699, 1708,³ the colony riveted an ecclesiastical system firmly on the necks of all citizens. The corner-stone was in the act of 1708, which approved “the confession of faith, heads of agreement, and regulations in the administration of discipline agreed to by the synod at Saybrook and enacting that all churches thus united in doctrine, worship and discipline, should be ‘owned and acknowledged established by law.’”⁴ There was no mistaking the political bearing of this establishment, which rested on all citizens alike. When in 1708, the consciences, by an act “for the ease of such as soberly dissent from the way of worship and ministry established,” were relieved, their pockets were firmly held by the state. This act extended the privileges of the “Toleration Act of William and Mary,” but “with the special proviso, that this should not be construed ‘to the excusing of any person from paying any such minister or town dues, as are now or shall be hereafter due from them.’”⁵

¹ Col. Conn. Hist. Soc., I., 20.

² See Hooker's “Survey of Church Discipline,” pp. 4, 13, for a full statement.

³ Col. Rec. Conn., IV., 198, 316; V., 87. ⁴ Trumbull, “Historical Notes,” p. 30.

⁵ *Ibid.*, p. 30. Citing Col. Rec., V., 50.

As the eighteenth century, through political development and a larger philosophy broadened the minds of men, this enforced system of religion became more and more oppressive. The Baptists and Methodists had repeatedly demanded "that 'legal religion' should be abolished, and 'the adulterous union of Church and State forever dissolved.'"¹ The Episcopalians also remonstrated. In 1816, the "American and Toleration" ticket was defeated, to triumph in the following year. The first act of the General Assembly was one "securing equal rights, powers and privileges to Christians of every denomination in this State." In the next year, another bill "more effectually secured equal rights."

Toleration and not liberty of conscience was embodied in the constitution of 1818 in Connecticut. The section treating this matter, as proposed, reads "no preference shall be given by law to any religious sect or mode of worship"; it was adopted after changing "religious" to "Christian." Meanwhile a substitute "that rights of conscience are inalienable; that all persons have a natural and indefeasible right to worship Almighty God according to their own consciences; and no person shall be compelled to attend any place of worship, or contribute to the support of any minister, contrary to his own choice";² offered by a clergyman was rejected.

"In the year 1818, when the new constitution was formed, this last restriction was removed; and religion was left entirely to voluntary support,—a sermon preached by Dr. Lyman Beecher, during the period when the question of the new constitution was pending, in which with all his eloquence he sets forth the plan of leaving religion to voluntary support, as 'one which would open the flood-gates of ruin on the state.'"

Connecticut writers are wont to speak of this religious

¹ "Historical Notes," p. 32. *Trumbull, "Historical Notes," p. 54.

² Dutton, in "Ecclesiastical Hist. Conn.," p. 122.

condition under the constitution of 1818, as "complete religious liberty." Their conception of liberty within the bounds of Connecticut involved a naïve assumption, that this was equivalent to liberty everywhere. Their society being homogeneous and sufficient unto itself, liberty or opinion elsewhere did not enter into consideration. This quietism is finely expressed in the words of one of her ablest sons, Leonard Bacon, uttered in 1859. "Our own Connecticut—to our filial hearts the glory of all lands—how much is it indebted for the present aspect of its Christian civilization, to that organized association of its clergy, and that strict confederation of its churches, which were effected when as yet there was within our boundaries neither church nor pastor of any other ecclesiastical order! The unassociated churches, yielding to the genius of the system while rejecting its forms, have shared in the blessing. The churches that have been formed by dissent and secession from us—Episcopalian, Baptist and Methodist—have had in all their growth, the benefit of being planted in our Puritan soil, and of being stimulated and invigorated by the strong religious influence that had not yet ceased to mould the character of our native population. Is there no meaning in the fact that not one of our churches, and only one of our parishes fell in the Unitarian defection?"¹ Those curious dreamers calling themselves Catholic Anglicans will take notice. None knowing the excellent Doctor Bacon can doubt his wisdom in interpreting the signs of the time as revealed in his day. A generation of progress in the American world has left him stranded on the theological issue, as a similar current had beached Lyman Beecher on the political issue.

I have not treated directly the colony of New Haven, for it was incorporated in 1665 into the larger current of Connecticut life. These settlers inclined to be theocratic,

¹ Bacon "Hist. Dis. Ec'l Hist. Conn.," p. 70.

and their principles tended to stiffen the ecclesiastical tendencies of the descendants of Hooker.

We may now turn to the origins of the third and smallest member of the commonwealths of New England. Volumes of casuistry and special pleading have been wasted in trying to prove that the banishment of Roger Williams from Massachusetts Bay was necessary and inevitable. The fact remains that the Bay drove out the man, who, with his followers, alone perceived the true relations of church and state. Those relations were at last comprehended and introduced into the fundamental law of Massachusetts itself.

Williams with four or five companions came into Providence in 1636. The only title or prescribed right possessed by these immigrants and planters, was by purchase or gift of the lands from the Indian chieftains according to their customs. In the next year thirteen persons, probably "masters of families," made the following memorable agreement. "We, whose names are hereunder, desirous to inhabit in the town of Providence, do promise to subject ourselves in active or passive obedience to all such orders or agreements as shall be made for public good of the body, in an orderly way, by the major assent of the present inhabitants, masters of families, incorporated together in a town fellowship, and such others whom they shall admit unto them, only in civil things."¹

Thomas Durfee, no enthusiast, but a clear intellect, a competent and calm jurist, says of this momentous declaration, that it secured soul-liberty not by grant, but by limitation. He says the statement was the "constitutional declaration of the right in its widest meaning, covering not only freedom of faith and worship, but also freedom of thought and speech in every legitimate form. The right has never been expressed with more completeness."² Remember it was not after the white light of the eigh-

¹ Arnold, "Hist. R. I.," I., 103. ² Durfee, *Historical Discourse*, 1881.

teenth century had illuminated the whole world, but in the darkness of the early seventeenth, that this practical utterance was put forth. Instead of putting king or priest above the soul, and thereafter allowing certain privileges to the spirit, Williams put the divine element in the human creature first, and formulated all civil government after this pre-eminent principle.

The movement based on this document cleared the body politic from religious domination. It demonstrated for the first time that external political control was not essential to maintain internal religious belief in the members of the body politic. It did not constitute, though it led to a civil government. In that aspect, it interests chiefly, as showing the minimum political development from which any sort of body politic can be started into being. It was a pure democracy, a meeting of a town, but not yet a town-meeting as the term has established itself in history. Even "civil things" had to be defined in practical government, and if we had all the ins and outs of condemnation of Joshua Verin in 1637, it would be very instructive. What is known, shows that the inevitable "woman-question" cropped out in the seventeenth century. Verin's wife wanted to go to meeting often; husband would not allow it. One Arnold argued for Verin that when he consented to the order for liberty of conscience, he never intended it should extend to the breach of any ordinance of God, such as the subjection of wives to their husbands. The town agreed that "Verin upon the breach of a covenant for restraining of the libertie of conscience, shall be withheld from the libertie of voting till he shall declare the contrarie."¹

The first upward step, the first delegation of power, came in 1640. The citizens "being freely willing and also (having) bound themselves to stand to one arbitration

¹ Arnold, R. I., p. 105.

in all differences amongst us”¹ appointed four persons to be increased to “five disposers,” to serve in terms of three months. It was “agreed that after many considerations and consultations of our own state and also of states abroad in way of government we apprehend no way so suitable to our condition, as government by way of arbitration, no state we know of disallows of that, neither do we. But if men refuse,” *etc.*, then follow measures to compel. Here is germ of sanction by law, and a court sustained by executive power. “We agree, as formerly hath been the liberties of the town, so still to hold forth, liberty of conscience.” There were careful provisions for disposition of lands and records, for fees and for rendition of accounts by the disposers in a meeting of the town each quarter. Suit was allowed before the “disposers,” “if any person abuse another in person or goods.”—“All the whole inhabitants combine ourselves to assist any man in the pursuit of any party delinquent.” Thirty-nine persons subscribed to this agreement.

The expulsion carried out some of the best citizens of Boston, as considered from a cosmopolitan point of view. They bought the island, by the help of Williams and Sir Henry Vane, and made the settlement of Portsmouth in 1638, and of Aquidneck or Newport in 1639.

Though these immigrants were more radical than Williams in their theology, they had not risen to his conception of religious liberty. They started to found a theocratic state. Nineteen of the planters signed the following, *viz.*: “we whose names are underwritten do here solemnly, in the presence of Jehovah, incorporate ourselves into a Bodie Politick, and as he shall help, will submit our persons, lives and estates unto our Lord of Lords, and to all those perfect and most absolute laws of his, given in his holy word of truth, to be guided and

¹ Staples, *An. Prov.*, p. 40 *et seq.*

judged thereby.—Exod. xxiv. 3-4; 2 Chron. xi. 3; 2 Kings xi. 17.”¹ None were to be admitted as freemen, except by consent of the body.

While these principles were administered liberally according to Puritan ideas, the system “sympathized more with the law than with the liberty element in the embryo state.”² The government was organized in a more orderly manner than it was at Providence, and the progress of the community was more rapid. They soon discarded the theocratic element, and in the second year of the settlement at Newport, the two towns united in a common government, vesting authority in a governor, a deputy-governor and four assistants.

Juridical progress was remarkable, as in less than three years they advanced from the rude forum of the town-meeting “to a well organized judiciary, excellently suited to their wants and fully equipped for the dispensation of justice according to the methods and principles of the common law.”³ The code was completed in 1647 and the General Court of Trials⁴ was established for the whole colony. This at first had jurisdiction of the higher class of crimes: of cases between town and town; of cases between parties living in different towns; of cases against parties belonging to neighboring colonies. This tribunal was the predecessor of the present Supreme Court. The author of this system is not positively known, but circumstances point to William Coddington. It extended to all the towns of the future state, and it is doubtful if Roger Williams’s system of soul-liberty could have been sustained had it not fallen upon and adjusted itself to this frame work of civic experience.

The plantation at Pawtuxet or Warwick attempted to submit itself to Massachusetts Bay in 1642. It did not become a constituent part of Rhode Island until 1658.⁵

¹ Arnold, R. I., I., p. 124. ² *Ibid.*, p. 126. Cited from Judge Job Durfee.

³ Thos. Durfee, “Judicial Hist.,” p. 1, R. I. Tracts, No. 18. ⁴ *Ibid.*, p. 7.

⁵ Arnold, R. I., I., 267.

All these outlaws from Massachusetts Bay had boldly planted themselves in the wilderness, but they craved the protection of the home government. John Clarke went from Newport, to petition for a charter in England, and Williams succeeded to his work there. He obtained a Parliamentary charter in 1644. He brought the precious document through Boston, by virtue of an official letter. The men of the Bay wanted no further intercourse, lest by "free liberty of ingress and egress, any of their people should be drawn away with his erroneous opinions." The union of the towns under the charter was accomplished in 1647.

In the fortuitous circumstances of these times, the charter¹ gave freedom to the little colony, which was almost absolute. Government was to accord with the laws of England; yet this limitation was nullified virtually, by the explanatory clause, "so far as the nature and constitution of that place will admit."² These conditions show that Clarke and Williams were in advance of the ordinary colonial legislators, or they could not have won so completely the confidence of the Parliamentary statesmen. Practical separation between Church and State was achieved in the patent for the first time in human history. For wherever the terms "government" or "law" occur, they are limited by the word "civil." For the first time, it is recognized in practical law and administration, that the individual citizen is directly related to his creator. The external world is regulated by the civil state, the world within is relegated to God alone.

The process of early legislation is interesting. All laws were to be first discussed in the towns.³ If the towns concurred in a proposed statute, it went to the "general

¹"It is much in their hearts (if they may be permitted), to hold forth a livelie experiment, that a most flourishing civill state may stand and best bee maintained, and that among our English subjects, with a full libertie in religious concerns." Charter of R. I., 1663. ²R. I. Col. Rec., I., 158. ³Arnold, R. I., I., 203.

Court," which decided whether or not it should become law. We must keep in mind, that however the pure democracy of Rhode Island failed in trying to project a government out of itself, just as the theocratic tendencies of Massachusetts Bay could not regulate civil government out of the metaphysical conceits of an ecclesiastical council, yet the original impulse of the Rhode Island man was never lost, but it affected every institution, proceeding from his subsequent activities.¹ In the beginning, there was no common burying-ground, nor school-house, nor town-house; and these peculiar features delayed the progress of the community, while they were shaping it.

According to Judge Durfee, "the General Assembly seems to have considered itself originally, a court as well as a legislature,"² but judicial action was generally tempered by an admixture of legislation. The judicial powers were not conferred on the legislature by charter; they grew out of the necessities of the colony. In 1699, the Earl of Bellomont criticised severely the processes of the courts. His facts were doubtless correct, but his conclusions were exaggerated by the influence of hostile, royal officers, and the necessary contrast with the orderly and accomplished judiciary of England. The judges in Rhode Island "give no directions to the jury, nor sum up the evidence to them, pointing unto the issue which they are to try."³ The custom of charging the jury was introduced by Judge Story early in the nineteenth century.

The Parliamentary patent gave place to the royal charter in 1663. Credit is given to John Clarke⁴ for obtaining the extraordinary privileges from the Crown and Court, which are granted under this instrument. It substantially confirmed the first charter and gave greater powers to the people, creating absolute sovereignty in the colony. In

¹ Foster, *Town Gov't in R. I.*, J. Hopkins Studies, 4 Series, pp. 83, 89.

² Durfee, "Judicial History," pp. 34, 58. ³ *Ibid.*, p. 77.

⁴ Arnold, *R. I.*, I., 290, *et seq.*

these points, it differs from all royal charters. 1. It recognizes Indian ownership of the soil. 2. It accords with the procedure of the Frenchman De Castine, confirming and not creating absolute liberty of conscience. "Noe person shall bee in any wise molested, or called in question for any difference of opinion in matters of religion which doe not actually disturb the civill peace of our said colonye." This was while the laws of England rigidly required uniformity in religious belief. 3. Issued by a monarch, the charter was purely republican. The colony could make laws agreeable to those of "our Realme of England," but these were to be also in accord with "the nature and constitution of the place and people there." There was no oath of allegiance, and the military arm of the state was controlled by the people. The colony exercised the right of declaring martial law against the remonstrances of the royal governors of New England. Here were embodied about all the sanctions of sovereignty which a monarchical government could confer on a representative government by the people—that is, a republic. It is not strange that this document—surpassing as it did the high political aspirations of the eighteenth century—should endear itself to the people, and should last through all political development until 1843.

Under the royal charter, the judiciary was changed somewhat. The government was vested in a Governor, a Deputy-Governor, ten Assistants and a body of Deputies. The duties of the Deputies were legislative; those of the Governor, Deputy and Assistants, were magisterial also.¹ In 1722, the custom of electing ten assistants by general ticket ceased.² Thereafter, one assistant was chosen from each town. The body became the modern Senate or upper house, representing the towns. The house of Deputies became Representatives, based on a

¹ Durfee, "Judicial History," p. 10. ² Arnold, R. I., I., 295.

shifting proportion of population. This contrasts with Connecticut where the upper house is the popular branch.

Under both charters, the General Assembly rested on the freemen, who were admitted such generally on the application of the several towns. "Not every resident was a legal inhabitant. Some time elapsed after one's arrival in the colony before he could be received as an inhabitant, participating thereby in certain rights to the common lands, doing jury, and being eligible to some of the lesser town offices. If his conduct while thus situated gave satisfaction he might be propounded at town meeting to become a freeman, and if no valid objection was brought against him, at the next meeting he was admitted to all the rights of the freemen, or close corporators of the colony."¹

In 1666, we find the working of the custom. "It was the practice to admit as freemen those whose names were sent in for that purpose by the clerks of the respective towns, as well as those who personally appeared before the Assembly, being duly qualified. A large number were thus admitted from all the towns at the opening of this session."²

Writers from both Connecticut and Rhode Island have considered that the practice of the two colonies differed somewhat at this point.³ The Connecticut charter contemplated a body of freemen, which should elect officers and form an administration; while the smaller colony went through the towns to reach the same ultimate constituency. In Connecticut "only the general court had the power to admit freemen,—residence within the jurisdiction and previous admission as an inhabitant of one of the towns being the only qualifications required by the constitution and charter."⁴

¹ Arnold, R. L., I., 256. ² *Ibid.*, p. 237.

³ Baldwin, "Three Constitutions," p. 188; Foster, Town Gov't, R. I., J. Hopkins Studies, 4 Series, p. 35. ⁴ J. H. Trumbull, "Hist. Notes," p. 8.

A blot rests on the scutcheon of Rhode Island, which is rather technical than actual. It was charged by Chalmers and others, that Roman Catholics were denied all political rights as early as 1663. This charge has no foundation.¹ An act was passed in 1719, "that all men professing Christianity and of competent estates and of civil conversation though of different judgments in Religious Affairs (Roman Catholics only excepted) shall be admitted Freemen and shall have liberty to choose and be chosen Officers in the Colony both military and civil."² No Catholic was ever oppressed under the act,³ and it was repealed in 1783.⁴ It was a political restraint and no such stricture was laid upon the Jews. Yet, "both Roman Catholics and Jews were not only allowed in Rhode Island, as they were nowhere else in New England, the quiet enjoyment of their religious faith and forms of worship, but were on several occasions, upon petition to the Assembly, naturalized as citizens of the colony."⁵

We cannot claim that these descendants of Roger Williams and Clarke equalled them in breadth of religious view or in political sagacity, for where were the men in the early eighteenth century, to be compared with them? Such as they were, it is manifest that they worked upon a small issue of politics, rather than upon the principles underlying their colonial state. Immense prejudice against Catholics prevailed in England under William and Mary. Remembering Andros, Rhode Island dreaded losing its charter. A small phrase against Catholics seemed easy and harmless to the politicians of the day.

Massachusetts had limited her franchise in 1634, by a religious test "two-thirds of the freemen admitted (since the test) and a majority of the residue were all members of Churches."⁶ What the men of the Bay regarded as a

¹ Rider, Inquiry, p. 15; R. I. Hist. Tracts, 2d Series, I.

² Rider, p. 25; Arnold, R. I., II., 491. ³ Rider, pp. 37, 51.

⁴ Arnold, R. I., II., 490. ⁵ *Ibid.*, p. 494. ⁶ Palfrey, I., 384.

state and a political government, we should consider an ecclesiastical or a semi-theocratic administration. An English Puritan, D'Ewes, writing in 1638, expresses the admiration, this sort of heaven on earth excited in the old world. "Their numbers there did now amount to some 50,000, and most of them truly pious; and every parish supplied with such able, painful, preaching ministers, as no place under heaven enjoys the like."

Massachusetts was a semi-commercial and semi-ecclesiastical corporation, seeking political freedom and independence of the royal control. It was typical of her difficulties, when in 1638, Winthrop says a very strict order was sent from the lords commissioners that the charter be sent home. It was resolved "best not to send it, because then such of our friends and others in England would conceive it to be surrendered, and that thereupon we should be bound to receive such a governour and such orders as should be sent to us, and many bad minds, yea, and some weak ones among ourselves, would think it lawful if not necessary, to accept a general governour."¹

The Bay wrestled through the seventeenth century in a series of struggles to avoid the impending ascendancy of the royal government, which ended in the loss of the charter. Meanwhile, though Connecticut and Rhode Island were affected by the movements of Andros and others, their chartered rights were so much broader in a political sense, that they worked out democratic polity, through an evolution almost unfettered.

The early political aspirations of Massachusetts can be hardly separated from the strong theocratic tendency which moved her in applying a religious test to practical government. There are not only the prominent proceedings like the banishment of Williams and the Antinomians, the expulsion of the Baptists and Quakers, but other

¹ Winthrop, I., 269.

incidents, which show a constant administration of affairs on the narrow lines held by the Independent, Congregational Churches. In 1629, Endicott sent out John and Samuel Browne,¹ because they would not conform with the Prayer Book, instead of without it. "New England was no place for such as they."

The case of William Vassall in 1646, brings out all the exciting elements at work in the development of civil government in this interesting colony. According to Winthrop,² he was "sometimes one of the assistants of Massachusetts, but now of Scituate in Plymouth jurisdiction, a man of a busy and factious spirit, and always opposite to the civil governments of this country and the way of our churches." Associated with the non-members of churches he petitioned to Parliament "that the distinctions which were maintained here, both in civil and church estate, might be taken away, and that we might be wholly governed by the laws of England."

This petition brought forward the whole relation of the Colony to England, and was referred to the next session of the General Court. The magistrates gave their opinion first. "All agreed that our charter was the foundation of our government, and thereupon some thought that we were so subordinate to the Parliament as they might countermand our orders and judgments, etc., and therefore advised that we should petition the parliament for enlargement of power, etc. Others conceived otherwise, and that though we owed allegiance and subjection to them—yet by our charter we had absolute power of government."³ The elders substantially confirmed these opinions of the civil department, but they stated some limitations which are interesting. "Concerning our way of answering complaints against us in England, we conceive, that it doth not well suit with us, nor are we directly called thereto,

¹ Palfrey, I., 298. ² New England, II., 261. ³ *Ibid.*, p. 279.

to profess and plead our right and power, further than in a way of justification of our proceedings questioned, from the words of the patent. In which agitations and the issues thereof our agents shall discern the mind of the parliament towards us, which if it be propense and favorable, there may be a fit season to procure such countenance of our proceedings, and confirmation of our just powers, as may prevent such unjust complaints and interruptions, as now disturb our administrations. But if the parliament should be less inclinable to us, we must wait upon providence for the preservation of our liberties."¹ The ecclesiastics were the better politicians and vindicated their power as leaders in the peculiar government of the colony. The naïve assumption of "just" to themselves and "unjust" to their opponents was fairly balanced by their serene faith that "providence" would electioneer ultimately in their favor.

The modern writers of history in Massachusetts have escaped from the strange delusions affecting the earlier interpreters of her record. From John Cotton and Hubbard, through Cotton Mather to Quincy and Palfrey, one story sounds in their ears. In their distorted vision, an inevitable, providential necessity² forced the administration of their state from one form of bigotry to another, until the widening political and social activities of the community compelled her into a complete separation of church and state. Charles Francis Adams has brought forward the original facts, and has divested the interpretation of the distorted colorings imposed by the seventeenth and eighteenth centuries. "A modified form of toleration was in 1780 grudgingly admitted into the first constitution of the State; in was not until 1833 that com-

¹ *New England*, II., p. 282.

² *Note*. "Heresy was an unclean thing; the presence of a misbeliever was a danger." Doyle, "Puritan Colonies," II., 90.

plete liberty of conscience was made part of the fundamental law."¹

A competent and disinterested student² of our history has declared that the political development of Massachusetts—her large governmental impulses growing out of communal life in the towns—alone saved her from the theocratic tyranny the Mathers and their kind would have inflicted on their fellow citizens. We have shown that Hooker separated church and state in Connecticut by practical methods, which lasted nearly two centuries. It was the lack of this orderly political development that kept Massachusetts vibrating in political unrest.

The facts have been set forth by generation after generation until there is no excuse for wilful ignorance. The intensive theocratic system, culminating in Massachusetts after the death of Winthrop, bred direct persecution, positive anti-toleration, under an enforced relation of church and state until 1833. John Cotton was one of the least severe persecutors among the early settlers. Yet his introverted pleading³ reveals curiously the working of a mind in the seventeenth century, which could conceive of no conscientious conviction outside the conscience of the reasoner.

Turning now to Toleration—the negative perch of bigots—we start with Nathaniel Ward, the best statesman of the Massachusetts theocracy. The *Simple Cobler of Agawam* in 1647 said, "My heart hath naturally detested

¹"Mass. Historians and History," p. 33. I have used freely Mr. Adams's authorities. ²Doyle, "Puritan Colonies," I., 187, 188.

³"But to excommunicate an Heritick, is not to persecute; that is, it is not to punish an innocent, but a culpable and damnable person, and that not for conscience, but for persisting in error against light of conscience, whereof it hath been convinced." Cotton, answer to Williams. Narragansett Club Pub. III., 48, 49; also II., 27.

And the Quaker Bishop, in "New England Judged," said, "Those who had Loudly Cried out of the Tyranny and Oppression of the Bishops in Old England, and from whom they fled; but when they settled in a place where they had liberty to Govern, made their little fluger of Cruelty bigger than ever they found the Loyas of the Bishops."

—Toleration of divers Religions, or of one Religion in segregant shapes." We have been surfeited with statement going to show that these persecutors were more enlightened and more liberal than all others of their time. Yet Roger Williams proved the contrary in 1644, when he said, "let conscience and experience speak how in the not cutting off their many religions, it hath pleased God not only not to be provoked, but to prosper the state of the United Provinces our next neighbors, and that to admiration."¹

The next generation went bravely on in theocratic development. There have been myriad forms of tyranny, but none worse than the inspired conscience exercised, when it dominated other consciences.

Increase Mather, in his preface,² 1681, to Samuel Willard's *Brief Animadversions* stated the matured convictions of Massachusetts. The seed sown in the first settlements around the Bay had borne fruit. The expulsion of Roger Williams, the political defeat of Vane in 1637, the banishment of Anne Hutchinson, the execution of Mary Dyer, the persecution of the Baptists; all this was narrow and narrowing, but it was thorough.

The Puritans of New England fondly fancied that they were creating commonwealths, through the support and interaction of the churches, which should absorb the old political functions of the state, and turn the world at large into a kingdom of heaven. The actual movement developing the modern state was in the opposite direction, precisely as Mr. Doyle, viewing us from Europe, has clearly comprehended. The "worldly people," the men

¹"The Bloody Tenent" (1644), p. 160.

²"If men will call unjustifiable Practices by the name of their opinion, and, when their evils are borne witness against, make outcries that they suffer for their opinion and for their conscience: How is it possible for those to help them, who desire to keep their own consciences pure, and without offence towards God, by being faithful according to that capacity the Lord hath set them in; and giving a due testimony against those things, which they believe provoke him to jealousy."

in the street worked out a political freedom culminating in the American Revolution, which finally penetrated the congregations of the churches and converted them to practical Christianity. No episode in history indicates more clearly the large currents of evolution, which turn the swirling eddies of theocratic culture to wider political development. As the eighteenth century came in, America discovered, by the second quarter of the nineteenth century she developed in practical politics, that a free, democratic expression at the polls was better politics and even better religion, than imperial decree, synod-mandate, or papal bull.

It is often asserted in apology for the early rulers of the Bay, that their course was inevitable—under the tacit inference that theocratic absolutism was the only possible working government. But the Netherlands had a comparatively liberal administration, and Connecticut, under Hooker, was adapting theocracy to democratic representation without persecution.

We need not change the colors of the rainbow to justify Cotton and Wilson. We can at least go as far as Winthrop in his confession that there was "too much" theocracy.

Roger Williams, before Kepler's immortal laws had much affected science, a century and a half before Ben Franklin exploited electricity or Priestley revealed oxygen, had voiced the separation of church and state. The clear, limpid idea, that "only in civil things" should the power of man embodied in the state touch or control the soul of man—which is the province of God—became accomplished fact in the little commonwealth of Rhode Island. In about two centuries the extending idea embraced the United States of America. Its course must continue so long as time itself responds to human aspiration.

There are two constant marvels in this bit of history.

1. That the idea, once formulated, worked itself so slowly

into the consciousness of other communities, even in the adjoining districts of Massachusetts and Connecticut. This requires no comment.

2. That a civic principle deemed so revolutionary in the seventeenth century should have made such little practical difference in the political and social development of Rhode Island, when it emerged and was adopted into the life of the state. Rhode Island has been noted for oddities and individualities. Yet these have affected very little the steady development of the community along the lines inevitable to the progress of America. It is true that the infant colony suffered from the vagaries of the wild theorists; Samuel Gorton and those like him, who drifted into these open harbors. But there came with them much free thought which grew and prospered. Order, in some way, was established over and through these chaotic elements.

The colony at first lacked the regular systems of education maintained in New England by the Congregational theocracy, and in the Atlantic states largely by the great Presbyterian churches. Toward the close of the century, Cotton Mather could say that "if a man had lost his religion, he might find it in Rhode Island at the general muster of opinionists." Notwithstanding these drawbacks, Newport advanced in the middle eighteenth century and established social culture equal to any prevailing in the colonies. Thanks to the seed scattered by Berkeley in receptive soil, that community surpassed the descendants of the Mathers in the better elements of living. Later, William Ellery Channing carried a torch into Massachusetts which lighted up the dark theology of Cotton, Wilson and the Mathers, and the consequent radiation moved their descendants in Massachusetts, as no modern influence has ever affected it.

Josiah Quincy said in 1830, "had our early ancestors adopted the course we at this day are apt to deem so easy and obvious, and placed their government on the

basis of liberty for all sorts of consciences, it would have been, in that age, a certain introduction of anarchy."¹ He should have proved his statement by something more than assertion or collateral inference. Government by and through persecution is a serious matter of consideration at any time; it ought to have been infamous in the nineteenth century.

In Rhode Island, absolutely founded on this "basis of liberty," there was nothing like anarchy at any period of its history.

Williams² was explicit as his master Coke or any modern jurist, when he set forth the plain duty of a citizen. Liberty of conscience, "equality in Christ"—in his words—did not free the recipient from his constant political obligation to the state.

Massachusetts clung to her mediæval theocracy while her town meetings slowly worked out individual freedom. Connecticut, farther advanced under Hooker, developed a practical course of administration according with her settled union of church and state. But Connecticut dragged through the eighteenth century—as has appeared—before she could arrive at toleration.

When the New England merged into the New America, Stephen Hopkins, Nathanael Greene and the rest mustered beside Roger Sherman of Connecticut and the Adamses of Massachusetts.

In all the military development of our country—that sublime test, which welds the right arm of individual men into the true consolidation of the state—Rhode Island has

¹ "Memorial Hist. Boston," I., 127.

² "Both Papists and Protestants, Jews and Turks may be embarked in one ship. If any of the seamen refuse to perform their service, or passengers to pay their freight; if any refuse to help, in person or purse, towards the common charges or defence; if any refuse to obey the common laws and orders of the ship, concerning their common peace or preservation; if any shall mutiny and rise up against their commanders and officers, because all are equal in Christ, therefore no masters nor officers, no laws nor orders, no corrections nor punishments, I say, I never denied, but in such cases, whatever is pretended, the commander or commanders may judge, resist, compel, and punish such transgressors, according to their deserts and merits."—Roger Williams to the Town, 1655. Arnold, R. I., I., 255.

shown that individual liberty works toward the highest patriotism. In the old French and Spanish wars, in the struggles with Great Britain, in our tremendous civil war, Rhode Island, notwithstanding her strong Quaker heredity, was ever at the front.

Massachusetts has led in education and in a political development, which finally shattered her narrow religious ideals. Connecticut built up the home with unrivalled thrift, and stimulated the inventive powers of the individual, until her mechanical triumphs were scattered over the world. Meanwhile, least in extent, greatest in spirit, Rhode Island kept her precious freedom for the soul. Property was secured; life, liberty and the pursuit of happiness moved forward as steadily as in any part of the world. In commerce and manufacture, the little colony and state has kept even pace with the country at large. In relative population and wealth, in all kinds of industrial organization¹ it has equalled at least any portion of the United States. Where is Mr. Quincy's anarchy?

A German scholar, who spoke for the whole world, said of the early development of Rhode Island, "These institutions have not only maintained themselves here [in R. I.] but have spread over the whole union."² The spirit of the individual man must be responsible only to the Creator of that spirit, except in "civil things"; in these things material interests reside, and here only political organization finds its proper activities. The War-Lord of Germany, the Czar of all the Russias may not entertain such a simple, civilizing principle, but Catholic and Protestant Christians, Jews and Mohammedans have enjoyed ample freedom under it. Established in Rhode Island, it grew to marvellous proportions, not by breeding anarchy, but by encouraging that larger idea, the true American liberty, which spread at last from ocean to ocean.

¹ By the census of manufacturing in 1900, R. I. had the largest proportion of wage earners relative to the population; Connecticut, Massachusetts, New Hampshire followed in the order named. ² Gervinus, "History of Nineteenth Century," p. 66.

REPORT OF THE TREASURER.

THE Treasurer of the American Antiquarian Society herewith presents his annual report, showing the receipts and expenditures for the year ending October 6, 1902.

There has been carried to the several funds for the past year six per cent. on the amount of same, October 1, 1901, leaving a balance to the credit of the Income Account of \$523.74.

By a vote of the Council the sum of \$1,000 was appropriated, to be expended at the discretion of the Committee of Publication for the purpose of "the production of a comprehensive guide to the material for American history in the public repositories in London, especially to the manuscript material." This work has begun under the direction of our associate, Prof. J. F. Jameson of Chicago, and the sum of \$278.50 has been used from the appropriation.

The total of the investments and cash on hand October 6, 1902, was \$148,101.46. It is divided among the several funds as follows :

The Librarian's and General Fund,	\$37,537.85	
The Collection and Research Fund,	17,193.39	
The Bookbinding Fund,	6,921.07	
The Publishing Fund,	29,430.55	
The Isaac and Edward L. Davis Book Fund, . .	12,062.47	
The Lincoln Legacy Fund,	5,686.56	
The Benj. F. Thomas Local History Fund, . .	1,141.18	
The Salisbury Building Fund,	5,033.62	
The Alden Fund,	1,000.00	
The Tenney Fund,	5,000.00	
The Haven Fund,	1,555.61	
The George Chandler Fund,	492.39	
The Francis H. Dewey Fund,	4,047.41	
The George E. Ellis Fund,	14,515.94	
The John and Eliza Davis Fund,	3,227.94	
The Life Membership Fund,	2,150.00	
		<hr/>
		\$146,995.98
Income Account,		581.74
Premium Account,		523.74
		<hr/>
		\$148,101.46

The cash on hand, included in the following statement, is \$4,746.89.

The detailed statement of the receipts and disbursements for the year ending October 6, 1902, is as follows :

DR.

1901. Oct. 10. Balance of cash per last report,	\$2,510.85
1902. " 6. Income from investments to date,	7,936.88
" " Received for annual assessments,	230.00
" " From sale of publications, . . .	26.00
" " From premiums on Nat. Bk. Stk.,	207.00
" " From sale of bonds,	11,000.00
" " Premium on bonds sold,	1,045.00
	<hr/>
Total,	\$22,955.73

CR.

By salaries to October 1, 1902,	\$3,655.09	
Publication of Proceedings, etc.	1,004.44	
Books purchased,	259.60	
For binding,	288.10	
For heating,	294.90	
Repairs and improvements,	580.85	
Lighting and incidentals,	307.16	
Insurance,	340.00	
Invested in Stocks,	10,093.45	
Premium on Stock,	1,064.50	
Special investigations,	278.50	
Deposited in Savings Banks,	42.25	
		<u>\$18,208.84</u>
Balance of cash October 6, 1902,	4,746.89	
		<u><u>\$22,955.73</u></u>

CONDITION OF THE SEVERAL FUNDS.

The Librarian's and General Fund.

Balance of Fund, October 10, 1901,	\$38,153.80	
Income to October 6, 1902,	2,289.10	
Transferred from Tenney Fund,	300.00	
" " Alden Fund,	60.00	
From Life Membership Fund,	129.00	
		<u>\$40,931.90</u>
Paid for salaries and incidental expenses,	3,394.05	
		<u>\$37,537.85</u>

The Collection and Research Fund.

Balance October 10, 1901,	\$17,395.37	
Income to October 6, 1902,	1,043.72	
		<u>\$18,439.09</u>
Expenditure from the Fund for salaries and incidental,	1,245.70	
		<u>\$17,193.39</u>
Balance October 6, 1902,		<u>\$54,731.24</u>
<i>Carried forward,</i>		

Brought forward, . . . \$54,731.24

The Bookbinding Fund.

Balance October 10, 1901,	\$6,801.11	
Income to October 6, 1902,	408.06	
		<hr/>
	\$7,209.17	
Paid for binding, etc.,	288.10	
		<hr/>
Balance October 6, 1902,		\$6,921.07

The Publishing Fund.

Balance October 10, 1901,	\$28,697.16	
Income to October 6, 1902,	1,721.83	
Publications sold,	3.00	
Baldwin Diary sold,	13.00	
		<hr/>
	\$30,434.99	
Paid on account of publications,	1,004.44	
		<hr/>
Balance October 6, 1902,		\$29,430.55

The Isaac and Edward L. Davis Book Fund.

Balance October 10, 1901,	\$11,407.59	
Income to October 6, 1902,	684.43	
		<hr/>
	\$12,092.02	
Paid for books purchased,	29.55	
		<hr/>
Balance October 6, 1902,		\$12,062.47

The Lincoln Legacy Fund.

Balance October 10, 1901,	\$5,627.43	
Income to October 6, 1902,	337.63	
		<hr/>
	\$5,965.06	
Paid for investigations,	278.50	
		<hr/>
Balance October 6, 1902,		\$5,686.56

The Benjamin F. Thomas Local History Fund.

Balance October 10, 1901,	\$1,146.56	
Income to October 6, 1902,	68.99	
		<hr/>
	\$1,215.55	
Paid for local histories,	74.37	
		<hr/>
Balance October 6, 1902,		\$1,141.18

Carried forward, \$109,973.07

1902.]

Report of the Treasurer.

169

<i>Brought forward,</i>		\$109,973.07
<i>The Salisbury Building Fund.</i>		
Balance October 10, 1901,	\$5,283.93	
Income to October 6, 1902,	317.04	
	<hr/>	
	\$5,600.97	
Paid for repairs, etc.,	567.35	
	<hr/>	
Balance October 6, 1902,		\$5,033.62
<i>The Alden Fund.</i>		
Balance October 10, 1901,	\$1,000.00	
Income to October 6, 1902,	60.00	
	<hr/>	
	\$1,060.00	
Transferred to Librarian's and General Fund, .	60.00	
	<hr/>	
Balance October 6, 1902,		\$1,000.00
<i>The Tenney Fund.</i>		
Balance October 10, 1901,	\$5,000.00	
Income to October 6, 1902,	300.00	
	<hr/>	
	\$5,300.00	
Transferred to Librarian's and General Fund, .	300.00	
	<hr/>	
Balance October 6, 1902,		\$5,000.00
<i>The Haven Fund.</i>		
Balance October 10, 1901,	\$1,470.86	
Income to October 6, 1902,	88.23	
	<hr/>	
	\$1,559.09	
Paid for books,	3.48	
	<hr/>	
Balance October 6, 1902,		\$1,555.61
<i>The George Chandler Fund.</i>		
Balance October 10, 1901,	\$480.60	
Income to October 6, 1902,	38.84	
	<hr/>	
	\$519.44	
Paid for books,	27.05	
	<hr/>	
Balance October 6, 1902,		\$492.39
	<hr/>	
<i>Carried forward,</i>		\$123,054.69

	<i>Brought forward, . . .</i>	\$123,054.69
	<i>The Francis H. Dewey Fund.</i>	
Balance October 10, 1901,	\$3,826.81	
Income to October 6, 1902,	229.60	
	<hr/>	
	\$4,056.41	
Paid for books,	9.00	
	<hr/>	
Balance October 6, 1902,		\$4,047.41
	<i>The George E. Ellis Fund.</i>	
Balance October 10, 1901,	\$13,715.51	
Income to October 6, 1902,	822.93	
	<hr/>	
	\$14,538.44	
Paid for books,	22.50	
	<hr/>	
Balance October 6, 1902,		\$14,515.94
	<i>The John and Eliza Davis Fund.</i>	
Amount of Fund, October, 1901,	\$3,106.12	
Income to October 6, 1902,	186.37	
	<hr/>	
	\$3,292.49	
Paid for books,	64.55	
	<hr/>	
Balance October 6, 1902,		\$3,227.94
	<i>The Life Membership Fund.</i>	
Balance October 10, 1901,	\$2,150.00	
Income to October 6, 1902,	129.00	
	<hr/>	
	\$2,279.00	
Transferred to Librarian's and General Fund, .	129.00	
	<hr/>	
Balance October 6, 1902,		\$2,150.00
	<hr/>	
Total of the sixteen funds		\$146,995.98
Balance to the credit of Income Account, . . .		581.74
" " " " Premium Account, . . .		523.74
	<hr/>	
October 6, 1902, total,		\$148,101.46

STATEMENT OF THE INVESTMENTS.

No. of Shares.	STOCKS.	Amount Invested.	Par Value.	Market Value.
11	Central National Bank, Worcester,	1,100.00	\$1,100.00	\$1,210.00
11	City National Bank, Worcester, .	1,100.00	1,100.00	1,275.00
10	Citizens National Bank, Worcester,	1,000.00	1,000.00	1,400.00
6	Fitchburg National Bank,	600.00	600.00	900.00
5	Massachusetts Nat. Bank, Boston,	500.00	500.00	645.00
32	Nat. Bank of Commerce, Boston,	3,200.00	3,200.00	4,800.00
3	Old Boston Nat. Bank, Boston, . .	300.00	300.00	339.00
24	Quinsigamond Nat. Bank, Worc.,	2,400.00	2,400.00	3,120.00
22	Webster National Bank, Boston, .	2,200.00	2,200.00	2,680.00
16	Worcester National Bank,	1,600.00	1,600.00	2,880.00
Total of Bank Stock, . . .		\$14,000.00	\$14,000.00	\$19,249.00
50	Fitchburg R. R. Co., Stock, . . .	\$5,000.00	\$5,000.00	\$7,240.00
30	Northern (N. H.) R. R. Co., Stock,	3,000.00	3,000.00	5,100.00
7	Worcester Gas Light Co., " . . .	700.00	700.00	1,680.00
25	West End St. Ry. Co. (Pfd.) " . .	1,250.00	1,250.00	2,800.00
50	N. Y., N. Haven & Hart. R. R., "	8,492.61	5,000.00	11,250.00
100	Worc. Ry. & Investment Co., "	10,000.00	10,000.00	10,700.00
10	Boston Tow Boat Co., "	1,000.00	1,000.00	1,500.00
		\$43,442.61	\$39,950.00	\$59,519.00
BONDS.				
	Kan. City, Ft. Sc. & Gulf R. R., Bonds,	\$3,300.00	\$3,300.00	\$3,600.00
	Atchison, Tope. & Santa Fé R. R. Co.,	3,125.00	3,950.00	3,900.00
	Chicago & East. Ill. R. R. 5 per cent.,	10,000.00	10,000.00	12,300.00
	City of Quincy Water Bonds,	4,000.00	4,000.00	4,000.00
	Congress Hotel Bonds, Chicago, . . .	5,000.00	5,000.00	5,000.00
	Lowell, Lawr. & Haverhill St. Ry. Co.,	9,620.00	10,000.00	10,500.00
	Worcester & Marlborough St. Ry. Co.,	3,000.00	3,000.00	3,150.00
	Wilkesbarre & Eastern R. R. Co., . . .	2,000.00	2,000.00	2,280.00
	Ellicott Square Co., Buffalo,	5,000.00	5,000.00	5,300.00
	Louisville & Nashville R. R.,	5,000.00	5,000.00	5,000.00
	Worcester & Webster St. Ry. Co., . . .	2,000.00	2,000.00	2,200.00
	American Telephone & Telegraph Co.,	7,000.00	7,000.00	6,875.00
	Crompton & Knowles Loom Works, . .	4,000.00	4,000.00	4,000.00
	Notes secured by mort. of real estate,	36,450.00	36,450.00	36,450.00
		\$142,937.61	\$140,650.00	\$164,074.00
	Deposited in Worcester savings banks,	416.96	416.96	416.96
	Cash in National Bank on interest, . .	4,746.89	4,746.89	4,746.89
		\$148,101.46	\$145,813.85	\$169,237.85

WORCESTER, Mass., October 6, 1902.

Respectfully submitted,

NATH'L PAINE,

Treasurer.

The undersigned, Auditors of the American Antiquarian Society hereby certify that we have examined the report of the Treasurer, made up to October 6, 1902, and find the same to be correct and properly vouched; that the securities held by him are as stated, and that the balance of cash, as stated to be on hand, is satisfactorily accounted for.

A. G. BULLOCK.

BENJAMIN THOMAS HILL.

October 6, 1902.

REPORT OF THE LIBRARIAN.

THE fortieth report of your librarian follows lines laid down in his first. A few library notes with brief statistics, acknowledgments of gifts of special value or interest, with the lessons they convey, and occasional suggestions born of library experience,—these seem to answer the purpose of the semi-annual reports.

Bound volumes of Proceedings XIV. New Series are now ready for delivery to those who prefer the Society's binding.

We are interested in the recent establishing of a "Library Clearing House" in Chicago and trust that its practical working may help to solve the library problem of "The Best Use of Duplicates." Under this title your librarian read a brief paper, September 9, 1885, at the Lake George Conference of the American Library Association. The liberal policy relating thereto which the Library Committee has encouraged, has surely brought liberal returns to this storehouse of American history. It may be added that we have been pioneers in the re-distribution of documentary matter issued by municipalities, states and the nation.

A critical examination of the tankard bequeathed to the Society in 1843 by Hon. William Winthrop has recently been made by Mr. J. H. Buck, an expert, who thus describes it: "Jug. Height 5 $\frac{1}{4}$ inches of brown mottled stoneware, mounted in silver gilt as a tankard. It is enclosed with a neckband, the cover engraved with the Fall of Adam; the purchase is of conventional ornament; the foot enriched with an upright band of strawberry

leaves. There are no marks, but it has the appearance of having been made about 1590." As the manuscript vouchers which accompanied the tankard are even now not easily deciphered they are printed herewith:

1. "At y^e feast of S^t Michael An^o 1607 my sister y^e Lady Mildmay did give me a Stone pott tipped and covered with a Silver Lydd. The above memorandum was taken out of my Great Grandfather Mr. Adam Winthrop his Notes & given me Oct. 13th 1707 by my Cousin John Winthrop relating to the Stone pott given him by his Sister one hundred years ago, which is now in my possession. Adam Winthrop | the Son of Adam | the Son of Adam | the Son of John | Governor of Massachusetts | the Son of above n^d Adam | to whom the pot was at | first given."

2. "Be it remembered that the '*Stone pot tipped and Covered with a Silver Lid,*' descended to me upon the death of my Father in 1779; and that it has, on this twenty ninth day of September 1807, (being the Feast of St. Michael) been Two Hundred years in the family, and is now in my possession. William Winthrop | the Son of John, | the Son of Adam, the Son of Adam, | the Son of Adam, | the Son of John (Governor | of Massachusetts), | the Son of Adam, to | whom the Pot was at | first given."

In this connection Mr. Buck says: "The Standing CUP belonging to the First Church Boston, with the London hall-mark for 1610, was given by Governor Jno. Winthrop."

In the librarian's report read ten years ago today, reference was made to the poor quality of much of the paper then in use. Under the title "Paper of Today" Rev. Dr. Hale reprinted these notes in his *Boston Commonwealth* of December 17, 1892. Our later observation and experience confirm the judgment then expressed. It would seem to be the bounden duty of learned societies which not only keep but make books, to encourage such chemical research as shall secure to us for all time, if possible,

the preservation of at least the best literature of our day. The claim of permanence made by the great manufacturers of wood pulp paper does not appear to be well founded. The problem is one which we may hope the modern student of applied, mercantile chemistry, will successfully solve.

The doctrine of protection still prevails in most of the libraries of our land. In the Providence Public Library respect for the bound files of newspapers is encouraged by the use of the following

NOTICE.

Readers are earnestly requested to use especial care in closing these volumes, in order to avoid the permanent folding over or creasing of the pages.

Any damage of this kind, already done, as well as any missing pages, should be at once reported at the Delivery Desk, so that it may be remedied as promptly as possible.

WILLIAM E. FOSTER,

LIBRARIAN.

Library service rendered often brings a quick return, as witness the following biographical contribution :

298 Commonwealth Avenue,
Boston, Massachusetts,
20 May, 1902.

Dear Mr. Barton :—Many thanks for your help in the William-Price view of Boston. Clearly he is one of our forgotten worthies; as clearly he set up our first church organ, at King's Chapel, and played it (Foote, *Annals of King's Chapel*) in 1714.

By 1722 we have his advertisement as our first map and printseller (2 *Boston Memorial History* 531); by 1725 he sold and afterward controlled the plate of the beautiful Bonner map, which he issued often and as late as 1769 with such modifications as the plate would bear and local engravers could manage.

In 1726 he issued the Harvard view, which appears to have been engraved here, and in that case is our first considerable landscape engraving done by home talent, though the Bonner map, engraved by Francis Dewing, 1722, is

our first considerable copperplate. (See S. A. Green's recent facsimiles.)

The Boston view was drawn for Price in 1723; it was engraved in England by John Harris, the most suitable man for such architectural work, and on sale here in 1725. It was published from time to time, the plate being modified (our Public Library has a damaged copy marked 1743) to keep up with the times.

William Price dealt in prints and maps, also in music, musical instruments, toys, artistic furniture, mirrors, frames, optical instruments, china, oil paintings, etc. He was our first art dealer.

He helped to establish and build Christ Church and Trinity, and was an officer and pewholder in each, also in King's Chapel. In 1727 he married the niece of Samuel Myles, rector of King's Chapel and the rector's heiress. He kept shop for some fifty years at 219 Washington Street, where Thompson's Spa is, and in 1736 bought the estate along the south side of Court Avenue, from Washington Street to Court Square.

He died 17 May, 1771 [*sic*], leaving a good estate to support his widow and nieces during their lives, after which it was to go for church work. Trinity still maintains the Price Lectures in Lent (sometimes called half-price lectures, because each of the eight sermons is paid forty shillings). The estate is held by Trinity, but the net profit is divided with King's Chapel, and amounts to about \$25,000 a year.

On the law aspect of the trust I know nothing better than our Supreme Court decision in the 9 Allen, q. v. The fact is, Price made a will contemplating the impossible (either he was senile, or obstinate in making such a will), and no law court can decide how far such a will may be violated. Men of the world must agree about spoils, or lose them. Price expected the King to remain in power here, and his will treats the Church of England and our Protestant Episcopal church as one. In law, they are not one.

When Faneuil died, Price caused his portrait by Smibert to be placed in Faneuil Hall. He was intimate with the Pelhams, the Copleys, and the Myles family. He is the father of fine art in Boston. He was devout, sincere, active, and apparently the most eminent layman connected

with the Episcopal Church here before the Revolution. The Boston view, you will notice, was mainly architectural, Price setting out to show how our buildings looked, especially those in which he was concerned. Notice the three Episcopal churches.

It is so very easy to dissent from the Prices and the Mathers. The market has been glad to pay what they asked or very much more. A good copy of the Price views is easily worth \$1,000. I have no knowledge of a copy of his Boston view published in 1725. How many men of today will leave so good a name, so fragrant a memory, so rich a bequest, and so memorable an achievement?

Very truly yours,

C. W. ERNST.

As statements of what we *need* or what we *have* of certain serials have helped to complete sets, such lists will from time to time appear in the librarian's reports. Of Massachusetts election sermons—the last of which was delivered January 2, 1884—we *have* 1661, 1663, 1667, 1678 imperfect, 1670, 1701 imperfect, 1703, 1705, 1706, 1714, 1715, 1716, 1718, 1719, 1720 and 1722 to 1884 inclusive. It is understood that no sermon was delivered in 1752 on account of the prevalence of smallpox and that none was printed in 1775.

The library statistics for the six months ending the 15th instant show that gifts have been received from two hundred and eighty-four sources, namely: from thirty-one members, one hundred and twelve persons not members and one hundred and forty-one societies and institutions. From them the library has received eleven hundred and sixty-six books, six thousand and sixty-six pamphlets, one hundred and six bound and one hundred and thirty-five unbound volumes of newspapers, eleven broadsides, seven book-plates, five engravings, four photographs, four maps, two manuscripts and a plaster cast. We have received by exchange eighteen books, six pamphlets and one manuscript; and from the bindery thirty-

two volumes of magazines and six of newspapers; a total of twelve hundred and sixteen books, six thousand and seventy-two pamphlets, one hundred and fourteen bound and one hundred and thirty-five unbound volumes of newspapers, *etc.*

Two of Vice-President Hoar's gifts should receive special mention. The first is referred to in the following letter:

Worcester, Mass., June 30, 1902.

My dear Sir:

I have sent this morning to the American Antiquarian Society a considerable number of books, clippings from newspapers, pamphlets bound and unbound, and other material relating to the Philippine Islands. I wish to retain the ownership of all these, and to have the right to recall any of them that I may choose any time during my life. It is not likely that I shall ever exercise this right. Such of them as I do not remove during my life are to be the property of the Society. I think you will find that they constitute a valuable and quite complete collection of material on this important subject. I inclose a copy of this letter. Please return the copy with a statement that you understand the arrangement as above set forth.

I am, Faithfully yours,

GEO. F. HOAR.

EDMUND M. BARTON, Esq.

Librarian American Antiquarian Society,
Worcester, Mass.

On the day of receipt the duplicate letter was returned with the endorsement; "30 June, 1902. Received this day the collection named herein, which will be held according to the desire of Hon. George F. Hoar, the depositor. Edmund M. Barton, Librarian American Antiquarian Society." The second reference is to a plaster cast from the tablet recently erected in Washington to the memory of Vice-President Wilson. The inscription, which is by Mr. Hoar, reads: "In this room | Henry Wilson | Vice-President of the United States | and

a Senator for eighteen years | Died November 22, 1875,
| The son of a farm laborer, never at | school more than
twelve months, in | Youth a journeyman shoemaker, he |
raised himself to the high places of | fame, honor and
power, and by unwearied | study made himself an author-
ity in the | history of his country and of liberty | and an
eloquent public speaker to | whom Senate and People
eagerly | listened. He dealt with and controlled | vast
public expenditures during a great | Civil War, yet lived
and died poor, and | left to his grateful countrymen the
| memory of an honorable public service, | and a good
name far better than riches."

Mr. Nathaniel Paine completes today forty years of faithful service as Treasurer of this Society. He has also served for twenty-two years on the Committee of Publication and for twenty-one years—with our honored President—as a member of the Committee on the Library. Attention is called to the admirable portrait of Mr. Paine which he has given to the Society.

We are reminded by Mr. William A. Smith's gift of a fine copy of Gilchrist's "Life and Times of William Blake," that during his thirty-five years' membership he has frequently made such transfers from his own library to that of the Society.

Dr. Alexander F. Chamberlain has made a noteworthy contribution of his linguistic and folk-lore publications, and Mrs. Charles W. Smith and Dr. Merrick Bemis generous additions of a miscellaneous character.

Mrs. Francis H. Dewey sends us the rare volume of photographs of "Citizens of Worcester Past and Present," in which the names of nearly five hundred men are duly listed; and a second volume containing photographs of members of the Massachusetts Senate of 1869, in which and on which no names appear. Judge Dewey's associate in the Senate of '69—Hon. George H. Monroe—and State Librarian C. B. Tillinghast have aided your

librarian in his quest, but the work is not yet completed. The moral is obvious.

Mrs. Ellen A. Stone has allowed us to select from her collection of early text-books to enrich our own. For this gift we are no doubt indebted to some friend's kind suggestion, as well as to many another known and unknown adviser for like favors.

The following need no introduction :

Springfield, Illinois, Apl. 21, 1902.

EDMUND M. BARTON, ESQ., Libn. American Ant. Society.

My Dear Sir :

I recently sent you a deed, or bill of sale, to one William Holmes, issued to his wife the purchaser of the said "chattel." I herewith enclose a duly certified copy of a deed of manumission, which also contains an "abstract of title," issued to the said wife, Amanda Holmes—several years prior to the date when she purchased her said husband.

The two papers, taken together, will serve to illustrate the working of that "*institution*" to eradicate which cost the lives of 1,000,000 of men, and millions of money, and which in God's own time was overthrown & our native land made in fact, as well as in name, the *Home of the Free*.

I am very truly yours,

EDWIN SAWYER WALKER.

Be it known unto all whom it may concern that I William G. Eliot, Jr., of the City and County of St. Louis in the State of Missouri, in consideration of good and sufficient reasons do this day manumit and make free my Servant Amanda Holmes, coloured woman, formerly owned by Capt Crossman of the United States army and by him sold to N. Paschall of the City of St. Louis, from whom I purchased her for the term of her life: and by this act of manumission I do make her a free woman, with all the rights and privileges which can belong to her as such under the Laws of the State of Missouri.

In testimony of which I here affix my hand & seal this seventh day of July A. D. 1845.

WILLIAM G. ELLIOT JR.

Seal

In the St. Louis Circuit Court—April Term 1845

Monday July 7th 1845

State of Missouri, }
County of St. Louis } ss.

Be it remembered that on this Seventh day of July Eighteen hundred and forty-five comes into Court here William G. Eliot Junior, who is known to the Court to be the real person whose name is subscribed to the foregoing deed of manumission and he acknowledged the same to be his act and deed, hand and seal for the purposes therein expressed, which said acknowledgment is entered on the records of the Court of that day.

Seal

In testimony whereof, I, John Ruland Clerk of said Court, hereto set my hand and affix the seal of said Court, at office, in the City of St. Louis the day & year last aforesaid.

JN^o RULAND Clerk.

The Worcester Gazette Company before moving into new quarters, thoughtfully gave us ninety-nine bound volumes of *The Worcester Transcript*, *The Ægis and Transcript*, *The Ægis and Gazette* and *The Worcester Evening Gazette*. *The National Ægis* and *The Worcester Transcript* were absorbed by the *Gazette*. This large gift will not only help to complete our files, but will release to the National Library, or to the local historical society, duplicate volumes, which are more or less complete.

The special book funds have been carefully kept for unusual opportunities of purchase. Thus the Benjamin F. Thomas local history fund and the John and Eliza Davis civil war fund have yielded excellent returns. The George Chandler fund for the department of family history, which supplies perhaps the highest priced books we secure, is still the smallest fund of the class mentioned.

We have received from the American-Irish Historical Society a copy of "The Irish Scots and the Scotch-Irish," by Hon. John C. Linehan. It recalls the paper of Mr. Samuel S. Green on "The Scotch-Irish of America," read at our April meeting in 1895. Mr. Linehan thus kindly

refers to its author: "During a correspondence, a few years ago, between Mr. Murray and Mr. Samuel Swett Green, of Worcester, Mass., Mr. Green thus manfully wrote: 'In regard to the use of the term Scotch-Irish, I did not realize that I should give offence by employing it, and I probably should have used some other designation to convey my meaning rather than irritate bodies of men whom I respect. I used the word, however, only in a descriptive sense, just as I sometimes use the term Afro-American and Swedish-American. I entirely agree with Mr. Murray that generally speaking, it is best not to use words which show the differences of the inhabitants of a country rather than the things which they hold in common. For example, it is better to speak generally of Americans, rather than Irish-Americans or French-Americans.'"

The Club of Odd Volumes has presented a copy of the limited edition of "The Triumphs of Early Printing," by its President, Mr. James F. Hunnewell. By invitation of our associates, Messrs. Hunnewell and Paine, it was my privilege and pleasure to speak to the Club of our collection of early newspapers. It was upon an evening which was devoted to the general subject of the American newspaper, past and present.

The Minnesota Historical Society has completed our set of their publications, upon the suggestion of Mr. Henry P. Upham; and the elaborate Register of Members and Ancestors of the Minnesota Society of Colonial Wars has been forwarded by that body at his request. The habit of some of our friends not only to send us their own productions but to recommend the practice to others, is strongly approved.

The appeal of the International Press Clubs for a contribution of duplicate literature to the Journalists' Home Library was promptly answered. It was thought peculiarly fitting that the Society whose founder was the patriot printer and journalist as well as the author of the "History

of Printing in America," should thus show its interest. The chairman and treasurer extends thanks for the gift and coöperation, and expresses the hope that his Society may at some future time be able to reciprocate the courtesy.

It will be remembered that Levi Lincoln and his son Levi were charter members of this time-honored Society. A brief reference to the latter—our first treasurer, a faithful councillor and life-long friend—was recently discovered in Mr. William F. De Wolf's "Recollections of Public Men," a paper read before the Chicago Historical Society, November 15, 1881. It seems well to recover and reprint some such contemporary expressions of regard that they may be readily accessible for use at our Centennial Celebration in 1912. The paragraphs follow :

LEVI LINCOLN OF MASSACHUSETTS.

"Governor Lincoln was a noble man, the son and brother of such men as Massachusetts and Maine, in the olden time, chose for the highest officials. Like the Adamses, his descendants look back through a long line of illustrious ancestry. Of him it might be said in the words of Dryden, 'His tribe were God Almighty's gentlemen.' His home was the abode of genuine hospitality, made lovely by all the enduring charms of true refinement. I shall never forget the time when I once saw him on horseback in company with General Jackson and his cabinet, reviewing sixty thousand troops on Boston Common. Among many of the best appearing men in the Nation, he rode the peer of the best. * * * At the time I saw him on Boston Common, surrounded as he was, passing through an immense throng of his admiring citizens, he reminded me of the description given by Shakespeare of Bolingbroke's entrance into London :

'Whilst he, from one side to the other, turning,
Bareheaded, lower than his proud steed's neck,
Bespake them thus,—I thank you countrymen :
And this still doing, thus he pass'd along.'

I have been asked to print in the body of this report the following very rare circular which accompanied a

Society report of October, 1821, by Rejoice Newton and Samuel Jennison :

(CIRCULAR.)

SIR,

HEREWITH you will receive a Report on the state of THE AMERICAN ANTIQUARIAN SOCIETY, made at the Annual Meeting in October last. The facts it discloses, it is presumed you will be gratified to learn, as they evince its respectable standing and condition. But to communicate this, is not the only motive for addressing you on the present occasion.

It is now nearly a year since the Society published the first volume of its Transactions and Collections. This it was enabled to do, by the liberality of the President. No aid was previously solicited, and no pledge was asked from its friends that they would afterwards contribute, by purchasing the work, towards a remuneration for the expense. It was sent into the world, relying on its intrinsic merits for a favourable reception, not only from the students of science, and the labourers in the field of Antiquarian research, but from the enlightened and discriminating among the more able patrons of literature. With regard to its reception in a literary point of view, the Society has reason for self-congratulation. It has been respectfully noticed, not only in America, but in Europe ; and we hope has contributed to elevate the reputation of our country in distant nations, and to gratify the curiosity, and to excite the inquiries of some of the most illustrious among the learned of the age. Notwithstanding which, but few copies have been sold ; and, extensively as it has been circulated, it has gained no other recompense to the publishers, than the honour of having contributed to the general stock of valuable information. It is still desirable that the Society should continue its Publications, as materials shall be collected. It is unnecessary to offer any arguments to shew the utility of such a course as respects the interests of the Society, independent of any advantages which may be supposed to arise from it to the cause of science ; for it is obviously of little importance to collect facts and opinions, however valuable, relating to the subjects which fall within

its scope, unless the publick are made acquainted with them: while the inducement to communicate may reasonably be presumed to be increased, as the prospect of usefulness, and the chance of sharing the well-earned rewards of honourable exertion are more clear and distinct.

It is from these considerations that the Members of the Publishing Committee, resident in the town of Worcester, have been appointed a Committee for the purpose of preparing and addressing to you the annexed Proposal, and to solicit your subscription, and that of such of your friends as may be disposed to unite with you.

The Committee improve this occasion, in behalf of the Government, again to request of you, also, such aid as from time to time you may have it in your power to afford, by donations of Articles for preservation in the Library and Cabinet, together with such information as you may possess and obtain on those subjects which it is its object to elucidate.

It is requested that the names of Subscribers be forwarded to the Recording Secretary, at Worcester, by the first of June next.

AARON BANCROFT.
SAMUEL M. BURNSIDE.
SAMUEL JENNISON.
EDWARD D. BANGS.

PROPOSAL
FOR
CONTINUING THE PUBLICATION
OF THE
Transactions and Collections
OF THE
American Antiquarian Society.

—◆—

THE work will be commenced as soon as sufficient encouragement is obtained, and continued at indefinite periods, as materials shall be collected.

It will be published in numbers, of such a size as may be conveniently formed into volumes corresponding with that already published.

The price will be at the rate of Three Dollars for 400 pages, including Engravings.

The Subscribers agree to receive and pay for the number of copies set against their names respectively.

The report to which reference is made consists of two pages, is signed by Rejoice Newton and Samuel Jennison, is dated October 23, 1821, and an edition of two hundred was reprinted without the circular at Cambridge in August, 1868. It appears in our "Partial Index and List" as "10. Report at the annual meeting October, 1821: by Rejoice Newton and Samuel Jennison. Circular in relation to publication of first volume of Transactions and Collections (*Archæologia Americana*), pp. 5, October, 1821." This entry is somewhat misleading. The title-page of Volume 1, *Archæologia Americana*, bears date 1820, and the Preface June, 1820. This appeal of 1821 therefore, was not for the publication of volume one, but of subsequent issues. In point of fact the appeal did not bear fruit until 1836, when Volume 2—perhaps the most valuable of the series—came from the University Press, Cambridge.

The forward movement of the Society is shown by comparing the present library privileges of the public with those of seventy years ago as indicated by the Council Records of October 11, 1832. There we find this entry: "Voted—That the rule of the Council in relation to visitors be amended so as to read—Visitors may be admitted on the personal introduction of a member of the Society or on producing a ticket of a member of the Council. Voted—That until further order of the Council visitors be admitted only between the hours of 11 and 12 o'clock of each day, except permitted at other hours by a special ticket of a member of the Council."

Ninety years ago the call to organize this Society appeared in the public press, and the galley slip was probably sent to the persons named:

American Society of Antiquaries.

WHEREAS by an Act of the Legislature of this Commonwealth, passed October 22, 1812, Isaiah Thomas, Levi Lincoln, H. G. Otis, Timothy Bigelow, Nathaniel Paine and Edward Bangs, Esqrs. J. T. Kirkland, D. D. Aaron Bancroft, D. D. William Paine, M. D. Jonathan H. Lyman, Elijah H. Mills, Elijah Hammond, Timothy Williams, William D. Peck, John Lowell, Edmund Dwight, Eleazer James, Josiah Quincy, William S. Shaw, Francis Blake, Levi Lincoln, Jun. Samuel M. Burnside and Benjamin Russell, Esqrs. Rev. Thaddeus M. Harris, Redford Webster, Thomas Walcutt, Ebenezer T. Andrews, William Wells, and Isaiah Thomas, Jun. and such others as may associate with them for the purposes therein mentioned, were "formed into, and constituted a Society, and Body politic and corporate, by the name of *The American Antiquarian Society*," for the purposes therein specified.

And whereas, by the fifth Section of said Act, the Undersigned is "authorised and empowered to notify and warn the first meeting of said Society," Therefore, in conformity thereto, he hereby notifies and warns each and every of the persons above named to meet, at the Exchange Coffee House in Boston, on Thursday the 19th day of November instant, at 11 o'clock in the forenoon, then and there to take such measures as shall be necessary for organizing said Society, establishing such Rules and Regulations as shall be deemed expedient, "agree upon a method for calling future meetings," and to act upon any other matter or thing relating to the objects of said institution.

ISAIAH THOMAS.

Worcester, November 2, 1812.

The headline suggests the Society of Antiquaries of London.

At our annual meeting fifty years ago two notable names were added to our Council roll; namely, those of Rev. Edward E. Hale of Worcester and Hon. Charles Sumner of Boston. Mr. Hale had been on the Committee of Publication for several years previous to his election to the governing board. His personal recollections of the Society's past-masters should be preserved in some form, for the information and encouragement of our antiquarian brotherhood.

Respectfully submitted.

EDMUND M. BARTON,
Librarian.

Givers and Gifts.

FROM MEMBERS.

- ADAMS, CHARLES FRANCIS, LL.D., Lincoln.—His "Shall Cromwell have a Statue?"
- BARTON, EDMUND M., Worcester.—Three magazines, in continuation.
- BUTLER, JAMES D., LL.D., Madison, Wis.—One pamphlet; and a photograph.
- CHASE, CHARLES A., Worcester.—Forty books; and thirty-one pamphlets.
- CHAVERO, ALFREDO, Mexico.—His "La Piedra del Sol."
- DAVIS, ANDREW MCF., Cambridge.—Three of his own publications.
- DAVIS, Hon. EDWARD L., Worcester.—Seventeen books; and twenty-four pamphlets.
- DEWEY, FRANCIS H., Worcester.—Newspaper clippings relating to the American Antiquarian Society.
- FOSTER, WILLIAM E., Litt.D., Providence, R. I.—His Report of 1901 as Librarian of the Providence Public Library.
- GAGE, THOMAS H., M.D., Worcester.—Bellamy's "Essay on the Nature and Glory of the Gospel of Jesus Christ," 8°, Worcester, 1793, printed by Isaiah Thomas.
- GILBERT, EDWARD H., Ware.—His "Early Grants and Incorporation of the Town of Ware"; and "Homes of the Massachusetts Ancestors of Maj. General Joseph Hooker."
- GREEN, Hon. ANDREW H., *Chairman*, New York.—The Eighteenth Report of the Commissioners of the State Reservation at Niagara; and the American Scenic and Historic Preservation Society publications, as issued.
- GREEN, Hon. SAMUEL A., Boston.—Two of his own publications; Suffolk Deeds, Liber XII.; Carey's 1803 quarto edition of the Bible; fifty-eight books; one hundred and forty-three pamphlets; seven book-plates; one proclamation; and "The American Journal of Numismatics," in continuation.
- GREEN, SAMUEL S., Worcester.—His report as Librarian of the Free Public Library of Worcester, 1900-1901.
- HARDEN, WILLIAM, Savannah, Ga.—"History of the City Government of Savannah, 1790-1900," containing Mr. Harden's account of the Georgia Historical Society.

- HAYNES, GEORGE H., Ph.D., Worcester.—Seventeen books; and twenty-four pamphlets.
- HILL, BENJAMIN T., Worcester.—Two pamphlets; and numbers of the "Worcester Spy" and "Worcester Transcript," 1848-49.
- HOAR, Hon. GEORGE F., Worcester.—Two hundred and thirty books; twenty-three hundred and twenty-five pamphlets; three scrap-books; two badges; a plaster cast; five volumes of bound newspapers; eight files of newspapers in continuation; twelve early pamphlets; eight broadsides; and two portraits.
- JENKS, Rev. HENRY F., Canton.—"The Manifesto Church Records of the Church in Brattle Square, Boston, 1699-1872."
- LOUBAT, JOSEPH F., LL.D., Paris, France.—"The Codex Fejérvary-Mayer."
- MATTHEWS, ALBERT, Boston.—Two of his own publications.
- MEAD, EDWIN D., Boston.—Two of his own publications; and numbers of the "Old South Leaflets."
- MERRIAM, JOHN M., Framingham.—"Memorial of the Bi-Centennial Celebration of the Incorporation of the Town of Framingham, Massachusetts, June, 1900."
- MERRIMAN, Rev. DANIEL, D.D., Worcester.—"Life and Letters of Thomas Cromwell," two vols., 8°, by Roger Bigelow Merriman.
- PAINE, NATHANIEL, Worcester.—Five books; one hundred and seventy-six pamphlets; a framed portrait of himself; six portraits; four lithographs; and four files of newspapers, in continuation.
- PEET, STEPHEN D., Ph.D., *Editor*, Chicago, Ill.—"The American Anti-Quarian and Oriental Journal," as issued.
- RUSSELL, E. HARLOW, *Principal*, Worcester.—Catalogue and circulars, 1902, of the Massachusetts State Normal School, Worcester.
- SALISBURY, Hon. STEPHEN, Worcester.—Twenty-three books; three hundred and fifteen pamphlets; and eight files of newspapers, in continuation.
- SMITH, WILLIAM A., Worcester.—Gilchrist's "Life and Times of William Blake, with Selections from his Poems and other Writings."
- WHITNEY, JAMES L., Cambridge.—His "Incidents in the History of the Boston Public Library."
- WRIGHT, CARROLL D., LL.D., *Commissioner*, Washington, D. C.—His Labor Report of 1901; and the "Labor Bulletin," as issued.
- FROM PERSONS NOT MEMBERS.
- ANDREWS, GIBSON C., Greeneville, Ga.—His "Study of Creation."
- APPLETON, D., AND COMPANY, New York.—"The Monthly Bulletin," as issued.
- ARCHITECTURAL RECORD COMPANY, New York.—Numbers of "The Architectural Record."

- ATKINSON, EDWARD, LL.D., Brookline.—His "Cost of War and Warfare, 1898-1902."
- AVERY, ELROY, Cleveland, O.—"Avery Notes and Queries," as issued.
- BAKER AND TAYLOR COMPANY, New York.—"The Monthly Bulletin," as issued.
- BALCH, THOMAS W., Philadelphia, Pa.—His "Charles Sumner and the Treaty of Washington."
- BARTON, E. BLAKE, Worcester.—"Pictorial History of the Schley Court of Inquiry."
- BARTON, MISS LYDIA M., Worcester.—"The Association Record," in continuation.
- BEALE, CHARLES C., Boston.—Numbers of "The Phonographic Magazine."
- BELLOWS, WILLIAM, Gloucester, England.—"Tribute to John Bellows."
- BEMIS, MERRICK, M.D., Worcester.—One hundred and twenty-six books; and nineteen hundred and seventy-eight pamphlets.
- BERRY, JOHN M., Millbury.—His "Righteous Indignation."
- BISHOP, HENRY F., New York.—"The Genealogy of Samuel and John Bishop."
- BLAKISTON'S SON & COMPANY, Philadelphia, Pa.—Numbers of "The Medical Book News."
- BOSTON BOOK COMPANY.—"The Bulletin of Bibliography," as issued.
- BOSTON PSYCHIC PUBLISHING COMPANY.—"Psychic Power through Practical Psychology."
- BUCK, J. H., New York.—His "Old Plate, Ecclesiastical, Decorative and Domestic, Its Makers and Marks."
- BULLARD, Rev. HENRY, D.D., St. Joseph, Mo.—Dr. Henry N. Bullard's "Origin of National Characteristics."
- BUTTERWORTH AND COMPANY, London, England.—Numbers of "The Law Book Review."
- CANFIELD, Miss PENELOPE W. S., Worcester.—One book; ten pamphlets; and "The Army and Navy Journal," in continuation.
- CARROLL, CLARENCE F., *Superintendent*, Worcester.—His Report of the Public Schools of Worcester, Mass., 1901.
- CHAMBERLAIN, ALEXANDER F., Ph.D., Worcester.—Seventeen of his linguistic and folk-lore publications.
- CLEVELAND PRINTING & PUBLISHING COMPANY, Cleveland, O.—"The Imperial Press, a Critique."
- CONRAD, ARCTURUS Z., D.D., *Editor*, Worcester.—"The Old South Record," as issued.
- COREY, DELORAINE P., Malden.—His "Memoir of John Ward Dean."
- CORNISH, LOUIS H., New York.—"The Spirit of '76," as issued.

- CURRIER, FREDERICK A., Fitchburg.—His "Centennial Memorial of Aurora Lodge, A. F. and A. M., 1801-1901."
- DAYTON, HORACE H., Worcester.—Interior View of the Library of the American Antiquarian Society, in 1885.
- DE MENIL, ALEXANDER N., St. Louis, Mo.—"The Hesperian," as issued.
- DE LA ROCHELLE, P. G., Boston.—"La France," as issued.
- DEPEW, Hon. CHAUNCEY M., New York.—His "Election of United States Senators by Direct Vote of the People."
- DEWEY, Mrs. SARAH B., Worcester.—Photograph of members of the Massachusetts Senate, 1869; and of five hundred past and present citizens of Worcester, 1870.
- DODGE, JAMES H., *City Auditor*, Boston.—His Report, 1901-1902.
- DWIGHT, MELATIAH E., *Editor*, New York.—"The Alasko-Canadian Frontier."
- EELLS, Rev. MYRON, D.D., Walla Walla, Wash.—His "Reply to Prof. Bourne's 'The Whitman Legend.'"
- EV'RY MONTH PUBLISHING COMPANY, New York.—"Ev'ry Month," as issued.
- FLETCHER, Hon. EDWARD F., Worcester.—His Inaugural Address as Mayor of Worcester, January 6, 1902.
- FOLSOM, Capt. ALBERT A., Boston.—The Annual Record of the Ancient and Honorable Artillery Company, 1888-1889 and 1900-1901; and the sermon preached before the Company in 1830.
- GALLINGER, Hon. JACOB H., Concord, N. H.—His "Scientific Testimony on Beer."
- GANONG, WILLIAM F., Northampton.—His "Evolution of the Boundaries of the Province of New Brunswick."
- GINN AND COMPANY, Boston.—"The Text Book Bulletin," as issued.
- GOLDEN RULE PUBLISHING COMPANY, Boston.—"The Christian Endeavor World," as issued.
- GREEN, C. R., Lyndon, Kansas.—His "Genealogical Data."
- GREEN, JAMES, Worcester.—Seventy-two books; one hundred and thirty pamphlets; one atlas; and two maps.
- GREGSON, Rev. JOHN, Wiscasset, Me.—Material relating to the centennial of Bowdoin College.
- HARRIMAN, Rev. FREDERICK W., D.D., *Secretary*, Windsor, Conn.—Diocese of Connecticut Journal of Convention, 1902.
- HASSAM, JOHN T., Boston.—His "Registers of Probate for the County of Suffolk, Massachusetts, 1639-1799."
- HILLER, H. M., Philadelphia, Pa.—"Notes of a Trip to the Veddahs of Ceylon."

- HITCHCOCK, REV. EDWARD, LL.D., Amherst.—His "Physical Growth of Students During the Course at Amherst College."
- HITCHCOCK, MRS. HENRY, St. Louis, Mo.—Tribute to the late Henry Hitchcock, LL.D.
- HOLCOMBE, WM. FRED., M.D., New York.—One pamphlet.
- HOLBROOK, LEVI, New York.—One pamphlet.
- HOSHI, HAJIME, *Publisher*, New York.—"Japan and America," as issued.
- HOWE, MRS. JULIA WARD, Boston.—"Proceedings at the Celebration of the One Hundredth Anniversary of the Birth of Dr. Samuel Gridley Howe, November 11, 1901."
- HUBBARD, ELBERT, East Aurora, N. Y.—Numbers of "The Philistine."
- INDEX PUBLISHING COMPANY, Bloomington, Ill.—Numbers of "The Quarterly Bibliography."
- JACK, DAVID R., St. John, N. B.—One pamphlet.
- JONES, ROBERT R., Cincinnati, O.—His "Fort Washington at Cincinnati."
- LIBRARY BUREAU, Boston.—One book.
- LONGMANS, GREEN AND COMPANY, New York.—"Notes on Books," as issued.
- MACMAHON, JOSEPH H., New York.—One pamphlet.
- MACMILLAN COMPANY, New York.—"Book Reviews"; and "The Monthly List," as issued.
- MAY, JOHN J., Boston.—His "Danforth Genealogy."
- MESSENGER COMPANY, Worcester.—"The Messenger," as issued.
- NEW YORK EVENING POST COMPANY.—"The Nation," as issued.
- PAINE, JAMES P., Worcester.—Parcels of English newspapers.
- PARKER, PRESCOTT A., Fairhope, Ala.—Eighty-four Farmers' Almanacs, 1798-1889.
- PELLET, ELLIS C., Worcester.—Seventeen books; and forty-four pamphlets.
- PENN PUBLISHING COMPANY, Philadelphia, Pa.—Numbers of the "Young Folks Magazine."
- PEPPER, GEORGE H., Washington, D. C.—His "Ancient Basket Makers of Southeastern Utah: Making of a Navajo Blanket."
- PHILLIPS, DAVID E., *Editor*, Columbus, O.—"Monumental Inscriptions in the Old Cemetery, Rutland, Massachusetts."
- POWELL, MRS. JOHN W., Washington, D. C.—Tribute to Major John W. Powell.
- PRICE, W. E., *Editor*, New York.—Numbers of "The Book Lover."

- PUTNAM, Rev. JOHN J., Worcester.—His "Petersham Lyceum," 1833-1848.
- REIMER, GEORG, Berlin, Germany.—Numbers of "Die Nation."
- RICE, BENJAMIN T., Worcester.—Four pamphlets.
- RICH, MARSHALL N., *Editor*, Portland, Me.—"The Portland Board of Trade Review," as issued.
- ROBINSON, Hon. CHARLES, Lawrence, Kansas.—Brown's "Reminiscences of Governor R. J. Walker."
- ROBINSON, Miss MARY, Worcester.—One hundred and forty-five books; two hundred and ninety pamphlets; and four files of magazines, in continuation.
- ROBINSON, WILLIAM H., Worcester.—Ninety-four books; twenty-two pamphlets; and two files of newspapers, 1901-1902.
- ROE, Hon. ALFRED S., Worcester.—One book; fifty-four pamphlets; eight manuscripts; and "The Christian Advocate," 1898-1902.
- SENTINEL PRINTING COMPANY, Fitchburg.—"The Fitchburg Weekly Sentinel," as issued.
- SHAW, JOSEPH A., Worcester.—Two books; and forty-six pamphlets.
- SHIPLEY, JOHN B., Geneva, Switzerland.—One pamphlet.
- SLAFTER, Rev. EDMUND F., D.D., *Registrar*, Boston.—His Nineteenth Annual Report.
- SMITH, Mrs. CHARLES W., Worcester.—Three hundred and sixty-six books; fifty pamphlets; one badge; and sheet music.
- SMYTH, Rev. G. HUTCHINSON, D.D., New York.—His "Life of Henry Bradley Plant."
- SOUTHWICK, Miss JEANIE L., Worcester.—Photograph of the survivors of the Greely Arctic Exploring Expedition in 1884.
- SPOONER, Mrs. JENNIE C., Barre.—"The Barre Gazette," as issued.
- STOECKEL, CARL, Norfolk, Conn.—"Correspondence of John Sedgwick," volume 1.
- TAFT, Mrs. CALVIN, Worcester.—Five early text books.
- TELEGRAM NEWSPAPER COMPANY.—Files of the Worcester Daily and Sunday Telegram, in continuation.
- TODD, WILLIAM C., Boston.—His "Biographical and other Articles."
- TURNER, JOHN H., Ayer.—"The Groton Landmark," as issued.
- VAN WICKELL, WILLIAM P., *Secretary*, Washington, D. C.—Report of the Admiral Dewey Reception Committee.
- VINTON, Rev. Alexander H., D.D., Worcester.—"The Parish," as issued.
- WALKER, EDWIN S., Springfield, Ill.—A manuscript Deed of Emancipation, 1845; and one pamphlet.

- WELLS, WILLIAM B., *Editor*, Portland, Oregon.—Numbers of "The Pacific Monthly."
- WETHERED, FRANK M., Auburn.—Eleven Auburn town reports.
- WHITE, JAMES T., AND COMPANY, New York.—"The Life of William Cullen Bryant."
- WHITE, MRS. CAROLINE E., *Editor*, Philadelphia, Pa.—"The Journal of Zoöphily," as issued.
- WHITE & WARNER, Hartford, Conn.—"Trolley Trips Through Southern New England."
- WILSON, HENRY W., Minneapolis, Minn.—One pamphlet.
- WIRE, GEORGE E., M.D., Worcester.—Eight pamphlets.
- WORCESTER GAZETTE COMPANY.—Ninety-nine bound volumes of the "Worcester Transcript," "Ægis and Transcript," "Ægis and Gazette" and "Worcester Evening Gazette"; and the "Evening Gazette," as issued.
- WRIGHT, GEORGE L., Boylston.—One pamphlet.
- WYMAN, CHARLES F., Cambridge.—His "India Wharf, Boston, Fifty Years Ago."
- WYMAN, MRS. H. R., Boston.—Numbers of early Boston and Worcester newspapers.
- WYNNE, JOHN J., New York.—One pamphlet.

FROM SOCIETIES AND INSTITUTIONS.

- ACADEMY OF SCIENCE OF ST. LOUIS.—Publications of the Academy, as issued.
- AMERICAN ACADEMY OF ARTS AND SCIENCES.—Publications of the Academy, as issued.
- AMERICAN ANTI-VIVISECTION SOCIETY.—The Nineteenth Annual Report.
- AMERICAN BAPTIST MISSIONARY UNION.—"The Baptist Missionary Magazine," as issued.
- AMERICAN CATHOLIC HISTORICAL SOCIETY OF PHILADELPHIA.—Publications of the Society, as issued.
- AMERICAN GEOGRAPHICAL SOCIETY.—Publications of the Society, as issued.
- AMERICAN IRISH HISTORICAL SOCIETY.—Publications of the Society, as issued.
- AMERICAN MUSEUM OF NATURAL HISTORY.—Memoirs of the Society, volumes 3 and 6.
- AMERICAN NUMISMATIC AND ARCHÆOLOGICAL SOCIETY.—Publications of the Society, as issued.
- AMERICAN ORIENTAL SOCIETY.—Publications of the Society, as issued.
- AMERICAN PHILOSOPHICAL SOCIETY.—Publications of the Society, as issued.

- AMERICAN SEAMEN'S FRIEND SOCIETY.—"The Sailor's Magazine," as issued.
- AMERICAN STATISTICAL ASSOCIATION.—Publications of the Association, as issued.
- ANDOVER THEOLOGICAL SEMINARY.—The Catalogue of 1901-1902.
- APPALACHIAN NATIONAL PARK ASSOCIATION.—One pamphlet.
- AUSTRALIAN MUSEUM.—Publications of the Museum, as issued.
- BELFAST FREE LIBRARY.—Report of 1902.
- BIBLIOTECA NAZIONALE CENTRALE DI FIRENZE.—Library publications, as issued.
- BOSTON BOARD OF HEALTH.—Publications of the Board, as issued.
- BOSTON, CITY OF.—City Documents, 1901, vols. 1-3.
- BOSTON PUBLIC LIBRARY.—Publications of the Library, as issued.
- BOSTON UNIVERSITY.—The Historical Register, 1869-1901.
- BROOKLYN PUBLIC LIBRARY.—Library Publications, as issued.
- BROWN UNIVERSITY.—Annual Report of the President, September 3, 1902.
- BUNKER HILL MONUMENT ASSOCIATION.—Proceedings of the Association, June 17, 1902.
- BUREAU OF AMERICAN REPUBLICS.—The "Bulletin," as issued.
- CAMBRIDGE (ENGLAND) ANTIQUARIAN SOCIETY.—Publications of the Society, as issued.
- CAMBRIDGE, CITY OF.—"Records of the Town of Cambridge (formerly Newtown), 1630-1703."
- CINCINNATI PUBLIC LIBRARY.—Publications of the Library, as issued.
- CITY NATIONAL BANK, Worcester.—Eight books; one hundred and two pamphlets; and five files of newspapers, in continuation.
- CLARK UNIVERSITY, Worcester.—Courses of study, 1902, in collegiate department.
- CLUB OF ODD VOLUMES.—Hunnewell's "Triumphs of Early Printing."
- Col. TIMOTHY BIGELOW CHAPTER D. A. R., Worcester.—"List of the Soldiers of the War of the Revolution from Worcester, Massachusetts."
- COLUMBIA UNIVERSITY.—"The Political Science Quarterly," as issued.
- CONNECTICUT HISTORICAL SOCIETY.—Publications of the Society, as issued.
- CONNECTICUT STATE LIBRARY.—Four books; seven pamphlets; one map; and one proclamation.
- DAVENPORT ACADEMY OF SCIENCES.—Publications of the Academy, as issued.
- DEDHAM HISTORICAL SOCIETY.—Publications of the Society, as issued.

- ELIOT HISTORICAL SOCIETY.—Publications of the Society, as issued.
- ESSEX INSTITUTE.—Publications of the Institute, as issued.
- FAIRMOUNT COLLEGE.—“The College Bulletin,” June, 1902.
- FAIRMOUNT PARK ART ASSOCIATION.—Publications of the Association, as issued.
- FIELD COLUMBIAN MUSEUM.—Publications of the Museum, as issued.
- FITCHBURG, CITY OF.—City Documents of 1901.
- GENERAL THEOLOGICAL LIBRARY.—The Fortieth Annual Report.
- GEOGRAPHICAL SOCIETY OF PHILADELPHIA.—Publications of the Society, as issued.
- GEORGIA HISTORICAL SOCIETY.—Publications of the Society, as issued.
- HARVARD COLLEGE CLASS OF 1867.—Reports, Numbers 7 and 11, to complete set.
- HARVARD UNIVERSITY.—Numbers of the University publications.
- HARTFORD THEOLOGICAL SEMINARY.—Publications of the Seminary, as issued.
- HAVERHILL PUBLIC LIBRARY.—Library publications, as issued.
- HELENA PUBLIC LIBRARY.—Library publications, as issued.
- HISTORICAL DEPARTMENT OF IOWA.—“Annals of Iowa,” as issued.
- HISTORICAL SOCIETY OF PENNSYLVANIA.—Publications of the Society, as issued.
- HISTORISCHER VEREIN DER OBERPFALZ UND REGENSBURG.—Publications of the Society, as issued.
- INDIAN INDUSTRIAL SCHOOL, Carlisle, Pa.—The Catalogue of 1902.
- JERSEY CITY FREE PUBLIC LIBRARY.—Library publications, as issued.
- JOHN CRERAR LIBRARY, Chicago, Ill.—The Seventh Annual Report.
- JOHNS HOPKINS UNIVERSITY.—Publications of the University, as issued.
- KANSAS STATE HISTORICAL SOCIETY.—Publications of the Society, as issued.
- KNIGHTS OF COLUMBUS OF DELAWARE.—One pamphlet.
- LELAND STANFORD, JUNIOR, UNIVERSITY.—The Register for 1901-02.
- LIBRARY COMPANY OF PHILADELPHIA.—Publications of the Company, as issued.
- LIBRARY OF CONGRESS.—Publications of the Library, as issued.
- MAINE HISTORICAL SOCIETY.—Publications of the Society, as issued.
- MANCHESTER INSTITUTE OF ARTS AND SCIENCES.—“Nature Study,” as issued.
- MARYLAND HISTORICAL SOCIETY.—Fund Publication, No. 37.
- MASSACHUSETTS, COMMONWEALTH OF.—Sixteen volumes of State documents.

- MASSACHUSETTS GENERAL HOSPITAL TRUSTEES.—Report of the Board for 1901.
- MASSACHUSETTS GRAND LODGE OF ANCIENT FREE AND ACCEPTED MASONS.—Proceedings of the Grand Lodge, as issued.
- MASSACHUSETTS HISTORICAL SOCIETY.—Publications of the Society, as issued.
- MASSACHUSETTS INFANT ASYLUM.—The Thirty-fifth Annual Report.
- MASSACHUSETTS INSTITUTE OF TECHNOLOGY.—Publications of the Instituté, as issued.
- MASSACHUSETTS MEDICAL SOCIETY.—Publications of the Society, as issued.
- MASSACHUSETTS STATE BOARD OF HEALTH.—Publications of the Board, as issued.
- METROPOLITAN WATER AND SEWERAGE BOARD [Mass.].—The First Annual Report.
- MINNESOTA HISTORICAL SOCIETY.—Collections, vol. 2, to complete set; and publications of the Society, as issued.
- MINNESOTA SOCIETY OF COLONIAL WARS.—The Register of Members and Ancestors, 1901.
- MINNESOTA VALLEY HISTORICAL SOCIETY.—One pamphlet.
- MUSEO NACIONAL DE MÉXICO.—Publications of the Museum, as issued.
- NEWARK FREE PUBLIC LIBRARY.—The Thirteenth Annual Report.
- NEW ENGLAND HISTORIC GENEALOGICAL SOCIETY.—Publications of the Society, as issued.
- NEW HAMPSHIRE HISTORICAL SOCIETY.—Publications of the Society, as issued.
- NEW HAVEN COLONY HISTORICAL SOCIETY.—Publications of the Society, as issued.
- NEW YORK ACADEMY OF SCIENCES.—Publications of the Academy, as issued.
- NEW YORK GENEALOGICAL AND BIOGRAPHICAL SOCIETY.—Publications of the Society, as issued.
- NEW YORK PUBLIC LIBRARY.—“The Library Bulletin,” as issued.
- NEW YORK STATE LIBRARY.—Fourteen volumes of New York State documents.
- OHIO STATE ARCHÆOLOGICAL AND HISTORICAL SOCIETY.—Publications of the Society, as issued.
- OREGON HISTORICAL SOCIETY.—Publications of the Society, as issued.
- PARK COLLEGE.—“The Park Review,” as issued.
- PEABODY INSTITUTE OF BALTIMORE.—The Thirty-fifth Annual Report; and the second catalogue of the library, Pt. 6.

- REFORM CLUB, New York.—“Sound Currency,” as issued.
- REPUBLICA MEXICANA.—Six statistical reports of 1900.
- ROYAL SOCIETY OF ANTIQUARIES OF IRELAND.—Publications of the Society, as issued.
- ST. LOUIS MERCANTILE LIBRARY ASSOCIATION.—Report for 1901.
- SALEM PUBLIC LIBRARY.—“The Library Bulletin,” as issued.
- SMITHSONIAN INSTITUTION.—Publications of the Institution, as issued.
- SOCIÉTÉ DES AMERICANISTES DE PARIS.—Publications of the Society, as issued.
- SOCIÉTÉ D'ARCHÉOLOGIE DE BRUXELLES.—Publications of the Society, as issued.
- SOCIÉTÉ D'ETHNOGRAPHIE, Paris, France.—Bulletin of the Society, as issued.
- SOCIÉTÉ DE GÉOGRAPHIE, Paris, France.—Publications of the Society, as issued.
- SOCIÉTÉ NATIONALE DES ANTIQUAIRES DE FRANCE.—Publications of the Society, as issued.
- SOCIETY OF ANTIQUARIES OF LONDON.—Publications of the Society, as issued.
- SOUTH CAROLINA HISTORICAL SOCIETY.—Publications of the Society, as issued.
- SOUTHERN HISTORICAL SOCIETY.—Papers of the Society, vol. 29.
- SOUTHERN SCHOOL OF OSTEOPATHY, Franklin, Ky.—“The Southern Journal of Osteopathy,” as issued.
- SPRINGFIELD CITY LIBRARY ASSOCIATION.—“The Library Bulletin,” as issued.
- STATE HISTORICAL SOCIETY OF IOWA.—Publications of the Society, as issued.
- TEXAS STATE HISTORICAL SOCIETY.—Publications of the Society, as issued.
- TOPSFIELD HISTORICAL SOCIETY.—Collections of the Society, vols. 1, 3-7.
- TRANSALLEGHENY HISTORICAL SOCIETY.—Publications of the Society, as issued.
- TRAVELER'S INSURANCE COMPANY.—“The Traveler's Record,” as issued.
- UNITED STATES BUREAU OF AMERICAN ETHNOLOGY.—Publications of the Bureau, as issued.
- UNITED STATES BUREAU OF EDUCATION.—Publications of the Bureau, as issued.
- UNITED STATES DEPARTMENT OF THE INTERIOR.—One book; and twenty-seven pamphlets.
- UNITED STATES DEPARTMENT OF STATE.—Two books.

- UNITED STATES GEOLOGICAL SURVEY.—Publications of the Board, as issued.
- UNITED STATES SUPERINTENDENT OF PUBLIC DOCUMENTS.—Eighty bound volumes; and one hundred and twenty-three pamphlets.
- UNIVERSITY OF CALIFORNIA.—University publications, as issued.
- UNIVERSITY OF CAMBRIDGE.—One pamphlet.
- UNIVERSITY OF CHICAGO.—Three University publications.
- UNIVERSITY OF MISSOURI.—Publications of the University, as issued.
- UNIVERSITY OF PENNSYLVANIA.—“Free Museum of Science and Art Bulletin,” as issued.
- UNIVERSITY OF TORONTO.—The University publications.
- UNIVERSITY OF VERMONT.—“The General Catalogue, 1791-1900.”
- VINELAND HISTORICAL AND ANTIQUARIAN SOCIETY.—Publications of the Society, as issued.
- VIRGINIA HISTORICAL SOCIETY.—Publications of the Society, as issued.
- W. P. I. CLASS OF 1902.—“The Aftermath, 1902.”
- WEST NEWBURY NATURAL HISTORY CLUB.—Publications of the Club, as issued.
- WEST VIRGINIA HISTORICAL AND ANTIQUARIAN SOCIETY.—Publications of the Society, as issued.
- WORCESTER ART MUSEUM.—The Annual Report, 1902.
- WORCESTER BOARD OF HEALTH.—Publications of the Board, as issued.
- WORCESTER COUNTY LAW LIBRARY.—Thirteen books; fifteen pamphlets; and “The Boston Daily Advertiser,” in continuation.
- WORCESTER COUNTY MECHANICS ASSOCIATION.—Thirty pamphlets; and thirty files of newspapers, in continuation.
- WORCESTER FREE PUBLIC LIBRARY.—Seventy books; five hundred and seventy-five pamphlets; ninety files of newspapers; two plans; and one map.
- WORCESTER SOCIETY OF ANTIQUITY.—Publications of the Society, as issued.
- YALE UNIVERSITY.—Reports of the President and other officers, 1901-1902.
- YORK (ENGLAND) PUBLIC LIBRARY.—The Ninth General Report.
- YOUNG MEN'S CHRISTIAN ASSOCIATIONS OF NORTH AMERICA.—“The Year Book for 1902.”

A FEW NOTES ON THE SHAYS REBELLION.

BY JOHN NOBLE.

THE story of this startling episode in Massachusetts history is in its general features well known. The causes that led to this rebellion are plainly apparent:—the conditions, public and private, prevailing in the State after the close of the Revolution,—the State burdened with an immense debt, its annual tax a million, the imposition of special taxes to meet current interest, its resources scanty, public credit impaired, indebted to its own soldiers,—a third or so of the whole patriot army,—more than half a million dollars, the condition of the currency affecting all interests, money scant, the present disturbed, the future uncertain, general unrest and uneasiness among a considerable part of its citizens, private embarrassments and difficulties even greater and more keenly felt, the debtor class increasing, debts piling up and means lessening, the relentless exactions of creditors, the persecutions of too many unscrupulous lawyers, the lower courts crowded with suits,—some two thousand pending at one time in a single county, consequent judgments numerous and oppressive, levies thereon distressing, the debtor willing it may be but helpless, the unwise enforcement of processes, too often the well-to-do made poor, and the poor made beggars, no stay law to protect, discontent and want and suffering in many quarters, grievances fancied as well as real stirring up the people, dissatisfaction magnifying present troubles and foreboding worse, complaints springing up about the courts, the lawyers, the fees, the salaries of officials, the Senate and even the Constitution of the

State, complaints in short of all sorts and kinds,—the ominous mutterings of the coming storm.

The outbreak,—occasional uprisings and disorders, the August Conventions, faith in legitimate methods of relief weakening, the rising and increase of the mob spirit, the growth of mistaken and blind notions of remedy, confounding effect with cause, popular passions too often, as will always be the case, played upon by demagogues, disorders, commotions, riots, occurring here and there,—the stopping of the courts,—the mustering in arms,—and finally the starting of an actual and open rebellion, limited but fierce;—later the counter movement of the Government,—the trial of pacific measures,—then, at last, driven to its only alternative,—the employment of the military, and the suppression of the rebellion by force of arms; the ensuing skirmishes and battles, and the final outcome of this single and singular event in Massachusetts history,—all these have been set out more or less fully in local town histories, in the histories of the State, in histories of the affair, in the collections of historical societies and in other quarters,—though sometimes the economic and industrial conditions of the time, with their natural operation and inevitable outcome, seem to have lacked full recognition and almost to have been lost sight of in the more exciting story of the violent collisions and the armed clash of the conflicting elements.

The judgment of posterity has been passed in one form or another upon the whole affair and the actors in it on either side, finding at least one common ground of concurrence,—that the event was a test and proof of the strength of popular government and of the character of the people that make up the Commonwealth.

One side of the Rebellion has perhaps been less generally known, and possibly there may be some matters of interest in the less conspicuous details of the affair, and in the shape in which it presents itself in the records of the

courts. So I have ventured to bring here today a few scattered bits, taken almost at random from the great mass of papers there preserved. One or two have been taken from the different classes of papers, the more important, as illustrative of the whole. These show, as is so often the case, the great amount of historical material lying in the records and files of court, of service not merely in the investigation of any particular cause in issue, and of legal proceedings and practice at any given time, but as well to the local historian, the antiquary, the genealogist, the delver into the conditions and circumstances of the past, and the student of jurisprudence.

The records of the Supreme Judicial Court sitting in the Counties of Worcester, Hampshire and Berkshire, during this period, especially in the year 1787, are full of recorded cases upon indictments for treason, sedition, and variously designated offences connected with the rebellion; and there are also some in Middlesex. In most of them the offenders are let off with fines more or less severe, upon their recognizances to keep the peace, and many are acquitted. The records of 1787 and the minute books of that year and the next, show some eighteen to have been convicted of treason and sentenced to death. These records indicate a trial with all the dignity, solemnity and impartial firmness, which have always characterized that court;—and eminent and famous counsel were assigned by the court for the defence of the prisoners,—Simeon Strong and Caleb Strong in Hampshire; Theodore Sedgwick and Caleb Strong in Berkshire; James Sullivan and Levi Lincoln in Worcester; and Christopher Gore and Thomas Dawes in Middlesex. Among the juries appear names of many well known and leading men of the time, some of which are repeated in those of distinguished men of today.

In Berkshire seven were convicted of high treason and sentenced to death:—Peter Wilcox, Jr., Nathaniel

Austin, Aaron Knapp, Enoch Tyler, Joseph Williams, Samuel Rust and William Manning; in Hampshire eight,— Jason Parmenter, Daniel Luddington, James White, Alpheus Colton, John Wheeler, Henry McCulloch, William Clark, Abiah Converse; and one more, Timothy Hinds, who had pleaded guilty, when brought in for sentence exhibited a pardon, which is spread upon the records, from the Governor, and is let go without day; one in Worcester, Henry Gale; one in Middlesex, Job Shattuck.

Besides the extended records of cases which went to final judgment, contained in the large and heavy volumes which make up what is strictly denominated Court Records, there are great numbers of individual papers, making what is called the Court Files, consisting of the original pleadings in the cases, exhibits, depositions, processes, verdicts, bills of costs, and all sorts of miscellaneous matter connected with and concerned in the cases, not only those recorded in full, but also those abandoned, discontinued, settled or otherwise disposed of, in which are often matters of peculiar interest and importance, bearing not only upon the causes themselves but also upon outside concerns and affairs.

Shays's Rebellion has its share of these. In the files for Worcester County there are indictments of some two hundred persons, from September, 1787, to April, 1789, for high treason, insurrection, riot, sedition, "seditious acts," "treasonable practices," "traitourously assembling," and various offences connected therewith; and with these indictments are numerous papers, such as lists of jurors, of witnesses, bills of costs, fee-bills, sheriffs' returns of fines collected, recognizances, *etc.*, with some original letters used in evidence. Of the recognizances a hundred or more are in packages, endorsed "not to be carried forward," an indication of the beginning of the end of the Rebellion.

In Essex County there is a single indictment for sedition, and some other cases growing out of the Rebellion, to be referred to in another connection.

In Middlesex County are some fifteen or twenty indictments for treason and kindred offences.

In Hampshire County some two hundred persons were similarly indicted, and with these indictments are numerous papers of the character already mentioned. In the files of 1789 are some sixty indictments not further prosecuted or recorded, and in those of 1790 are some fifty more, including one indictment containing one hundred and fifteen names. Each indictment has often or usually more than a single name, sometimes many, and this is the case in all the counties.

In the files of the court for Hampshire and Berkshire jointly are indictments of some one hundred persons, in 1787, April and September. Among these come some with slightly different designations:—"Assisting insurgents," "rebellion," "riotously, routously and tumultuously assembling," "traitor," "traitorous conduct," *etc.* There are here over one hundred recognizances entered into by defendants who had availed themselves of the indemnity offered.

In the files for these western counties there are also printed proclamations of the Governor, and printed copies of Acts of the General Court, which were used and played their part in the legal proceedings, as shown by the various indorsements upon them.

The outcome of all these legal proceedings,—spread out upon the records of the courts or wrapped up in the multitudinous papers,—is well known. Formidable as they appear in numbers and character, the penal results to the offenders are not commensurate. Many of the criminals escape with fines, some collected, others not. Most took advantage later of the Acts of Indemnity and the Executive Proclamations, and, complying with the terms

imposed, came back as repentant sinners into the fold of citizenship. No head fell, no blood was shed in legal retribution. In some of the capital cases, occasionally, a touch of the dramatic appears in the conduct of the case and at its final wind-up.

Even the leaders, few in numbers, and for a while placed outside of the pale of the indemnifying acts and exempted by name from the terms of grace, were afterward pardoned.

The strength of the government had been shown, the solidity of its foundations demonstrated, justice, civil and political, had been vindicated, the loyalty of the great body of the Commonwealth proved, a judicious and politic clemency exercised, a rebellion ended,—and peace restored.

A threatening crisis in the history of the young Commonwealth was safely passed, and its lessons recorded and impressed for all time.

To illustrate this paper two of the extended records have been taken from the volumes of records, the one in Worcester, the case of Henry Gale, and the one in Middlesex, that of Job Shattuck.

An indictment for treason prosecuted to its conclusion is, happily, almost unique in American history. In these indictments of the rebellion there is a touch of the picturesque in their style, and the rattle of arms seems to stir up the dull uniformity and formality of legal precision; "*inter arma silent leges*," with due reservations. Their whole effect is most dignified and impressive.

To add here the sequel:—It appears from Governor Hancock's message of October 17, 1787, that on the 13th September he had "sealed a pardon" for these two, Henry Gale and Job Shattuck, together with Jason Parmenter and Henry McCulloch.

CASES OF GALE AND SHATTUCK.

COMLTH. V. GALE ET AL.

At the Supreme Judicial Court of the Commonwealth of Massachusetts begun and holden at Worcester within and for the County of Worcester on the last Tuesday of April in the year of our Lord seventeen hundred and eighty-seven by Adjournment by Writ to that time from the Tuesday next preceding the last Tuesday of the same April by Virtue of an Act of the General Court made in February last past.

The Jurors for the Commonwealth of Massachusetts upon their Oath present that Jacob Chamberlain of Dudley in the same County, Gentleman, Henry Gale of Princeton in the same County, Gentleman, Josiah Jennison junior of Spencer in the same County, yeoman, being members and Subjects of the Commonwealth aforesaid and owing allegiance to the same not having the fear of GOD in their hearts nor having any regard to the Duty of their allegiance but being moved and seduced by a lawless & Rebellious Spirit and withdrawing from the said Commonwealth that Cordial love and due obedience, fidelity and allegiance which every member of the same of right ought to bear to it and also most wickedly and traiterously devising and conspiring to levy war against this Commonwealth and thereby most wickedly and traiterously intending as much as in them lay to change and subvert the rule and Government of this Commonwealth duly and happily established by the good people the Inhabitants and Citizens of the same according to their Constitution and form of Government; and to reduce them to anarchy lawless power and Confusion upon the fifth day of September in the year of our Lord seventeen hundred and eighty-six and on divers other days and times as well before that time as since at Worcester within the said County of Worcester falsely and traiterously did devise and Conspire to levy War against this Commonwealth And then and there with a great number of Rebels and traitors against the Commonwealth aforesaid viz: the number of five hundred whose names are yet unknown to the Jurors being armed and arrayed in a Warlike and hostile manner viz with Drums beating fifes playing and with Guns, Pistols, bayonets, Swords, Clubs and divers other weapons as well offensive as defensive with force and arms did falsely and traiterously assemble and Join themselves against this Commonwealth and the Laws and Government of the same established by the Constitution and form of Government as aforesaid and then and there with force and arms as aforesaid did falsely and traiterously array and dispose themselves against the Commonwealth aforesaid and the due Administration of Justice in the same according to the law and Authority of the same and then and there with force and Arms as aforesaid in pursuance of such

their wicked and traitorous intentions and purposes aforesaid did falsely and traitorously prepare order wage and levy a public and Cruel war against the Commonwealth aforesaid and then and there with force and arms as aforesaid wickedly and traitorously did assault, imprison, Captivate plunder, destroy, kill and murder diverse of the liege subjects of the said Commonwealth in the peace of the said Commonwealth being and lawfully and in the duty of their allegiance to the said Commonwealth defending the same from the traitorous attacks as aforesaid all which is against the duty of their allegiance against the peace of the Commonwealth aforesaid, the law of the Commonwealth aforesaid in such Case made & provided and the dignity of the same— And now in this present term before the Court here come the said Jacob Chamberlain and Henry Gale under Custody of the sheriff of said County and being set to the Bar here in their proper persons and forthwith being demanded concerning the premises in the Indictment above specified and Charged upon them how they will acquit themselves thereof they severally say that thereof they are not Guilty and thereof for tryal severally put themselves on GOD and the Country (James Sullivan and Levi Lincoln Esqrs. having been assigned by the Court as Counsel for the prisoners) A Jury is immediately impannelled viz Marble Mowers foreman and fellows namely William Bowles, John Mowers, Malachi Marble, Jon^a Whitney Moses Smith, Benoni Wollis, Jon^a Champney, William Onthank, Artemas Brigham, John Jacobs and Peter Taft who being sworn to Speak the truth of and concerning the premises upon their Oath Say that the said Jacob Chamberlain is not Guilty—but that the said Henry Gale is Guilty—It is therefore Considered by the Court that the said Jacob Chamberlain be discharged and go thereof without day. And now the Attorney General moves that sentence of death might be given against the said Henry Gale the prisoner at the Bar upon which it is demanded of him the said Henry Gale if he has or knows ought to say wherefore the Justices here ought not upon the premises and Verdict aforesaid to proceed to Judgment against him who nothing further says unless as he before had said—Whereupon all and singular the premises being seen and by the said Justices here fully understood—It is Considered by the Court here that the said Henry Gale be taken to the Goal of the Commonwealth from whence he Came and from thence to the place of Execution and there be hanged by the neck until he be dead.

[See Supreme Judicial Court Record, 1787, folio 101.]

COMMONWEALTH V. SHATTUCK ET AL.

At the Supreme Judicial Court of the Commonwealth of Massachusetts begun and held at Concord within and for the County of Middlesex on the ninth day of May in the year of

our Lord seventeen hundred & eighty-seven by adjournments to that time by Writs from the first Tuesday of the same May in pursuance of Law.

The Jurors for the Commonwealth of Massachusetts, upon their Oath present, that Job Shattuck, of Groton, in the County of Middlesex, Gentleman, and Oliver Parker, of Groton, aforesaid, Gentleman, being members and subjects of this Commonwealth and owing allegiance to the same not having the fear of GOD in their hearts nor having any regard to the duty of their allegiance but being moved and seduced by a lawless and rebellious Spirit, &c., &c.

And now in this present Term before the Court here come the said Job Shattuck and Oliver Parker under Custody of the sheriff of the said County and being set to the bar here in their proper persons and forthwith being demanded concerning the premises in the Indictment above specified and Charged upon them how they will acquit themselves thereof they severally say that thereof they are not Guilty and thereof for tryal severally put themselves on GOD and the Country (Christopher Gore and Thomas Dawes Esqrs. having been assigned by the Court as Counsel for the prisoners) a Jury is immediately impannelled viz Sam^l Hoar foreman and fellows namely Samel Cutter, Josiah Capen, Jonas Munroe, Jacob Richardson, Eleaz^r Davis, Archelaus Felton, Silas Gates, Nathan Barrett, Jon^a Patch, Moses Abbot and Isaac Wilkins who being sworn to speak the truth of and Concerning the premises upon their Oath say that the said Job Shattuck is Guilty and that the said Oliver Parker is not Guilty. It is therefore Considered by the Court that the said Oliver Parker be discharged of *this* Indictment—And now the Attorney General moves that sentence of Death might be given against the said Job Shattuck the prisoner at the Bar upon which it is demanded of him the said Job Shattuck if he has or knows ought to say wherefore the Justices here ought not upon the premises and Verdict aforesaid to proceed to Judgment against him, who nothing further says unless as he before had said. Whereupon all and singular the premises being seen and by the said Justices here fully understood It is Considered by the Court here that the said Job Shattuck be taken to the Goal of the Commonwealth from whence he Came and from thence to the place of Execution and there be hanged by the neck until he be dead.

[See Supreme Judicial Court Record, 1787, folio 122.]

Among the Worcester Files of 1787 is an original indictment against Daniel Shays, Luke Day and nineteen others. This, with many others, was carried forward, while the remainder were endorsed "not to be carried forward," and apparently dropped. Nothing appears, however, upon

the Records of the Court, though a careful search has been made, to show that this indictment was ever brought to trial, and the names of Shays and Luke Day, sometimes called the "Master Spirit of the Rebellion," so far as the extended Records are concerned, are conspicuously absent.

In the Minute Book of Hampshire, 1787-1789, for the term holden at Springfield the fourth Tuesday of Sept., 1787, it appears, in the case:—"Commonwealth v. Luke Day, High Treason."

"And now in this present Term before the Court here comes the said Luke Day under the custody of the Sheriff of said County," and being set to the Bar he pleads a misnomer—"that from his Nativity to this Time, he has been called and known by the Name of Luke Day, Jr." The pleadings are in the old elaborate form—covering more than two lengthy, legal pages; the Replication of Attorney-General Paine is held good, and the defendant, on being "held to answer over unto the charge of Treason, . . . says he is not Guilty, and thereof for Tryal puts himself on God and the Country," and "The indictment is continued."

It comes up again at the Sept. Term, 1788, and is again continued; and the suggestion in the message of Governor Hancock, 27 Feb., 1788, for "oblivion," seems to have prevailed.

Worcester, ss. At the Supreme Judicial Court begun & holden at Worcester within & for the County of Worcester on the last Tuesday of April in the year of our Lord seventeen hundred & eighty seven by adjournment to that time by Writ from the Tuesday next preceeding the last Tuesday of the same April by virtue of an Act of the General Court made in February last past.

The Jurors for the Commonwealth of Massachusetts upon their Oaths present That Daniel Shays of Pelham in the County of Hampshire Gentleman, Luke Day of West Springfield in the County of Hampshire, Gentleman, Elijah Day of said West Springfield Gentleman, Adam Wheeler of Hubbardston in the County of Worcester Gentleman, Abraham Gale of Princetown in the said County of Worcester Gentleman, James Williams of Rutland in the said County of Worcester Yeoman, Reuben

Thayer of Uxbridge in the same County Gentleman, Thomas Moor of Spencer in the same County Gentleman Reuben Lamb of Oxford in the same County Yeoman, Luther Wicker of Paxton in the same County Yeoman, Oliver Watson junior of Spencer in the same County Yeoman, Daniel Henderson of said Spencer Yeoman, Samuel Slocum of said Hubbardston Gentleman Moses Smith of Barre in the same County Gentleman Benjamin Convers of Hardwick in the same County Yeoman, Simeon Hazelton of said Hardwick, Gentleman, Francis Stone of New Braintree in the same County Gentleman, Joseph Richardson of Brookfield in the same County Gentleman, Jonathan Holman of Berry in the same County Gentleman, Ichabod Dexter of said Hardwick Gentleman, Aaron Smith of Shrewsbury Gentleman, being members & subjects of the Commonwealth aforesaid & owing allegiance to the same not having the fear of GOD in their hearts nor any regard to their allegiance, but being moved & seduced by a lawless & rebellious spirit & withdrawing from the said Commonwealth that cordial love & due obedience, fidelity & allegiance which every member of the same of Right ought to bear to it & also most wickedly & traiterously devising & conspiring to levy war against this Commonwealth & thereby most wickedly & traiterously intending as much as in them lay to change & subvert the Rule & Government of this Commonwealth duly & happily established by the good people the inhabitants & citizens of the same according to their Constitution & form of Government, & to reduce them to anarchy, lawless power & confusion upon the fifth day of September in the year of Our Lord seventeen hundred & eighty six & on divers other days & times as well before that time as since at Worcester within the said County of Worcester falsly & traiterously did devise & conspire to levy war against this Commonwealth & then & there with a great number of rebels & traitors against the Commonwealth aforesaid Viz. the number of one Thousand whose names are yet unknown to the Jurors being armed & arrayed in a warlike & hostile manner viz. with drums beating, fifes playing & with guns pistols bayonets swords clubs & divers other weapons as well offensive as defensive with force & arms did traiterously assemble & join themselves against this Commonwealth & the laws & government of the same established by the constitution & form of Government as aforesaid, And then & there with force & arms as aforesaid did falsly & traiterously array & dispose themselves against the Commonwealth aforesaid & the due administration of Justice in the same according to the law & authority of the same; & then & there with force & arms as aforesaid in pursuance of such their wicked & traiterous intentions & purposes aforesaid did falsly & traiterously prepare, order, wage & levy a public & cruel war against the Commonwealth aforesaid & then & there with force

& arms as aforesaid wickedly & traiterously did assault, imprison, captivate, plunder, destroy kill & murder divers of the liege subjects of the said Commonwealth in the peace of the said Commonwealth & lawfully & in the duty of their allegiance to the said Commonwealth defending the same from the traitorous attacks as aforesaid all which is against the duty of their allegiance against the peace of the said Commonwealth aforesaid, the law of the Commonwealth aforesaid in such case made & provided & the dignity of the same.

R. T. Paine Atty pro Repub

a true bill

Rufus Putnam Foreman.

Endorsed

Indictment vs. Daniel Shays & al.

Treason

War^{ts} to issue on all these.

[See *Suffolk Court Files, Worcester* Sept. 1787 No. 155325.]

Neither "color nor previous condition of servitude" seems to have been a bar to active participation and a prominent place in the rebellion. There is a somewhat curious indictment in the Hampshire Files of 1787 of Moses Sash, "A Captain & one of Shaizes Council," for Misdemeanor. He appears to have been an active and zealous partisan and an efficient help, from another indictment for stealing arms and ammunition for use in the cause.

Hampshire ss. At the Supreme Judicial Court begun & holden at Northampton within & for the County of Hampshire on the ninth day of April in the year of our Lord Seventeen hundred & eighty seven by adjournment to that time from the first Tuesday of the same April by writ by virtue of an act of the General Court made on February last past.

The Jurors for the Commonwealth of Massachusetts upon their oath present that Moses Sash of Worthington in the County aforesaid a negro man & Labourer being a disorderly riotous & seditious person & minding & contriving as much as in him lay unlawfully by force of arms to stir up promote incite & maintain riots mobs tumults & insurrections in this Commonwealth & to disturb impede & prevent the Government of the same & the due administration of justice in the same, & to prevent the Courts of justice from setting as by Law appointed for that purpose &

to promote disquiets, uneasinesses, jealousies, animosities & seditions in the minds of the Citizens of this Commonwealth on the twentieth day of January in the year of our Lord seventeen hundred & eighty seven & on divers other days & times as well before as since that time at Worthington within the County of Hampshire aforesaid unlawfully & seditiously with force & arms did advise persuade incite incourage & procure divers persons citizens of this Commonwealth by force of arms to oppose this Commonwealth & the Government thereof & riotously to join themselves to a great number of riotous seditious persons with force & arms thus opposing this Commonwealth & the Government thereof as aforesaid & the due administration of justice in the same, & in pursuance of his wicked & seditious purposes aforesaid unlawfully & seditiously, did procure guns, bayonets, pistols Swords, gunpowder, bullets, blankets & provisions & other warlike instruments offensive and defensive, & other warlike supplies, & did cause & procure them to be carried & conveyed to the riotous & seditious persons as aforesaid in evil example to others to offend in like manner against the peace of the Commonwealth aforesaid & dignity of the same.

R. T. Paine atty pro Repub
a true bill

SETH MURRAY foreman

Endorsed

Indictment vs. Moses Sash
a Captain & one of Shaizes Council
Misdem^r

[See Suffolk Court Files, *Hampshire*, April, 1788, Nos. 159059, 159060.]

Among the files are a number of original letters, used in evidence, and among these is one "to the good people of boylston," written by Sylvanus Billings and found with an indictment against him. These letters are usually of the same sort, inflammatory appeals or directions and instructions,—sent to individuals to be made public by them,—and seem to have been an instrumentality frequently employed; at the same time they indicate the tone and temper and the grounds of the insurrection.

To the good people of boylston as this is perelous times and blood Shed and prisoners made by tirants who are a fighting for promotion and to advance^r their Intrest wich will Destroy the good people of this Land—we that Stile our Selves Rigelators think it is our Duty to Stand for our lives and for our familys

and for our Intrest wich will be taken from us if we Dont
 Defend them therefore we would have you take it into
 Consideration and fly to our asistance and Soon as posable in
 this Just and Rightous Cause as there must be Seperation
 made this Request from

Daniel Shays and Adam Wheeler who are Chief Commanders
 of the army
 as I am greatly Requested by these gentlemen to notify you I
 think it my Duty to Do so

I am your friend and humble Servant

SILVANUS BILLINGS.

December 2: 1786.

Endorsed

To Mr. Joshua Stiles, Boylston.

[See Suffolk Court Files, *Worcester*, Sept., 1787, No. 155325.]

It was provided in the Acts of Indemnity that private
 suits for causes growing out of the rebellion should be
 held excluded from their operation, and that the indemnity
 granted should be no bar to actions of this character.

There is a somewhat famous case of this sort in Essex
 County, that of *Young v. Lamb* and others—in a plea of
 trespass on the case, which illustrates the operation of the
 Act and likewise lets in light upon the events of the
 rebellion.

COMMONWEALTH OF MASSACHUSETTS.

ESSEX ss.

At the Supreme Judicial Court of the Commonwealth
 of Massachusetts, begun and holden at Ipswich, within
 and for the County of Essex, on the third Tuesday of
 June (being the sixteenth day of said month)
 Anno Domini, 1789.—

REUBEN LAMB, of Oxford, in the County of Worcester,
 Miller, David Stone of said Oxford husbandman, Josiah Kings-
 bury, of said Oxford, Clothier, John Barton, junior of said
 Oxford, husbandman, David May, of Spencer, in said County
 of Worcester, husbandman, Thomas Mower, of Brookfield,
 Gentleman, John Pratt of Ward, husbandman, and Luther
 Wicker of Paxton, husbandman, and all in said County of
 Worcester, appellants, vs. David Young, now conversant at
 Ipswich, in the County of Essex, Physician, appellee; from the
 Judgment of a Court of Common Pleas held at NewburyPort,
 in & for the County of Essex, on the last Tuesday of September
 last; when and where the appellee was Plaintiff, and the appel-

lants were defendants; in a plea of trespass on the case, for that the said Reuben Lamb, David Stone, Josiah Kingsbury John Barton Jun^r David May, Thomas Mower, John Pratt and Luther Wicker, at a place called New Braintree, viz. at NewburyPort, in said County of Essex, on the second day of February, in the year of our Lord, seventeen hundred and eighty seven, with force and arms, in and upon the said David Young, being the peace of GOD, and of the Commonwealth, made an assault, and him then and there with force as aforesaid, beat, wounded & evil entreated; and then and there, with force as aforesaid, discharged at the Plaintiff a musket, loaded with powder and ball; which ball entered the Plaintiff's left knee; by reason whereof the Plts life was long dispaired of; and he has thereby lost the use of his limb, and been rendered a cripple for life; and other enormities then and there to the Plaintiff, the said Reuben Lamb, David Stone, Josiah Kingsbury, John Barton, David May, Thomas Mower, John Pratt and Luther Wicker, committed: To the damage of the said David Young, as he saith, the sum of two thousand pounds. At which said Court of Common Pleas, upon the Pleadings there, Judgment was rendered, that the said Young, recover against the said Lamb, Stone, Kingsbury, Barton, May, Mower, Pratt and Wicker, the sum of two thousand pounds Damage and cost. This appeal was brought forward at the last Term of this Court for this County; when and where the parties appeared, and the Plaintiff had leave to strike out the words, "on the case" in the Writ. And the said Lamb, by Thomas Dawes, Jun^r Esq. his Attorney, defended and said he was not Guilty as the appellat complained, and thereof put himself on the Country. And the appellee, by Theophilus Parsons, Esq. his Attorney, likewise. And the said Stone, by the said Thomas Dawes, Jun^r Esq. his Attorney, defended when, &c. and said he was not Guilty as the Plaintiff complained and thereof put, &c. And the appellee by his said Attorney likewise. And the said Kingsbury, by the said Thomas Dawes, Jun^r Esq. his Attorney, defended when, &c. and said he was not Guilty as the Plaintiff complained, and thereof put, &c. and the appellee by his said Attorney likewise. And the said Barton, by the said Thomas Dawes, Jun^r Esq. his Attorney, defended when, where, &c. and said he was not Guilty as the Plaintiff complained, and thereof put, &c. And the appellee, by his said Attorney, likewise. And the said May, by the said Thomas Dawes, Jun^r Esq. his Attorney, defended when, where, &c. and for plea said he was not Guilty as the Plaintiff complained, and thereof put, &c. And the appellee, by his said Attorney, likewise. And the said Moore, by the said Thomas Dawes, Jun^r Esq. his Attorney, defended when and, &c. and said he was not Guilty as the appellee complained, and thereof put &c. And the Appellee, by his said Attorney, likewise. And

the said Pratt, by the said Thomas Dawes, Jun^r Esq^r his Attorney, defended when, &c. and for plea said he was not guilty as the appellee complained, and thereof put, &c. And the appellee, by his said Attorney likewise. And the said Wicker, by the said Thomas Dawes, Jun^r Esq^r his Attorney, defended when, &c. and for plea said he was not guilty in manner and form as the appellee complained, and thereof put himself on the Country. And the Plaintiff, by his said Attorney, likewise. Issue being thus joined, the case after a full hearing was committed to a Jury sworn according to Law to try the same, who returned their Verdict therein upon oath, that is to say, they "find each of the appellants, except John Pratt, Guilty and assess damages against each of them for the appellee, in the sum of one hundred and thirty five pounds; they also find John Pratt not Guilty of the charge alleged against him." And thereupon a motion was made by the appellants in arrest of Judgment, because the damages were assessed severally; which was overruled—the Verdict set aside, and new tryal granted. And then said appeal was Continued unto this Court. And now the parties appear, and the case after a full hearing is again committed to a Jury, sworn according to Law to try the same, who return their verdict therein upon oath that is to say, they "find each of them guilty, and assess for the appellee damages to the amount of nine hundred pounds, against the appellants." **IT IS THEREFORE CONSIDERED BY THE COURT**, that the said David Young, recover against the said Reuben Lamb, David Stone, Josiah Kingsbury, John Barton, David May, Thomas Mower, John Pratt, and Luther Wicker, the sum of nine hundred pounds, Lawful money damage & Cost taxed at £11. 5. 11.

Exon. issued. July 7th, 1789.

See Records of Supreme Judicial Court.

1789.

Folio 200.

Among the papers in this case are some thirty depositions giving some descriptions of the skirmish at New Braintree. Depositions, taken not as now by question and answer confined to the precise issue, but in the form of monologue by the deponent as was the old practice,—often full of irrelevant and extraneous matter and incidental digressions,—bring out vividly an occurrence as it looked to eye witnesses and contemporaries, and the whole scene is pictured before us with great distinctness, in its general features and its more minute details.

Suffolk Court Files. Essex. June 1789. No. 133939.

I Samuel Flagg of Worcester in y^e County of Worcester of Lawful age testify and declare, that on Friday the second day of February A D 1787 being at Leicester in said County with M^r John Stanton of said Worcester, and M^r Jonathan Hubbard of said Leicester a dep^y Sheriff, in order to Secure a debt we had against one Southgate, said Southgate not being at home, we tarried a short time until his Father should call him, who soon returned & surrounded the house with a Party of Insurgents of about 150 men under the command of Reuben Thayer & Tim^y Rawson of Uxbridge & Thomas Moore of Brookfield in said County who said they were then returning from General Shay's Army in order to get provisions and with orders to take up any Government men that they might find in arms. M^r Stanton & myself having Pistols they took them from us & conducted us about a mile to one Willsons and then Ordered us into Sleighs with a guard commanded by said Thomas Moore with orders to carry us to Pelham to Gen^l Shays, we left Leicester about dark and proceeded on to new Braintree in said County, where we arrived about Eleven O Clock that night at the house of one Moses Hamilton an Innholder where there was a guard of about 30 or 40 Insurgents Stationed as *I supposed* under the Command of one Capt. Reuben Lamb of Oxford in said County. Centinels were posted and hailed us before we got to the house, and being answered by said Moore, that we were prisoners, the word was given to come on when we came into the house the Guard sleeping on the Floor and round the Fire, it being very cold the said Lamb ordered them to make way for us to come to the fire, said Hamilton being in Bed was called up, and I requested him to put out our horses and get us a Bed, which was done and we were conducted to Bed and Centinel placed in our Chamber with a Candle & a Fixed Bayonet Some hours after I was alarmed by the Beating of the Drum, and the words Turn out, Turn out, I asked the Centinel the time of Night he said 2 O Clock and asked what was the noise, he made me no answer. Soon after I heard two Guns Fired, and in a very short time more I heard as near as I could tell about 20 Guns more, I arose up and found the Centinel was gone and the said Hamilton with some women were in the Chamber & said General Lincoln's light horse were come, I went immediately out of the house, and found it Surrounded with Government Troops, and the Insurgents all gone I asked Doct^r Frink one of the Government Troops if any person was killed he said no, that Doct. David Young & Jonathan Rice were wounded I saw them brought into the house and their wounds dressed. Young was wounded in the knee & Rice in the hand, and we soon after returned to Worcester. And I further testify that the said Reuben Lamb and Thomas Moore by directing the men at Hamiltons & on our way there appeared to

have y^e Command of the Guard, and that I left them both in the house when I went to Bed, and further saith not.

SAMUEL FLAGG.

Worcester ss. September 8th 1788 Then personally appeared the above named Samuel Flagg, & after being carefully examined & cautioned to tell the whole truth & nothing but the truth made oath to the foregoing declaration by him subscribed, Taken at the request of David Young of Ipswich in the County of Essex, Physician to be used in an action of Trespass to be tried at the Court of Common Pleas to be held at Newburyport within & for the County of Essex, on the last Tuesday of September instant, wherein the said David Young is Plaintiff & Reuben Lamb, Miller, David Stone, husbandman, John Barton jun^r husbandman, Josiah Kingsbury Clothier all of Oxford, Luther Wicker, of Paxton, husbandman, David May of Spencer, husbandman, Thomas Moore of Brookfield Gentleman & John Pratt of Ward, husbandman, all in the County of Worcester, are defendants. The said Samuel Flagg living more than thirty miles from the Place of trial is the cause of this caption. The said Lamb, Stone, Barton, Kingsbury, Wicker, May, Moore & Pratt, respectively, were duly notified, & the said Stone, Barton, Kingsbury, May & Pratt attended at the Caption—the said Lamb, Wicker & Moore did not attend.

Before me JOS. ALLEN Just. Pacis

Witness attendance

1 day 2/
taking depo^t &c. 2/8 } 4/8.

Essex ss. Court of Com. Pleas Sept^r term A D 1788

Open'd in Court

Attest I OSGOOD Cler

Worcester ss. 8th Sept. 1788. I John Nazro of Worcester in the County of Worcester, being of lawful age, do testify & declare that on the night of the 2^d Feb^r 1787 I was with a party of about one hundred & fifty men in Sleighs & twenty on horseback, who by orders from Major General Jonathan Warner, march'd from Worcester, to Newbraitree in order to disperse a number of Insurgents who had taken post in that Town. On the approach of this force, a party of the Insurgents, run some distance towards their quarters & made a halt on a Peace of rising ground, near the road, leading to their quarters behind a Stone wall, hence they fired upon the Government party & immediately fled to the woods they being in a Body. Going from the house of M^r Hamilton, towards the meeting house, I met with M^r Jon^s Rice Sheriff, of Worcester; who was badly wounded in his hand & after assisting him I went forward & found Doct^r Young badly wounded through the knee whom I with the assistance of one or two more carried into M^r Hamiltons house where he was

dressed of his wounds, & afterwards he came with me to Rutland and I further say that on the approach of the Government force to the road leading to Hamilton's house, they were hailed by a Sentry twice or three times, and after that immediately fired & further saith not.

JOHN NAZRO.

Made oath to, before I OSGOOD, Cler.

Sept. 8, 1788. [Caption same as of foregoing deposition.]

Suffolk Court Files, Essex June 1789, No. 133939.

I, Elijah Dix of Worcester in the County of Worcester of lawful age do testify and declare that at the request of General Jon^a Warner went to New Brantree on the night of the 2^d of February 1787 to assist a party of the Government troops to dislodge a party of Rebels at the house of Hamiltons Innholder in Said Brantree, about half a mile before we arrived at Said place heard drums beat to arms upon our advancing, being one of the advance Guard, a Party of s^d Rebels rose up from behind a fence and fired upon us, & wounded 2 of our party viz M^r Jon^a Rice through the hand & arms, and Doct^r David Young very badly in the Joint of the Knee who was immediately seized with violent Spasms, and the pain So exquisite that we expected universal convulsions would Seize the whole System, which together with a large Hemorrhage would soon have clos'd the Sad Catastrophe after his wound was dressed, it was with great difficulty that Said Young was removed to Rutland & put under the care of Doct. John Frink where he lay confined very dangerously Sick with Said wound so that his life was almost despaired of for about one month but through the Judicious treatment of his Surgeon with an attending blessing Said Young is so far recovered as to be able with the assistance of Crutches to carry about his withered deformed Limb. The misfortune has almost intirely deprived him of being usefull in his profession, his prospects were very good, all I am worth wou'd not have been any temptation to have taken his chance—And further the deponent Saith not—

ELIJAH DIX.

Worcester ss. September 8th 1788 Then personally appeared the within named Elijah Dix, and after being carefully examined & cautioned to tell the whole truth & nothing but the truth, made oath to the within written declaration by him subscribed, taken at the request of David Young of Ipswich in the County of Essex, Physician to be used in action of Trespass to be tried at the Court of Common Pleas to be held at Newburyport within & for the County of Essex on the last Tuesday of September instant wherein the said David Young is Plt & Reuben Lamb, Miller, David Stone, husbandman, John Barton junior husbandman, Josiah Kingsbury Clothier, all of Oxford, Luther Wicker of Paxton husbandman, David May of Spencer husbandman,

Thomas Moore of Brookfield Gentleman & John Pratt of Ward husbandman, all in the County of Worcester are defendants. The Said Elijah Dix living more than thirty miles from the place of trial is the cause of this caption. The Said Lamb, Stone, Barton, Kingsbury, Wicker, May, Moore & Pratt were respectively, duly notified, & the Said Stone, Barton, Kingsbury, May & Pratt attended at the Caption. The said Lamb, Wicker & Moore did not attend

Before me JOS. ALLEN Just. Pacis

Witness Attendance 1 Day 2/
taking depositions &c. 2/

4/

Essex ss. Court of Comon Pleas Septem^r term 1788

Opend in Court

Att I OSGOOD Cler.

I Timothy Shaw of New Braintree in the County of Worcester Yeoman of Lawful Age do Testify & say that on the Night of the second, or rather on the morning of the Third day of February A D 1787 being the time when a party of the Government Troops under the Command of General Warner, were sent from Worcester to New Braintree, in order to Disperse a Guard of the Insurgents then stationed in said New Braintree, at the House of Moses Hamilton. That on said Night between the hours of Twelve & one of the Clock, I being in my own House in Bed & asleep One Oliver Witt of Paxton in the said County came to my house and waked me up & desired me to go up in Town to said Hamiltons, for that they the Insurgents Guard expected a party of the Government Troops to make an Onsett upon them, &c. I was very looth to go, but by his Urging I got up Dressed me & went with him to said Hamiltons, when the Insurgents party wanted me to Join them & take up Arms & help Defend the Ground &c. but I diclined & did advise them One & all not to fire upon the Government Troops (in Case they should come) but by all means to Quit the Ground in Season & make no resistance. After which the said Oliver Witt & myself left them and set out to go back to back to my house Witt, went on, I made a little Halt but soon overtook said Witt and we were standing both together in the Road leading south from said Hamiltons to my house & were a Quarter of a mile distant from sd. Hamiltons, when we heard the Firing which was still North from said Hamiltons House as it appeared afterwards, but said Witt, nor myself saw none of the Firing, nor one of the Government Troops that Night being at the time thereof both together & at the distance above mentioned. Soon after we heard said Firing we (s^d Witt & myself) left the Public Road aforsaid & went off as much as half a Mile Easterly in to a Pasture & sat

down together (having neither of us any Arms) where we sat as much as three Quarters of an hour when we heard the Report of one single Gun. Said Oliver Witt was Terribly affrighted & wished me not to leave him & begged me to convey him down to Spencer Privately and he would give me 40 Dollars in Cash, I declined, but went with him about a mile & half to the House of one Harrington being in a Remote part of the Town of New Braintree where I left him said Witt, about the Breaking of the Day, and went home, & have not seen said Oliver Witt from that Day to this. I am Certain said Oliver Witt could not be an Eye Wittness of the Transactions of the said Night he being with me the whole of the Time of Said Firing and Skirmish as I have before declared, I further Say not.

TIMOTHY SHAW

New Braintree
October 24th 1788.

Worcester ss. October 24th 1788.

Then the abovenamed Timothy Shaw Personally appearing, having been carefully Examined and duly Cautioned to tell the whole Truth made solemn Oath that the above Declaration by him Subscribed is the Truth, the whole Truth, and nothing but the Truth.

Taken at the Request of Luther Wicker, to be used in an Action of Trespass to be heard and Tried at y^e Supreme Judicial Court next to be holden at Salem in & for the County of Essex on the First Tuesday of November next, between David Young, resident at Ipswich in said County of Essex, Physician, Plaintiff and the said Luther Wicker & others Defendants the adverse party living more than Twenty miles from the place of Caption was not notified nor present. And the Deponent living more than Thirty miles from the place of Trial is the Cause of this Caption. before me

PERCIVAL HALL Just^o Pacis

Deponents Fees	}	0—5—4
Travel & attendance		
Justicis Fees	}	0—6—0
Defendents attendance		
one Day 1/6. Travel	}	0—3—0
10 miles 1/6		

£ 0—14—4

Examd. p^r P. HALL Jus pacis

Endorsed

To the Hon^{ble} the Justices of the Supreme Judicial Court of the Commonwealth of Massachusetts next to be holden at Salem in & for the County of Essex on the First Tuesday of November A. D. 1788.

The Deposition of Timothy Shaw of New Braintree, County of Worcester to be used in an Action of Trespass, David Young Plaintiff vs Luther Wicker & others Defendants
Taken & Sealed by me

P. HALL Jus: pacis

I John Stanton of Worcester of Lawful age testify & declare that in the afternoon of Friday 2^d February 1787 that Col^o Flagg & myself went to Leicester to one Southgates house to endeavor to collect a Debt he owed us, that while we were there the house was surrounded by a number of Armed Men believe about 50 or 60 and entered the house, and made prisoners of M^r Flagg & myself and carried us to one Willson's about one mile distance, where after some consultation, they concluded to Send us on to General Shays, and procured a Slay & gard for that purpose & Thomas Moore was Captain of the gard about 11 oclock of the same evening we arrived at New Braintree at the house of one Hamiltons a Tavern keeper, where we found about 30 men with Arms &c. under the Command of one Reuben Lamb of Oxford after staying in the room with them about half an hour they concluded to go no further with us that night, we desired liberty to go to Bed and they Set a Centry over us while in Bed about 2 hours after I heard a good deal of noise in the house and a drum beating in the chamber where I asked the Centry what the matter was, he made no answer, about 15 minutes after I heard two Guns, and in about a minute more I heard 20 or 30, I immediately got up found the Centry gone, and some women in the Chamber *hollowing* that Lincolns light horse was come I immediately went down Stairs and found the house surrounded with Governments troops I went out and was informed that M^r Young was wounded, he was soon bro't into the house and I saw him unbutton' his Knee & the Bullet fell on the floor. And I further say that *Reuben Lamb and Thomas Moore* where both in the house when I went to Bed.

I further declare that on my arrival at M^r Hamiltons house in the Evening the men I found *there* appeared to be under arms & Subject to Millitary rule & orders and on the beating of the drum I heard the cry turn out and the people appeared to be mustering & turning out

JOHN STANTON "

Worcester ss. Sept. 8, 1788 Taken at the request of David Young &c. &c. before JOS. ALLEN Just. Pacis —

Oliver Witt of Lawful age testifieth & saith that sometime in the beginning of the Month of February in the year 1787 that this deponent was at New Braintree, in the County of Worcester and Commonwealth of Massachusetts with about thirty men armed with Guns as a guard to oppose the Government of the Massachusetts, & under the Command of Reuben Lamb of

Oxford, that about one o'clock at Night we had information that there was an armed force Sent by Government to apprehend us, and were then on their march upon which Information there was given to Said Guard to turn out, and the drums beat to arms, and this deponent Saw said Guard turn out to oppose the party Sent by Government, among whom were the said Reuben Lamb of Oxford Commander, David Stone of Oxford, Josiah Kingsbury of Oxford, John Barton jr of Oxford David May and Thomas Moore both of Spencer, and Luther Wicker of Paxton all in the County of Worcester & John Pratt of Ward in said County and this deponent saw said guard a part of them sent as Pickett guard go to hale the party sent by Government as they approached, while the other part placed themselves some behind Fences & Some in one place and some in another, and when the party sent by Government approached Said Piquet, your deponent Saw Said Guard retreat and fire upon the Government Party and as Said Government party advanced towards the house of M^r Hamilton where we had been stationed this deponent Saw the other part of our Guard fire upon the Party Sent by Government in all about thirty guns and then make their escape with all possible Speed into the woods & other places and further your deponent Saith not. **OLIVER WITT**"

State of Vermont Windham ss August 20th 1788. Then personally appeared the within named Oliver Witt &c &c—and made oath to the above before

SAM^l KNIGHT Justice of the Peace

&c. &c. &c.

And Joshua Barnard testified to having heard John Pratt say "he wished the ball had gone a little higher, and then he should not have been put to any trouble about the matter."

There is also among the Essex files an indictment against James Maloon, for sedition. It is contained in a collection of papers endorsed "from Sundry Old indictments taken out of Continued File of Nov. Term 1788, and not further to be carried forward." Some points of interest are brought out by this, and it is illustrative of other similar papers.

From Suffolk Court Files, Essex, Dec. 1788, No. 133826
Essex ss. At the Supreme Judicial Court begun and holden at Ipswich within and for the County of Essex on the third Tuesday of June in the Year of our Lord Seventeen hundred and Eighty seven.

The Jurors for the Commonwealth of Massachusetts upon

their Oath present that James Maloon of Methuen in the County of Essex Gentleman, being a disorderly Riotous and Seditious Person, and minding and contriving as much as in him lay unlawfully by force of Arms to stir up, promote and incite and maintain Riots Mobs Tumults and Insurrections in this Commonwealth and to disturb and impede the Government of the Same and the due Administration of Justice in the Same And to prevent the Courts of Justice as by Law appointed for that purpose and to promote disquiets, Uneasinesses, Jealousies, Animosities and Seditions in the minds of the Citizens of this Commonwealth on the thirtieth day of November last past at Methuen in the County of Essex aforesaid in the hearing of A great Number of liege Subjects and Citizens, Speaking of the disquiets, tumults And Insurrections then Subsisting and of the Orders of the Government of this Commonwealth to raise the Militia to Suppress and Subdue them, and addressing himself to Caleb Swan a Captain of a Company of the Militia in that Town he the said James Maloon with force and arms maliciously and Seditiously did utter and assert the following malicious and Seditious Words Viz: what think you of the times, you have Orders for your men to stand ready (meaning that the said Capt. Swan's Militia Company was ordered to be ready to march in Support of Government), I expect you intend to march your Company in Support of Government if one man is Called for (meaning if one man is called for to march in Support of Government) I (meaning himself the said James Maloon) Mean to go on the other side (meaning that he the said James would go in opposition to the Government of this Commonwealth, and if I see you there in defence of Government meaning the said Captain Caleb Swan in Support of this Government) you shall be the first man Ill Kill: Bowdoin, meaning his Excellency James Bowdoin, Esq: the then Governor of this Commonwealth is a Tory: Philips, meaning the honorable Samuel Philips jun: Esq: then a Senator for the District of Essex in this Commonwealth is a Tory: and that the said James Maloon then and there for the Seditious wicked and destructive purposes before mentioned maliciously and Seditiously did circulate and Communicate and Cause to be Circulated and Communicated to numbers of the liege Subjects and Citizens of this Commonwealth then Called upon to be in readiness to Support the Government and due Execution of the Laws of the Same, a certain malicious and seditious Letter purporting to be wrote and signed by Daniel Shays, Luke Day and Eli Parsons to the said James Maloon, requesting him the said James Maloon to raise the people in Opposition to the Government of this Commonwealth and the Sitting of the Courts of Justice therein And afterwards Viz: on the nineteenth day of June aforesaid in the year aforesaid the said James Maloon

Still continuing his Malicious and Seditious disposition aforesaid at Ipswich aforesaid in the County aforesaid in the hearing of a great Number of liege Subjects of this Commonwealth for the Seditious purposes aforesaid did utter & assert the following Scandalous and Seditious Words Viz: the General Courts and the Government has been guilty of great cruelty in taking up persons on suspicion only without any ground and had refused to bail them particularly John Ford, (meaning Capt John Ford of Chelmsford: the Judges of the Supreme Judicial Court had a great deal of pay without doing anything for it, We have a bad Constitution, meaning, the Constitution of Government of this Commonwealth) and Bowdoin (meaning the honorable James Bowdoin Esq:) made it for the Emolument of himself and his Family: Some of the Acts of the General Court are Devillish and come right from Tophet all which is in evil Example to others to offend in like manner, against the peace of the Commonwealth aforesaid and Dignity of the Commonwealth aforesaid and Dignity of the same

R. T. PAINE Atty pro Republica —
a true bill

JOHN WINGATE } Foreman.

Endorsed "Indictment v. James Maloon for Sedition"

"N. B. let a Warrant Issue & be sent Bradly of Haverhill
1 Sept. 1787.

From the printed copies of Proclamations by the Governor among the files and used in the trial of cases, has been taken that of Governor Hancock, dated 15 June, 1787.

There are also others similarly used, among them one directly connected with the Courts, springing out of the Act disqualifying any concerned in the rebellion from future service as jurors.

(SEAL)

COMMONWEALTH OF MASSACHUSETTS.

BY HIS EXCELLENCY

JOHN HANCOCK, ESQUIRE,

GOVERNOUR OF THE COMMONWEALTH OF MASSACHUSETTS.

A PROCLAMATION.

WHEREAS the Legislature of this Commonwealth, with an intention, "not only to adopt every vigorous and efficacious method, necessary to suppress the present traitorous opposition to the laws, and to restore peace and harmony to the Common-

wealth, but also to repeat the offers of grace and mercy to the penitent citizen, and to extend the same as far as may be consistent with the true interest of this Commonwealth, and the security of her citizens in future;" have, by a resolve of the thirteenth day of June, instant, made provision for the raising and supporting a force, to defend the Commonwealth, against all wicked and rebellious men; and have also with a very extensive clemency, by the same resolve provided, that, "each and every citizen of this Commonwealth, who have committed any treasons or misprisons of treason against the same, since the first day of June, A. D. 1786, be, and they thereby are indemnified for the same, and for all felonies which had been perpetrated by any of the said citizens in the commissions of treasons, and which are overt acts of the same; and each and every citizen aforesaid, are thereby discharged of all pains, penalties, disqualifications and disabilities of the law in such case, made and provided: PROVIDED, That pursuant to the said resolve, such of said offenders, who have not taken and subscribed the oath of allegiance to this Commonwealth, since the first day of June, A. D. 1786, shall take and subscribe the said oath, before any Justice of the Peace within the Commonwealth, on or before the twelfth day of September next; excepting out of the same indemnification, as well all such persons as had been convicted of such crimes by due course of law, as *Daniel Shays*, of Pelham, Gentleman, *Luke Day*, of West-Springfield, Gentleman, both of the county of Hampshire, and Lieutenant-Colonel William Smith, of the same county, *Eli Parsons*, of Adams, Gentleman, Perez Hamlin, of Lenox, Yeoman, Elisha Manning, of a place called the Eleven Thousand Acres, Yeoman, David Dunham, of Sheffield, Yeoman, *Ebenezer Crittenden*, of Sandisfield, Yeoman, *Jacob Fox*, of Washington, Gentleman, all within the county of Berkshire, whose crimes are so atrocious, and whose obstinancy so great, as to exclude them from an offer of that indemnification, which is extended to those who have been misled, and are not so flagrantly guilty.

I HAVE THEREFORE, BY AND WITH THE ADVICE OF COUNCIL, AND AT THE REQUEST OF THE GENERAL Court, thought fit to issue this Proclamation, that the extention of mercy and indemnification offered by the Legislature, may be fully known, to those unhappy offenders who are the objects of it, and who have been deceived by wicked and designing men, and to give them assurances of their indemnification for all past treasons, misprisons of treason and felonies, and of being again renewed to the arms of their country, and once more enjoying the rights of free citizens of the Commonwealth.

As the lenient measures taken by the General Court, coinciding with the wishes of all good men who love their country,

and ardently wish for the perfect restoration of peace and tranquility, cannot fail to convince the people of the whole State, that should the unhappy and deluded offenders, the subjects of said indemnity, again spurn at the clemency of government, and continue their atrocious and traitorous exertions to overthrow the Commonwealth, the most spirited and decisive measures must be adopted: And I cannot but believe, that the good sense of my fellow-citizens, the regard the people have for the Constitution of civil government established by themselves; their knowledge of their true interest; the obvious necessity of good government, and the unhappy and distressing consequences of supporting government by the sword, will unite all ranks and orders of men, in the pursuit of peace, good order and due obedience to the laws.

AND all officers civil and military, who may be called upon in the duty of their offices to carry the resolve aforesaid, into execution, are hereby strictly enjoined to yield a ready and punctual attention to the same.

GIVEN at the COUNCIL - CHAMBER, in Boston, the fifteenth day of June, in the year of our LORD, one thousand seven hundred and eighty-seven, and in the eleventh year of the Independence of the United States of AMERICA.

JOHN HANCOCK.

By his Excellency's Command

JOHN AVERY, jun. Secretary.

Let Warrants Issue ag^t Daniel Shays & the others within Named (except *Perez Hamlin & Manning* Who are in Custody) returnable to the Supreme J Court next to be held at N. Hampton, to the end *Scire Facias* ut legatum may Issue after that Term in case they are not taken.

Proclamation of Indemnity.
9 excepted

Warrant issued
Nov^r 15th. 1787.
vs. Shays
Day
Parsons
Crittenden
&
Fox

N. B. Could not find y^t Smith & Dunham were indicted An^o Warrant issued Jan^y 7th. 1788 directed to the Sheriff of the County of Suffolk agst Luke Day. No. 159233. Suffolk Court Files.

In the "Laws and Resolves," as published by the Commonwealth, appear many which have been "taken from the court record."

A brief summary of these as well as others, and of the Messages of the Governor is here added. They all illustrate and explain the legal proceedings as well as set out the action of the Government, and seem a necessary part in giving the side of the Rebellion seen in the Courts.

Laws and Resolves
of
Massachusetts.
1786-7.

1786.
ch. 44. An Act granting indemnity to sundry offenders, on certain conditions, and providing for the trial of such, who shall neglect or refuse to comply with said conditions, and of those who shall be guilty of like offences in future.
p. 111. (providing for trial before Sup. Jud. Court.)
ch. 51. An Act in addition to said Act.
(providing more specifically as to trials in Counties other than that where the offence
p. 166. committed.)
ch. 65. An Act for preventing persons serving as Jurors, who in consequence of having been concerned in the present rebellion, are disqualified therefor.
p. 198.
ch. 98. Resolve of November 10, 1786, showing an interruption of the Supreme Judicial Court by the rebellion, taken from the Court Records—authorizes the Court to sit at Lenox the following May, "the Justices of the said Court, by reason of the commotions, tumults and disorders in said County" "having been prevented from holding the said Courts" at the regular October Term preceding at Great Barrington.
p. 390.

In general the Supreme Judicial Court seems to have held its own and to have kept its regular sessions in spite of the commotions.

- 1786
ch. 16. Resolve for re-enlisting troops under General Lincoln, and granting a bounty; and requesting the Governor to issue a proclamation for apprehending the principals of the rebels, and offering a reward for that purpose, and to request the Governors of other States to issue similar proclamations.
p. 433 (providing for 1500 men—for 4 months—borrowing £40000;—bounty 20^s—pay 40s. pr m°—Reward not exceeding £150. for apprehension of any ringleader—)
- ch. 19. A Resolve made necessary on the petition of the town of Groton, in Consequence of its Constables and tax collectors, Job Shattuck, Benjamin Page and Jacob Lakin Parker, being concerned in the rebellion—
p. 436
- ch. 56. Act, describing the disqualifications to which persons shall be subjected, who have been, or may be guilty of treason, on giving aid or support to the present rebellion,—and to whom a pardon may be extended.
p. 176.
- ch. 29. Resolve requiring prompt payment of taxes—
p. 440.
- ch. 30. Resolve requesting Governor to lend Gen. Lincoln £306 for purpose of enlisting men—
p. 441.
- “ 35. p. 443. Same purport—Gen. Ward £500—.
- “ 140. Resolve on Report of Committee on Major General Shepard's letter of Feb. 1787.—requesting Governor to issue a proclamation warning against the purchase of real estate from any persons concerned in the rebellion except in certain cases described—
And looking to the arrest of rebels moving out of State.
p. 513.
- ch. 145. Resolve for appointment of three Commissions for the Counties of Middlesex, Hampshire, Worcester and Berkshire to conduct proceedings for granting indemnity—
And excepting from any promise of indemnity Daniel Shays, Adam Wheeler, Eli Parsons and Luke Day—by name and certain classes of persons—
p. 515.
- ch. 146. Resolve for payment of £50 to each of such Commissioners, Hon^{ble} Benjamin Lincoln, Hon^{ble} Samuel Phillips, and the Hon^{ble} Sam^l Allin Otis.
p. 516.
1786. 31 May Report of the Commissioners—
& thence to in full—April 27. 1787.

25 Apr. 1787 read and accepted April 30 in House—
by prorogation Read & Concurred in—in Senate Apr. 30.
and Adjournments.

ch. 14. p. 528.

ch. 21. Resolve for raising from troops in service if practicable
or from citizens at large 500 to 800 men—to be formed
into one regiment—6 mos.

also

That “whereas it is the intention of this Court not only to adopt every vigorous and efficacious method necessary to suppress the present traiterous opposition to the laws, and to restore peace and harmony to the Commonwealth, but also to repeat the offers of grace and mercy to the penitent citizen, and to extend the same as far as may be consistent with the true interest of this Commonwealth, and the security of her citizens in future :—Therefore it is further Resolved, that each and every citizen of this Commonwealth, who have committed any treason or misprisions of treason, against the Commonwealth, since the first day of June A. D. 1786, be, and they are hereby pardoned and indemnified for the same, and for all felonies which have been perpetrated since the time aforesaid, by any of the said Citizens, in the commission of such treasons, and which are overt acts of the same : And each and every of the Citizens aforesaid, are hereby discharged of all the pains, penalties, disqualifications and disabilities of the law in such cases provided ; and any of the citizens aforesaid, may upon trial for any of the said offences, give this resolution in evidence upon the general issue, which shall have the same operation, as if specially pleaded, except as hereinafter provided.”

providing further that “they hereby are restored to all the rights and privileges of citizens, to all intents and purposes whatever ;”—

also for receiving back any arms delivered up ;

The Resolve excepts “Daniel Shays of Pelham, in the County of Hampshire, Gentleman, Luke Day, of West Springfield in the same County, Gentleman, Lieutenant Colonel William Smith, of the same County, Eli Parsons of Adams, in the County of Berkshire, Gentleman, Perez Hamlin, of Lenox, in the same County, yeoman, Elisha Manning, of a place called the Eleven Thousand Acres, in the same County, yeoman, David Dunham, of Sheffield in the same County, yeoman, Ebenezer Crittenden, of Sandisfield, in the same County, yeoman, and Jacob Fox, of Washington, in the same County, Gentleman ; but

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