

## THE SHAYS REBELLION A POLITICAL AFTERMATH.

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At the October meeting of this Society in 1902, Mr. John Noble read a paper entitled "A few notes on the Shays rebellion." Mr. Charles Francis Adams, who was present, expressed the hope that a special research might be made as to the causes of the then existing discontent.<sup>1</sup> At the May meeting of the Massachusetts Historical Society, in 1905<sup>2</sup> Mr. Adams, in commenting on a publication entitled "Some features of Shays's rebellion" by Jonathan Smith of Clinton, Massachusetts, said that in the written accounts of the rebellion, "no attempt has been made to go below the surface, and show what were the causes of the great unrest which then prevailed." In selecting my subject for this paper, I had in mind the suggestions of Mr. Adams, but it will be seen by my title, that I have not undertaken to cover exactly the field to which he referred. There seems to me to be abundant explanation for the discontent of the populace at that time, in the fact that a large part of the community was forced to resort to barter through lack of a circulating medium. Add to that the necessarily burdensome nature of the war taxes, and you have a condition of affairs which could not have been patiently borne by any but a saintly or a very intelligent community. My thesis is not therefore to show why there was unrest, but why there was violence.

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<sup>1</sup>Proceedings American Antiquarian Society, New Series, Vol. XV, p. 120, p. 200.

<sup>2</sup>Proceedings Massachusetts Historical Society, Second Series, Vol. XIX, p. 276.

The sentiments which led to the uprising of a formidable band of citizens in western Massachusetts in the latter part of 1786 were shared by a large number of the residents in the eastern part of the state. Lists of grievances were adopted in town and county conventions. Most, if not all, of these have been preserved and are to be found in the histories of towns scattered throughout the state.

The people of Boston did not sympathize with this movement, and when solicitations were received to send delegates to a convention of the towns of Suffolk County to be held for the consideration of alleged grievances, a letter of reply was adopted by the town, on the 15th of March, 1784<sup>3</sup>, in which it was stated that, "after a fair debate, it was unanimously determined to express the sorrow of the town, that, at a time when we have a constitution of our own choosing, and which has been approved by the world, there should yet remain any uneasy persons in the community, who could form the fruitless design of disturbing the tranquility of the state by proposing the unnecessary measure of meeting by counties."

An analysis of the proceedings at these conventions and meetings will show that the farther west one goes, and the greater the distance from the centre of trade of the state, the more violent the agitation and the bolder the attitude of the remonstrants. In Suffolk there was but little sympathy, Boston, as we have seen, taking strong grounds against the movement. Essex and Middlesex were but partially aroused, and were apparently to a certain extent dependent upon co-operation from further west. Worcester was much more positive and in some of the towns was even aggressive. The river counties and Berkshire were as a rule violent and outspoken. In the resolutions adopted by a number of these conventions it was expressly stipulated that the relief sought for was to be obtained only in a legal

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<sup>3</sup>31st Report Boston Record Commissioners, p. 13.



and constitutional manner, but it must be remembered that the turbulent disposition of some of the more violent among the people had already demonstrated that there was a tendency to interfere with the administration of justice,<sup>4</sup> and it was clear that this approval by deliberative bodies of the doctrines advocated simultaneously by themselves and by men ready to disturb the peace would inevitably encourage outbreaks.

It is plain, for instance, that an apparently innocent vote recommending people "to abstain from all mobs and unlawful assemblies until a constitutional method of redress can be obtained,"<sup>5</sup> was not without its lurking threat. In the demand of one of the towns that the inferior courts and lawyers should be "entirely annihilated,"<sup>6</sup> there was no effort to conceal the menace involved therein. It may perhaps be said that the courts could have been "entirely annihilated" by constitutional means, but how about the lawyers? Intemperate language was a feature of the situation.

Responsibility for the outbreak must be shared by many who never contemplated personal participation, and who did not perhaps realize what influence upon others their actions might have. The chaotic condition of the financial affairs of the new state compared unfavorably with the situation during the latter days of the province. If to that it be added that some of the more glaring defects of an aristocratic government had not been supplanted under the new organization, it will readily be comprehended that a skilfully devised contemporary newspaper communication calling attention to these facts might—indeed must—have acted to stir up flames of indignation which needed no fanning. If, as has been hinted, the participants in the conventions who had no intention to join personally in any outbreak were to be held responsible for stimulating violence, so too must the newspaper writer accept responsibility

<sup>4</sup> Minot's *History of the Insurrection*, p. 25.

<sup>5</sup> *Hampshire Convention*. Minot's *History of the Insurrection*, p. 36.

<sup>6</sup> *History of the town of Gardner* by Wm. D. Herrick, p. 78.

for the possible effects of his publications. In the following communication to the "Spy" of April 14, 1784, the harmonious acquiescence in the nepotism which the writer describes evidently concealed an ulterior purpose:

"Before the revolution," says the writer, "Mr. Hutchinson was Lieutenant Governor, Mr. Oliver was Secretary of the Province, Peter Oliver and Foster Hutchinson Esqrs. were Judges of the Superior Court. The people were alarmed at that accumulation of power in one family and connection. They very justly considered it a source of corrupt influence dangerous to publick liberty; and accordingly exerted every effort in their power to dissolve the combination, but unhappily their means were not adequate to their security. Since the revolution, the offices of Lieutenant Governor, Secretary of the Commonwealth, Justice of the Peace for the County of Suffolk, Chief Justice of the Supreme Judicial Court, Clerk of that Court by a brother of the Chief Justice, and another of the Judges, Judge of the Maritime Court, and one of the Council of the Commonwealth, and a Judge of Probate, are held by one family<sup>7</sup> and connection, without any apprehension from the influence and power."

Can it be doubted that the writer of this communication meant mischief? Is it not evident that resolves to proceed by constitutional means, without mob violence, were calculated, perhaps intended, to produce the very results which were deplored?

The grievances alleged by the various conventions, town and county, were in the main concurrent, but not altogether so. They may be classified in three divisions:

1st. Those which were capable of remedy through action by the existing state government. 2nd. Those which required a constitutional amendment before any action in regard to them could be taken. 3rd. Those which involved some change in the carrying out of the agreements existing between the commonwealth and the continental congress, through which agreements the state had undertaken to do its share in the efforts then being made to support the credit of the central government.

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<sup>7</sup> The Cushing family.



It is obvious that rebellion was not necessary in order to secure reasonable legislation of a remedial character for the grievances included in the first of these classes. The support of so large a body of constituents, as those represented in the various conventions, carried with it the power to compel consideration. If the alleged grievances should prove to be actual and imperative, some remedy would be applied. The burden of taxation and the difficulties arising from the lack of a medium of trade with which to adjust debts with the state and with individuals were painfully evident to those who were trying to organize and regulate the affairs of the new state, as well as to those who through their poverty were more conspicuously the victims of the situation. Complaints of this sort, though well founded, were not capable of immediate relief.

Whether some of the remedies proposed were reasonable or even desirable was another matter. It is probable that satisfaction for several of the demands made by the convention could only have been obtained through actual revolution. One of the remedies proposed for the scarcity of a medium of trade was the emission of paper money. There were those who went so far as to propose an emission which should simultaneously have provision made for future depreciation. Not all of the remedial suggestions were as absurd as this, but there were several which no government could have yielded except under compulsion.

Among the propositions which would have required constitutional amendment before they could have been carried into effect were a demand for the abolition of the senate; a change of the method of representation; and the abolition of the courts of common pleas and general sessions of the peace. The claim that all salaries should be fixed annually and that all civil officers of the government should be annually elected by the representatives would also probably come under this heading.

The new constitution was not protected from assault by any particular fondness on the part of the people

for the contents of that document. The voters of the state were by no means satisfied that they had secured what they wanted in the form of government under the instrument which had been adopted. They had for a variety of reasons already rejected one constitution, the real feeling about which apparently was that the proposed government was not close enough in touch with the people, or as it was tersely put in the quaint language of one of the towns:<sup>8</sup> "it entirely divests the good people of this state of many of the privileges which God and nature has given them." Another town, wishing to secure continuous control over the actions of its representative in the general court, proposed the passage of a law which should authorize the "recall" of the representative at any time, the word "recall" itself being made use of in the proposition.<sup>9</sup> There were suggestions enough of the "initiative" in the actions of conventions but nothing so direct as this forestalling the modern "recall." A direct attempt at putting the "referendum" in operation was, however, made by the house in January, 1749, when they passed an order to print an act and to send a copy to the selectmen of each town in the province, in order that the opinions of the voters on the subject might be obtained at the next town-meeting. The non-concurrence of the council prevented this being carried out.<sup>10</sup> The question whether the council and representatives should frame a new constitution was submitted to popular vote in 1778. There was opposition, but the power was conferred. The constitution prepared by the assembly was, however, rejected.

In some respects it is obvious that the framers of the constitution could not possibly have satisfied their constituents. On many of the subjects under discussion it was impossible that the average man should have had

<sup>8</sup>Greenwich. Massachusetts Archives, 156 : 275, quoted by Cushing, *Transition from Province to Commonwealth*, p. 216.

<sup>9</sup>Cushing's *Transition from Province to Commonwealth*, page 218, note 3, quoted from *Continental Journal and Weekly Advertiser*, CXLI, February 4, 1779.

<sup>10</sup>Currency and Banking in Massachusetts Bay, Vol. I, p. 230.



any well digested opinion. On the other hand, where opinions had obtained positive shape, those who had adopted them were obstinate in their defence and were reluctant to give them up even when they conflicted with those of others. Thus on the question of representation, a contemporary writer said that dissatisfaction on that point was one of the causes for the rejection of the first constitution, "because in the opinion of the maritime towns, representation is too unequal, while in the opinion of others it is too equal."<sup>11</sup> It was natural to reject a constitution which satisfied but few, coming from the source that it did, i. e., the council and representatives, and it was evidently impossible to secure one from any source which would be universally acceptable.

It is not surprising therefore to see that a second constitution emanating from a convention of delegates elected directly by the people to draft such an instrument could only secure reluctant adoption through the necessity for some form of settled government. Nor is it strange that the portion of the population which had no great property interests at stake should feel that a government which had been successively colonial under the first charter, autocratic under Andros, quasi-colonial under the *ad-interim* government which assumed charge of affairs after the deposition of Andros; provincial under the second charter, and which in the interval between province and state had been governed, first by a so-called provincial congress and later by a headless government modelled on the lines of the provisions made in the second charter for an executive council during the absence from the province of both governor and lieutenant governor,—it is not to be wondered at, I say, that under such circumstances as these, irresponsible people should feel that the constitutional defects which produced grievances of the second class were capable of easy remedy. Moreover, as if to accentuate

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<sup>11</sup> Quoted by Cushing in *Transition from Province to Commonwealth*, p. 219.

the changeable features of the government, there had been twelve royal governors of Massachusetts Bay, and at five different intervals, in the history of the province, in consequence of the absence of these appointed rulers, the performance of their official duties had devolved upon the lieutenant-governors. Further than this, there had been four distinct periods, when in consequence of the simultaneous absence from the province of both governor and lieutenant-governor, the council had been compelled to exercise its executive function. It must also be borne in mind that the new constitution contained within itself no other provision for amendment than that which was to be found in the clause which provided for the submission to the people in 1795, of the question whether the revision of the instrument should be undertaken at that time. Amendments, prior to that date, could only be secured in some manner not provided for in the constitution itself.

So far as the third class of grievances were concerned, those connected with the application of funds raised by taxation in Massachusetts for the relief of the continental government, the proposed remedies could perhaps have been secured without using force, but it would have been at the expense of the honor of the state.

The social conditions left by the war as a legacy to the state were such as to demand of good citizens both patience and optimism. The taxes were necessarily high. The cultivation of the soil and the general production of home industries had been interfered with through scarcity of labor. The fishing fleet on which the province had depended for the West India trade had been almost annihilated. On the other hand, the diminution of the production of local industries had compelled large importations from England, with the concomitant penalty of an unusual demand for silver for remittance, at a time when the supply was abnormally low. The lack of credit on the part of the confederated states had led to the emission of the continental currency in such volume that it had become absolutely worthless,



and the means were not at command in the form of metallic currency to adjust either taxes or private debts. The finances of the country had reverted to a condition which might perhaps have been borne with patience under the circumstances which existed a century and a half before, but which must have been galling when accepted as the result of a war for relief from the oppression of an over-sea government. Lack of a circulating medium compelled barter. Isaiah Thomas advertised in the "Spy" of November 17, 1785, that he would receive in settlement of debts due him, which did not exceed 20s., Indian corn, rye, wheat, wood or flaxseed. Dr. Green quotes from a Groton diary,<sup>12</sup> entries showing that in 1787, wheat, corn, flaxseed, rye and peas were made use of in settlement of debts in regular course of trade. Dr. Bancroft epitomizes the condition of affairs of which these facts were significant as follows:<sup>13</sup> "The revolutionary war had then closed, and paper money no longer passed as a currency; every production of the earth had greatly fallen in price, state taxes were high and creditors demanded their dues." The courts were burdened with suits for ordinary debts, by means of which creditors sought to put in more lasting form the obligations which their debtors could not at that time meet. In Worcester County alone, with a population of less than 50,000, more than 2,000 actions were entered in 1784 and during the next year 1,700 more were put on the list.<sup>14</sup>

The combination of circumstances was such as to furnish an adequate explanation for the unrest and clamor of the people. If we seek for an explanation of the more violent nature of the expression of these feelings in the western part of the state, we shall perhaps find it in the touch of the maritime counties with foreign trade. This left behind it, in the hands of the

<sup>12</sup> Groton Historical Series, Vol. I, no. XIX, pp. 15, 16.

<sup>13</sup> A Sermon delivered in Worcester, January 31, 1836, by Aaron Bancroft, D.D. at the termination of fifty years of his ministry, p. 19.

<sup>14</sup> Lincoln's History of Worcester, p. 131.

merchants, enough metallic currency to relieve the local situation from the spur to violent outbreak created by compulsory resort to barter, but not enough for a medium of trade for the entire state.

The dissemination through the community of a large number of discharged soldiers, who for years had been accustomed to a life in which many of the rules of civilized society were necessarily set aside and standards adopted better fitted for success in carrying on war, added to the perplexities of the situation. It is in fact to be wondered at, that the presence of so many men seeking to resume their functions of life in a society which had adapted itself to their absence, should have resulted in so little violence. Civil war brings in its trail disturbances caused by efforts at readjustment, and if after the war of secession, we escaped the worst of these, we at least inherited an army of tramps, whom no Count Rumford has as yet brought into line. My purpose is not, however, to dwell upon this outbreak as one of the lawless but natural products of a prolonged state of war, a proposition which is obviously admissible, but to point out the fact that besides the disorganizing effect of the presence of these disbanded soldiers, there was throughout the community a general conviction that relief from distress was to be secured by opposition to the constituted government, a proposition that had been the fundamental doctrine of provincial politics for many years. The underlying cause of all or nearly all of the trouble, at this time, the lack of a circulating medium, was incapable of immediate remedy. Patience under the distressing circumstances which prevailed was not to have been expected, but the readiness with which so many citizens were led to rehearse their grievances and demand redress in such form as practically would have called for a revision of the fundamental instrument of social and political organization, was probably the result of the protean character of the government during its century and a half of life, and of the political teachings of provincial days. Moreover,



if the action of the people in convention should lead to outbreak, the remonstrants were not altogether unaccustomed to the use of remedies of that nature as a means of overcoming what they deemed to be the oppression of the government. Witness the deposition and deportation of Andros; the Knowles impressment riot; the resistance to the enforcement of the Stamp Act; the destruction of the household property of Governor Hutchinson; the riotous proceedings and the personal maltreatment of certain officers of the crown<sup>15</sup> on the occasion of the seizure of Hancock's ship in 1768; the destruction of the tea in Boston harbor; the compulsory efforts made use of to prevent the mandamus councillors from serving; the expulsion of the loyalists from their homes, and the confiscation of their property.

Such being the conditions under which opinions as to the use of force in politics had been formed, let us turn back the leaves of history and trace the development of political interest in the colony and province.

The half century of colonial life saw a continuous struggle against the home government, with the exception of the intermission during the days of the commonwealth, when there was no crown to fight against. The assumption that a charter granted to a mercantile company contained the power through the general court of that company to administer the affairs of an important colony, in its own name, even to the dropping out of reference to the crown in all court processes, may have had some technical ground upon which it could stand, but was obviously outside the comprehension of those connected with origin of the charter. With tactful avoidance of collision with the crown, a permanent government might have been worked out, but under any other conditions the attempt to form one on these lines was liable to fail. In the letter of instruc-

<sup>15</sup> The following, whether the incident related of Governor Shute is well founded or not, betrays the contemporaneous state of belief: "It was known to his friends that as he sat in one of the chambers of his house, the window and door of a closet being open, a bullet entered through the window and door passages and passed very near him." Hutchinson's History of Massachusetts, Vol. II, p. 260.

tions which Charles II gave to the commissioners whom he sent over in 1664 for the purpose of regulating the relations of the colony with the crown, he says that one of the functions of the commissioners' would be "to suppress and utterly extinguish those unreasonable jealousies and malicious calumnies which wicked and unquiet spirits perpetually labored to infuse into the minds of men, that his subjects in those parts did not submit to his government, but looked upon themselves as independent of him and his laws."<sup>16</sup> Strike out the sonorous phrase in which the monarch sought to prepare a way of retreat for the recalcitrant colonists, through the assertion that the reports of what they were doing were incredible and malicious, and we have here recognition on the part of the crown of what was the real attitude of the colonial government, and doubtless also of the colonists. One feature of this condition of affairs was quaintly put by Cotton Mather in the translation of a Latin quotation which he says applied to Massachusetts: "A province very talkative, and ingenious for the vilifying of its public servants."<sup>17</sup>

The conflict between the crown and the colonists indicated in the above was, however, a conflict of governments and not an assault of politicians upon a government. The colonists as a rule were loyal to their own leaders. Recalcitrants were exiled and if discontents remained within the limits of the colony they were in such a minority that they could not hope to overturn the local government. "There are," said Randolph,<sup>18</sup> "in the very Magistracy, Clergy, Army, Marchants & Comoners many that highly affect his Ma<sup>ty</sup> Interest, but the dayly abuses and discouragem<sup>ts</sup> offered to such in whom appears the least suspition of Loyalty makes them conceal themselves till it shall please his Ma<sup>ty</sup> fully to resolve upon y<sup>e</sup> reducing this Plantacon to their due Obedience." The whole contest between the

<sup>16</sup> Palfrey's *History of New England*, Vol. II, p. 582.

<sup>17</sup> *Magnalia*, Hartford Ed., 1853, Vol. I. p. 224.

<sup>18</sup> *Toppin's Randolph*, Prince Society's Publications, Vol. II, p. 207.



colony and the crown was an instruction in the art of political warfare which could not have been lost upon the people. They were brought up on the theory that the fundamental policy of the colony was—hostility to the representatives of the crown.

With the organization of the government under the provincial charter there came a different condition of affairs. The new local administration represented the English court. The governor, the lieutenant governor and the secretary were to be appointed by the crown. The judges of the provincial law courts, the sheriffs and the other officers of the courts and of the council were in turn to be appointed by the governor and council and these several appointments would necessarily be based upon a belief that the appointees were loyal to the home government. This was especially true of the officers who were to be at the head of the local government, but the inference as to the essential quality of the politics of those whom they in turn should appoint was almost equally strong. The supplanting of an elective governor and an elective judiciary by officials whose tenure of office was dependent upon court or gubernatorial favor was practically a revolution. The local politicians seeking for relief from the aristocratic form of the new government soon discovered that the failure to prescribe salaries for the governor and for the judiciary had left in their hands an implement of warfare of which they were not slow to avail themselves. So far as the judiciary was concerned the question of their salaries did not figure in the contest until a later date, but under the leadership of the first Elisha Cooke, the assembly refused point blank to assign a specific salary to the governor. The most that they would do was from time to time to make allowances to the incumbent of the office for the time being, and the amount of these allowances was affected by the relations of the governor to the assembly. Repeated royal instructions to governors of the province to secure from the assembly a fixed salary failed totally to accomplish the desired purposes.

The people of the province had been deprived of a voice in the selection of the men for certain offices, but they at any rate had the say as to what those men should be paid, and although this control of emolument was not adequate entirely to overcome the courtiership of the several governors it evidently proved to be of importance in shaping events at certain crises in politics.

Speaking of the dependence in which Phips found himself, Chalmers says, "It now appeared how little it availed that the province had the power to appoint a governor, if the provincials might refuse to pay; how difficult it is for dependence to enforce respect."<sup>19</sup> Hutchinson says that in his day a speech of Bellomont's to his wife on the occasion of the governor's entertaining a number of representatives was still well remembered: "Dame," said Bellomont, "we should treat these gentlemen well, they give us our bread."<sup>20</sup>

On the 26th of July, 1715, Dudley being then governor, the council notified the house that the annual allowances for certain officers had not been made and added that the treasurer was not willing to be sworn for the service of the year, until his allowance for the preceding year should be granted. The question being put in the house whether they should proceed to make the allowances at this time, the tax to be levied for the year not having been agreed upon, it was decided not to do so. The points at issue between the house and council at this time were connected with the currency, and the house positively refused to make these allowances, even after the governor had promised to accept their terms, until he actually attached his signature to the bill under discussion.<sup>21</sup>

In 1720, at a time of activity in the chronic legislative warfare, the assembly, instead of making the usual grant to the governor for services, at the beginning of the

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<sup>19</sup> An Introduction to the History of the Revolt of the American Colonies. By George Chalmers, Boston, 1854, p. 237.

<sup>20</sup> Hutchinson's History of Massachusetts, Boston, 1795, Vol. II, p. 107, note.

<sup>21</sup> House Journal, 1715, Ford's reprint, p. 45, p. 55, p. 56.



session, postponed the vote upon the appropriation to the end of their sitting and then cut down the usual allowance one half, although the depreciation of the currency had already greatly reduced the efficacy of the appropriation. They also reduced the allowance of the lieutenant governor at the same time to such an extent that he refused to accept it.<sup>22</sup> In 1721, they temporarily withheld the allowances for all salaried officers pending the action of the governor on the approval or disapproval of certain elections which had been submitted to him for his consideration.<sup>23</sup> Burnet, in 1728, in his discussion with the assembly concerning his salary, asserted that the purpose of the assembly was to keep the governors in a state of dependence and then specifically stated that the house had refused last year, i. e. 1727, "to make the usual grants and allowances, not only to the lieutenant governor but to other officers, until they had compelled him to give his consent to a loan of sixty thousand pounds in bills of credit."<sup>24</sup>

Belcher wrote, "The House of Representatives of this Province are running wild, nor are their attempts for assuming in a manner the whole legislative as well as the executive part of the government into their own hands to be endured with honour to his Majesty."<sup>25</sup>

Pressure was continually exercised upon the governors of the province by the crown to secure from the assembly recognition of the right of the incumbent of the gubernatorial office to a fixed and permanent salary. Yet, even when the instructions to the governor contained a direct threat of parliamentary interference the assembly did not yield. This particular element of conflict was perhaps the most conspicuous and most persistent of all those which from time to time cropped out in the chronic conflicts between the assembly and governors. There were others, however, which made their appearance

<sup>22</sup> Hutchinson's History of Massachusetts, Boston, 1795, Vol. II, p. 217.

<sup>23</sup> Hutchinson's History of Massachusetts, Boston, 1795, Vol. II, p. 230.

<sup>24</sup> Hutchinson's History of Massachusetts, Vol. II, p. 311.

<sup>25</sup> Palfrey's History of New England, Vol. IV, p. 544, n.

at intervals and which stirred up rancor and hostility in their turn. Hutchinson gives seven heads of complaint against the house of representatives which were included in the memorials to the king filled by Governor Shute when he surreptitiously fled the province for the purpose of personally presenting his case in London.<sup>26</sup> These include the question of the extent of the rights of the crown under the charter to the pine trees of the Maine forests; certain minor questions of legislative consequence; and complaints as to sundry assumptions by the house, of military control, which were deemed inconsistent with success in the field and incompatible with the dignity of the government. To these Palfrey adds, "their persistence in crippling him [the governor] as to his maintenance, and delaying their grants to him till he had met their wishes as to giving his signature to their bills."<sup>27</sup>

Perhaps the complaint that next to the salary question was most efficacious in stirring up ill feeling was the claim of the crown, under the charter, of pine trees of a certain size in the woods of Maine. The rights of the ownership of those trees were thrashed out in pamphlet literature;<sup>28</sup> in an interchange of messages between the governor and the house; and in discussions in London, where the opinions of no less than four attorneys and solicitors in the service of the crown were obtained on the subject, by the board of trade, all of course favorable to the claims of the crown.<sup>29</sup> Shute's attempt about this time to establish or to re-affirm a censorship of the press was stimulated by this contest and added fuel to the flames.<sup>30</sup> The foregoing instances selected

<sup>26</sup> Hutchinson's History of Massachusetts, Vol. II, p. 271.

<sup>27</sup> Palfrey's History of New England, Vol. IV, p. 446. The seven heads of Complaint referred to by Hutchinson are given in full in The Report of the Lords of the Committee, upon Governor Shute's Memorial, with his Majesty's Order in Council thereupon. The salary question was not discussed.

<sup>28</sup> Mr. Cooke's Just and Seasonable Vindication respecting some affairs transacted in the late General Assembly at Boston, 1720.

<sup>29</sup> Opinions of Eminent Lawyers, etc., by George Chalmers, London, 1814, Vol. I, pp. 110-121.

<sup>30</sup> The Development of the Freedom of the Press in Massachusetts, by Clyde Augustus Duniway, p. 83, *et seq.*



from the more conspicuous of the topics which furnished a basis for collision between the representatives and the government in the days of the provinces are but examples of the chronic discussions which took place between the governors and the representatives. The pages of the house journal teem with illustrations of the point which I have sought to establish, but perhaps those already cited are adequate. Later on we have the more acute conditions of the conflict with which we are more familiar, the attempt to raise revenue through stamps; the Townshend tax acts; the trouble in connection with the furnishing of barracks for troops; the effort to make the judges independent of legislative influence through the establishment of fixed salaries to be paid by the commissioners of customs; and the attempt to alter the form of government by making the councillors appointive. Detailed reference to the conflict between the provincial government and the colonists during this period is unnecessary.

The action of committees of correspondence in stimulating resistance to government measures was obviously political and we know that it was powerful. This action was recognized by contemporaries not only as political but was even designated as machine politics. "I am constantly busied in helping forward the political Machines in all parts of this Province," wrote Joseph Warren to Samuel Adams in 1774.<sup>31</sup>

The method of interchanging ideas and information, between Boston and the smaller towns, the inauguration of which in 1772 is attributed to Samuel Adams, was founded upon the practice which had been in existence nearly sixty years, of the publication, distribution, and sale of the proceedings of the house of representatives. Information concerning current events which may influence political opinions is to-day disseminated through our community with such rapidity that even the most distant villages are brought daily in touch

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<sup>31</sup>Cushing's *Transition from Province to Commonwealth*, p. 97, note.

with the current affairs of the world. Indeed, such is the enterprise of some of our newspapers that they not infrequently anticipate the occurrence of events. The charter of the province antedates the oldest of the so-called newspapers of that time. The publisher of the *News-Letter* announced in 1723, a doctrine which might be epitomized in Mercutio's "a plague o' both your houses." He was debarred, he said, from pleading for harmony and concord "for fear of adding Oyl to the Flames, and he Remembers the Fable which shews him the danger of Interceding between Fierce and Contending Enemies. The Publisher would therefore strive to oblige all his Readers by Publishing those Transactions only, that have no Relation to any of our Quarrels, and may be equally entertaining to the greatest Adversaries."<sup>32</sup> On the other hand the proprietor of the "*Weekly Rehearsal*" invited "All Gentlemen of Leisure and Capacity, inclined on either side, to write anything of a Political Nature, that tends to enlighten and serve the Publick, to communicate their Productions, provided that they are not overlong, and confined within Modesty and Good Manners."<sup>33</sup> The "*New-England Courant*" was pronounced by the assembly to be "a disturber of the peace and good order of his Majesty's subjects of this Province," and, while it continued to be so, may have served to offset the neutrality of the "*News-Letter*" or the equipoise of the "*Rehearsal*," but neither these papers nor any of the others published in Boston in provincial days were in any true sense to be relied upon for the dissemination of local news or the propagation of political doctrines. The theory of those connected with the press at that time was that European news was of consequence, but that local affairs did not need the aid of the newspaper for dissemination. The residents in the rural districts would have fared badly if they had been compelled to rely upon the various papers published in provincial

<sup>32</sup> Thomas's History of Printing, Vol. II, p. 204.

<sup>33</sup> Thomas's History of Printing, Vol. II, p. 229.



days for knowledge of what was going on at the state-house. Chance, however, favored their conversion into a set of politicians. The circumstances connected with this important event are as follows:

In 1715, while Dudley was governor, the quarrel between the house and the executive was continuous and acute. It was obvious that the representatives not only distrusted the governor but that they did not believe that his word could be relied upon. On the 21st day of June, the house was summoned to the council chamber and the court was prorogued to the 20th day of July. The following extract from the journal of the house contains an abstract of the reasons given by the governor for the action:<sup>34</sup>

“The Representatives returning to their own Chamber, and taking into Consideration his Excellency’s Speech, directed to the Court, before he Declared the Prorogation:—Importing,—That it was almost a Month since the beginning of the Sessions, and that they had done little or nothing for the good of the Province, and that the Houses were distempered, and therefore he should Raise them by a short Prorogation, hoping they would come together in a better Temper:—Did therefore Unanimously Agree and Conclude to Print their Journal of the present Sessions, and Desired the Representatives of Boston to take care that the same might be Seasonably done; and the Clerk to prepare a Copy accordingly.”

The Boston Public Library has a copy of this 1715 journal which was acquired, if I am not mistaken, during the term of office, as librarian, of the late Mellen Chamberlain. Mr. Chamberlain was always much interested in this document and in a communication to the Massachusetts Historical Society in 1882<sup>35</sup> he calls attention to the fact that with this number began the publication of the house journal. The events which occurred on the 21st of June, 1715, when Dudley prorogued the court, fascinated him and he was wont to describe them with

<sup>34</sup> House Journal, 1715, Ford’s reprint, p. 34.

<sup>35</sup> Proceedings of Massachusetts Historical Society, Ser. I, vol. XX, p. 33.

a freedom of speech not permissible in a formal paper devoted to historical research, but which brought before his hearers much more clearly what had actually taken place. "Dudley," he would say, "finding the representatives obstinate and unwilling to co-operate with him in legislation that he wanted, prorogued the court, and in his speech told the representatives that he sent them home because they were wasting their own time as well as the money of the province. It would be better for them to be at home than to be drawing pay for doing nothing in Boston. Whereupon the representatives said, 'Doing nothing. We'll show our constituents that this is a slander by publishing our journal. This will of itself refute the governor's charge.'"

From that day down to the revolution, the journal was published and to a certain extent distributed. The means were thereby placed at the command of the residents in the rural districts of knowing what their representatives were doing. It is not to be supposed that the editions were large, but at any rate each representative had a copy and the colophons of the publication show that the journal was placed on public sale. Up to the time of this publication the people of Boston alone of the residents in the province were so situated that they could know what was occurring from day to day in the general court, but from that time forward not only they but the groups that in winter gathered round the open fires in the bar rooms of the country taverns could discuss the questions pending in the court, could criticise the doings of their representatives, and could with some sort of authority speak of matters pertaining to provincial politics.<sup>36</sup>

The quotations which I have made from the journal of 1715 were obtained from a reprint issued by our

<sup>36</sup> "They always esteem it [the Liberty of the press] one of their greatest blessings, as being the *Means* of conveying public Intelligence so that they may come to the knowledge of what their Delegates are about, to know what is doing Abroad and at Home, which they have an absolute right to know, and form their Conduct accordingly." Appendix to *Massachusetts in Agony*, 1751, p. 4; see *Colonial Currency Reprints*, Prince Society Publications, Vol. IV. p. 464.



associate, Worthington C. Ford. Let me quote from his preface a few words which indicate the effect made upon his mind of the political character of this proceeding:<sup>37</sup> "Thus began a practice of printing the Journals of the House which was continued in an almost unbroken series till the Revolutionary War. The convenience of having the record in such a form would alone have justified the publication; as time passed, the political advantages were also recognized, and the long controversy arising between the Governor and the House or between the Council and the House, led to many papers, worthy to be called State papers, being spread upon the pages of the Journals. Such publications were intended more for the constituents of the House than for any effect they could produce upon those immediately engaged in the controversies; and, in the absence of an active press, the political questions received their discussions in messages, addresses, declarations, or the more formal proclamation,—the most final of all expressions of opinion."

The representatives began the publication of their journal solely to offset the aspersions of Governor Dudley. The obvious success which attended this action was demonstrated at once, and the value to the representatives of this means of communication with their constituents led to the continuance of the practice. The following instances will show how powerful the publicity thus given legislative proceedings proved to be. In the summer of 1719, there was a prolonged contest over the bill for granting rates and duties of import and tannage of shipping. Towards the end of the discussion the house passed a resolution which was offensive to the council. In their answer thereto the board notified the house that the publication of the resolve in question would oblige them to make a reply. The differences of opinion between the two houses, they added, were already too well known. They therefore submitted to the house whether it would not "be

<sup>37</sup> House Journal, 1715, Ford's reprint, p. [ix].

better to wholly suppress the Publishing any Thing which may carry or bear a Reflection on any Part of the Court and be improved by those who are not our best Friends to our Disadvantage."<sup>38</sup>

At the November session the same year, the governor repeatedly requested, and the house repeatedly refused<sup>39</sup> the withholding from the press of an "Additional answer to his Speech" relating to a charge made against the provincial government by the lords commissioners, of having "hindered the Surveyor General of the lands in the execution of his office." In July, 1721, Governor Shute, in a speech to the representatives said, "I am very much concerned to find in the printed journal of the house, first, an order to appoint a committee to draw a memorial upon, or representation of, my speech, made before the dissolution of the Assembly of March last, and afterwards the memorial itself, signed by Mr. Cooke in the name of the committee."<sup>40</sup> These instances, of remonstrance at publication and of appeal to prevent the same, sufficiently demonstrate the promptness with which the political power thus gained by the house was realized by the governor and council and they adequately show the full appreciation of the efficacy of this proceeding.

Indiscretion on the part of men of political prominence, especially if committed in epistolary correspondence, was eagerly seized upon during this period and was availed of for what it was worth. Paul Dudley, the son of the governor, wrote to a friend, "This country will never be worth living in for lawyers and gentlemen 'till the charter is taken away." By some means or other the letter fell into the hands of his enemies and was made use of for all it was worth by the political opponents of his father and himself.<sup>41</sup>

<sup>38</sup> Laws and Resolves Province Massachusetts Bay, Vol. II, p. 161.

<sup>39</sup> Palfrey's History of New England, Vol. IV, p. 405.

<sup>40</sup> Hutchinson's History of Massachusetts, Vol. II, p. 234.

<sup>41</sup> It was published in "A Vindication of the Bank of Credit," etc. See Colonial Currency Reprints, Prince Society Publications, Vol. I, p. 309, and again in "Reflections upon Reflections," etc., *Ibid.* Vol. II, p. 120.



Private letters of Thomas Hutchinson and others, in which as loyalists they had expressed opinions obnoxious to the patriotic party, were published in 1773 in various forms much to the consternation of the writers, and with great political effect.<sup>42</sup>

The point which I have endeavored to sustain in this paper, that the politics of the province were consistently maintained by partisans who were either persistently loyal to the government or with equal persistence hostile to it, might perhaps rest upon the evidence furnished by the condition of affairs just prior to the revolution when committees of correspondence, of inspection and of observation, when town meetings and county conventions marshalled the forces of the patriot party and held them in line ready for action against the government; but I have sought to go behind this and to show that these organizations were the outgrowth of the action of the house of representatives in printing their journal, thus furnishing a date for the beginning of the participation of the rural population in current politics. If the inference drawn as to the effects resulting from the picturesque encounter of Dudley with the house be justifiable, then it is obvious that the representatives on that day earned for themselves a permanent niche in the hall of history, by thus arousing the interest of the farmers in the affairs of the province; and I may also add that this permanent addition to the discontents in Boston made the party which was hostile to the government so powerful that it is not to be wondered at that the memory of its teachings should have lingered until the day of Shays.

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<sup>42</sup> See Winsor's *Narrative and Critical History of America*, Vol. VI, p. 93, for a list of the publications. Hutchinson himself describes the affair at length in his *History of Massachusetts*, Vol. III, p. 400, *et seq.* Hosmer in his *Life of Thomas Hutchinson* gives the Hutchinson letters, Appendix C.

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