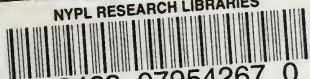



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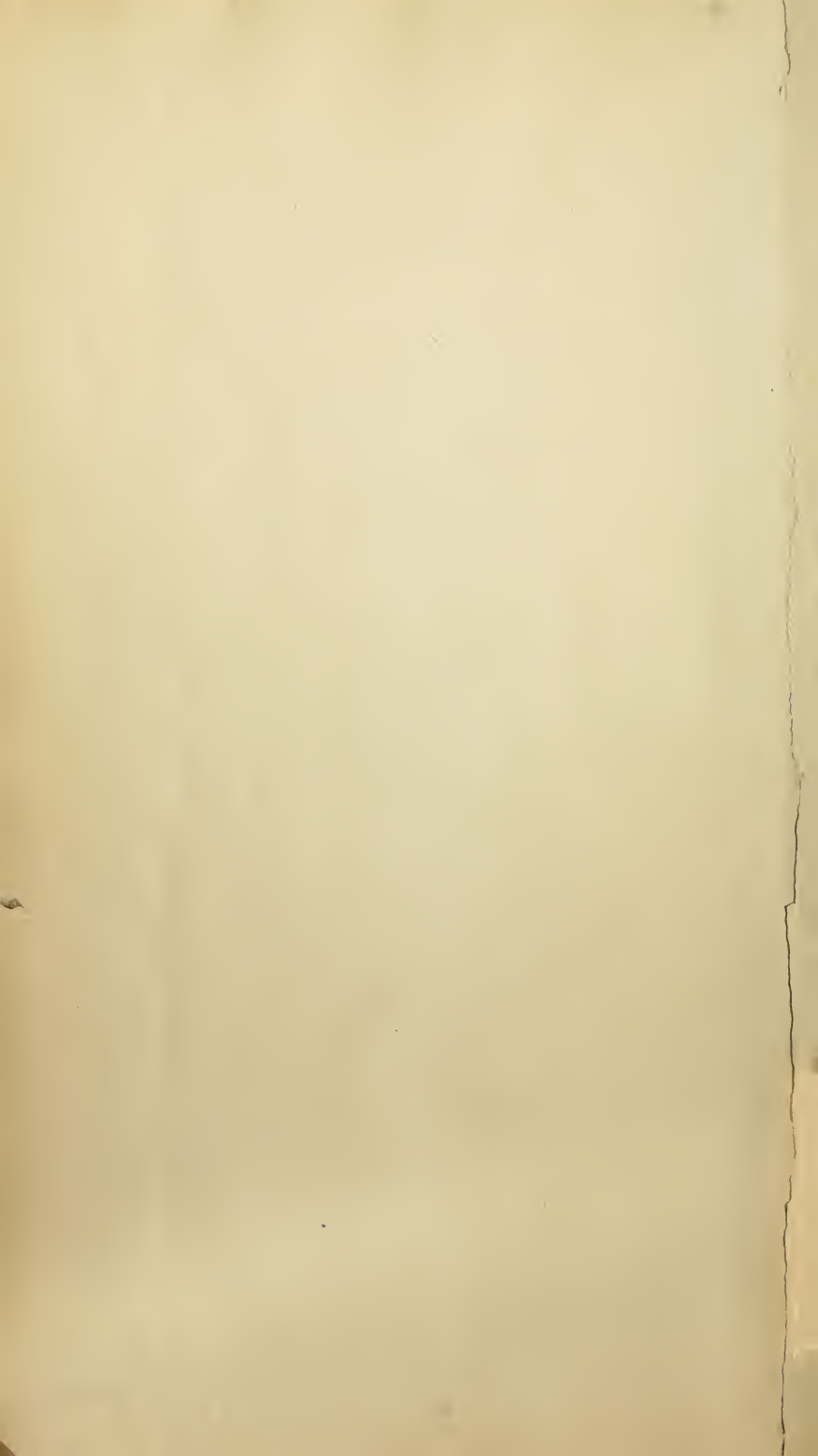
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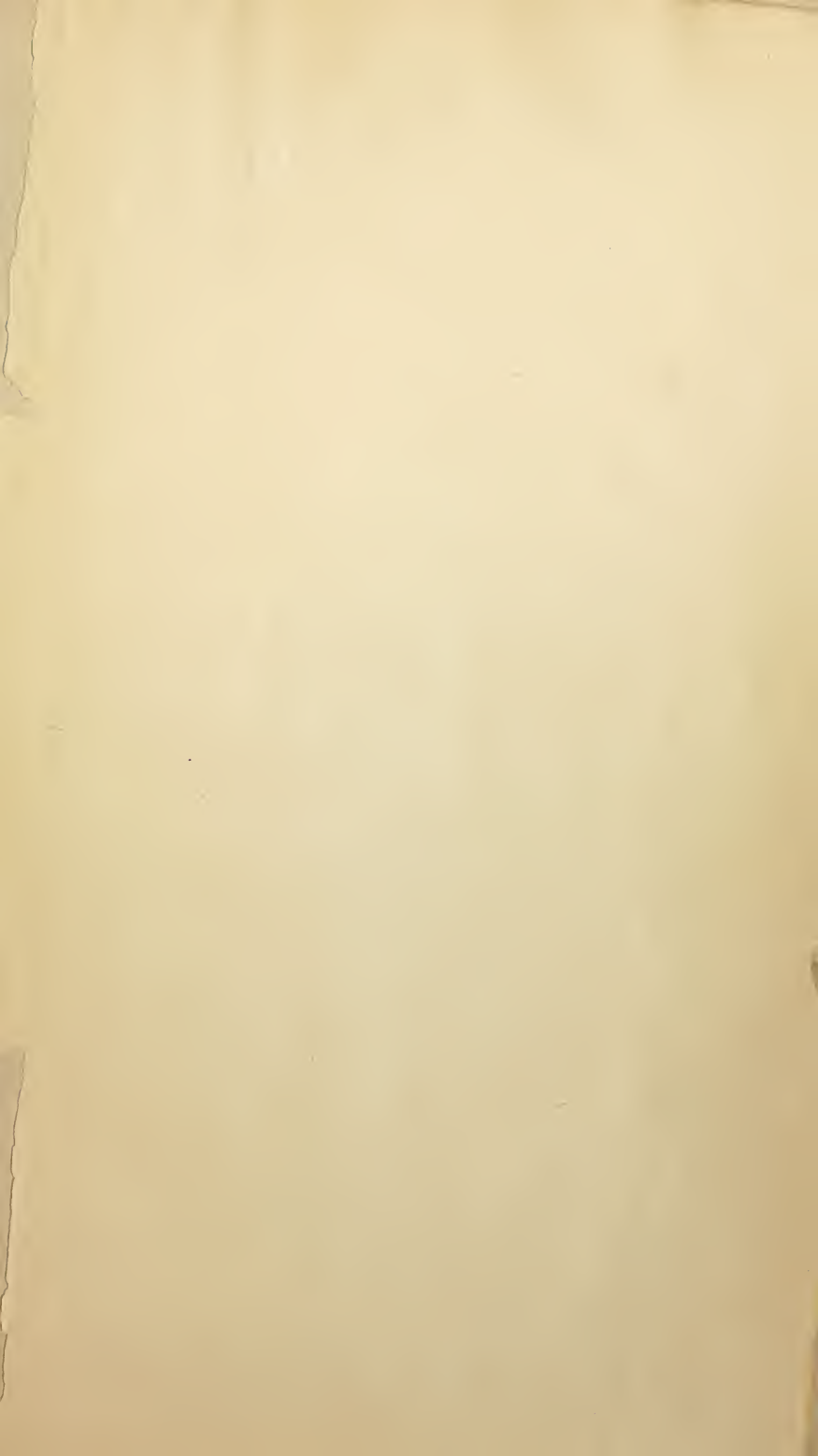
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1871

THE

REPORT

OF THE

COMMISSIONERS

OF THE

LAND OFFICE

FOR THE YEAR

1871

LONDON

PRINTED BY RICHARD CLAY AND COMPANY, LTD.

11, ABINGDON STREET, LONDON, E.C.

1872

THE
HISTORY
OF THE
INSURRECTIONS
IN
MASSACHUSETTS.

IN THE YEAR SEVENTEEN HUNDRED AND EIGHTY SIX.

AND THE
REBELLION
CONSEQUENT THEREON.

.....
BY GEORGE RICHARDS MINOT, A. M.
.....

SECOND EDITION.

BOSTON:
PUBLISHED BY JAMES W. BURDITT & CO.
Franklin's Head.....Court Street.
J. BELCHER, PRINTER.

1810.

Checked
May 1913

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PREFACE.

HOWEVER disagreeable it may be to review the troubles of our country, every patriot will look upon it as his duty, not to let them pass without notice. The period of misfortune is the most fruitful source of instruction. By investigating the causes of national commotions, by tracing their progress, and by carefully marking the means through which they are brought to a conclusion, well established principles may be deduced, for preserving the future tranquillity of the Commonwealth. No person, therefore, will consider it as an unnecessary renewal of painful ideas, or as a wanton publication of transactions, which some may wish, what indeed is impossible, to bury in oblivion, when we candidly and respectfully look into the late insurrections. By such a research many misconceived ideas, tending to the discredit of the country, may be removed; and the publick reputation vindicated; as the causes which led to the late national difficulties, when rightly understood, operate as an apology for them; and the manner in which these difficulties were suppressed, does

honour to the government, and displays the strongest marks of reflection and wisdom in the people.

The present time is thought the most suitable for the following history, because the materials are most easily collected, and any errors which may take place most readily ascertained, whilst the events are recent. In some countries, strong reasons might operate, for leaving it to posterity to discover facts, under the disadvantages of distance of time, and the false impressions, perhaps, of imperfect tradition : But, from the happy condition of our country, this duty may be performed at an earlier, and more favourable season. The spirit of party has yielded to systems of conciliation ; freedom of inquiry, and the privilege of forming opinions for ourselves, are unrestricted ; and whilst we preserve decency of expression, there is neither a disposition in our magistrates, nor any authority known in our laws, to silence or control the language of truth.

BOSTON, 1788.

HISTORY
OF THE
INSURRECTIONS, &c.

PART I.

IN order to judge rightly of the causes which led to the insurrections in Massachusetts, in the year 1786, and the unfortunate rebellion which ensued, it will be necessary to take a view of the situation of that Commonwealth at the close of the war. The citizens were then left free indeed, and in full possession of the valuable objects which they had fought to obtain. But the price of those objects was high, and could not but be attended with the usual consequences of great exertions, when founded on the anticipation of public resources. Their private state debt, when consolidated, amounted to upwards 1,300,000*l.* besides 250,000*l.* due to the officers and soldiers of their line of the army. Their proportion of the federal debt, was not less, by a moderate computation, than one million and an half of the same money. And, in addition to this, every town was embarrassed, by advances which they had

made, to comply with repeated requisitions for men, and supplies to support the army, and which had been done upon their own particular credit. The weight of this burden must strike us in a strong point of view, if we compare it with the debt before the war, which fell short of 100,000*l*. and with still more force, perhaps, if we consider, that by the customary mode of taxation, one third part of the whole was to be paid by the rateable polls alone, which but little exceeded ninety thousand. True it is, that a recollection of the blessings which this debt had purchased, must have operated, in the minds of a magnanimous people, to alleviate every inconvenience arising from such a cause ; but embarrassments followed which no considerations of that nature could be expected to obviate.

Upon the right management then, of the publick debt, the future tranquillity of the Commonwealth greatly depended : And it was a melancholy circumstance, that various causes existed to prevent a fair experiment of the abilities of the people to discharge it. They had been laudably employed, during the nine years in which this debt had been accumulating, in the defence of their liberties ; but, though their contest had instructed them in the nobler science of the rights of mankind, yet it gave them no proportionable

insight into the mazes of finance. Their honest prejudices were averse from duties of impost and excise, which were, at that time, supposed to be antirepublican by many judicious and influential characters. These measures, therefore, could be adopted, at first, but partially, and to small effect. The necessary arrangements at the treasury were wanting. The paper currency was failing, and, though from the great and complete exertions of Massachusetts to redeem her proportion of the continental bills of credit, their decay must have affected her faith as little as that of any state in the union, yet consequences of this expiring medium could not be unfelt. Under so many discouraging circumstances, it was not, perhaps, within the compass of human power, to rescue the publick credit, on which the means of happiness in every community so essentially depend.

Such disposition of this debt, however, was made as the situation of things would admit. Compliance was at length had with the resolution of Congress, for laying an impost duty of five per centum, for the purpose of paying the foreign debt; and an impost and excise was adopted for discharging the interest of the debt of the Commonwealth. But these measures could reduce the tax upon polls and estates, at that time, in a small degree only. The former expedient could

not come into effect till the other states had adopted it ; and the produce of the latter was not equal to its appropriation. Much of the burden was, therefore, left to the old mode of taxation, annually reminding the people of a pressure, which the change of their manners by the war had made them less able to bear.

With these embarrassments one would suppose, that the highest object which could have been aimed at, would have been to provide for the punctual payment of the interest of the national debt. Yet either the impatience of the people at paying interest money, which was compared to a canker worm that consumed their substance without lessening their burdens, or some other cause, induced the legislature, so early as the year 1784, to issue a tax of 140,000*l.* for redeeming that amount of the army debt ; and in two years afterwards 100,000*l.* more was assessed for the same purpose. The payment of the extant taxes was soon found to be much in arrear, notwithstanding the depreciation of the certificates which were made receivable for them ; and, after strict scrutiny into the conduct of publick officers employed in the collection, the delinquency was perceived to be in a great degree, with the people themselves, from unavoidable causes.

The consequences of the publick debt did not first appear among the citizens at large. The bulk of mankind are too much engaged in private concerns to anticipate the operation of national causes. But the members of the legislature, possessed of information, and led by the duties of their office to attend to this debt, were early thrown into divisions from the prospect of the burdens which it presented. The men of landed interest soon began to speak plainly against trade, as the source of luxury, and the cause of losing the circulating medium. The vices and indolence of the people were ascribed to its instrumentality. This was urged as a reason that the taxes should be thrown liberally upon commerce, since, if it supported them, the Commonwealth would be eased ; and if it failed under the weight, they would be rid of so great a cause of political evil. From such sentiments the prejudices against impost and excise duties began to give way, and systems were proposed, upon the opposite extreme, for raising the whole revenue of government by this now favourite mode of taxation. Commercial men, on the other hand, defended themselves by insisting that the fault was only in the regulations which the trade happened to be under. To destroy commerce would not lessen the multitude of evils ascribed to its means ; these would be introduced through the channel

of neighbouring states, and the reasonable advantages which might be derived from it, would be thrown into their hands. Trade and agriculture, they said were mutually beneficial to each other, and ought to be equally partners in supporting the publick burden.

A distinction of interests, on which the apportionment of the national debt might so much depend, when once established, was not afterwards suffered to subside. It led to a division upon all questions of taxation, and even upon other subjects where it was supposed the strength of these parties could be tried. When favourite points were lost in these divisions, it gave a disgust to members in the minority, which was extended to other measures, and, in some instances, no doubt, biassed their opinions, and misguided their influence, in the sphere of domestick life.

It must be reckoned among the misfortunes of the Commonwealth, that, when so great burdens were to be apportioned upon the people, the rule in use should be liable to the objections of all parties, from the uncertainty of reducing it into equal practice. Where a duty is enjoined, with which compliance is made, at best, with reluctance, if the least grounds are afforded for the mind to suspect injustice or mistake, it produces positive dis-

obedience. The share of publick requisitions should be affixed to property, by a known unchanging, and if possible, a proportionate standard. It then becomes involved in the value of the property, and that value is not afterwards subject to fluctuate from principles of taxation. The possessor is never surprised with a weight of taxes beyond his calculation, nor exempted from his due proportion at the expense of his neighbours. But, whether such a rule can be unalterably established in a young country, where new property is daily rising into view, and the old changing in its value, it may be difficult to determine. Certain it is, however, that, in forming a valuation in the year 1785, great, though not unusual, difficulties arose. Among other counties, those of Hampshire and Berkshire were said, by their members, to have been valued too high; and some discontent must be attributed to this real or supposed error.

The usual consequences of war, were conspicuous upon the habits of the people of Massachusetts. Those of the maritime towns relapsed into the voluptuousness which arises from the precarious wealth of naval adventurers. An emulation prevailed among men of fortune, to exceed each other in the full display of their riches. This was imitated among the less opulent classes of citizens, and drew them off from those principles of dili-

gence and economy, which constitute the best support of all governments, and particularly of the republican—Besides which, what was most to be lamented, the discipline and manners of the army had vitiated the taste, and relaxed the industry of the yeomen. In this disposition of the people to indulge the use of luxuries, and in the exhausted state of the country, the merchants saw a market for foreign manufactures. The political character of America standing in a respectable view abroad, gave a confidence and credit to individual citizens heretofore unknown. This credit was improved, and goods were imported to a much greater amount, than could be consumed, or paid for. The evils of this excess of importation were greatly aggravated, by the decayed condition of the commerce, and the little attention which had been paid during the war, to raising of articles for exports. The fisheries, which may be called the mines of Massachusetts, had been neglected, or but feebly improved, from the want of shipping and other causes. The whale fishery, which from trifling beginnings in the year 1701, at length brought into the late Provinces, no less a sum than 167,000*l.* sterling, annually, through the island of Nantucket alone, and which employed 150 sail of vessels, with near 2500 seamen, was, at the opening of the peace, reduced to be the object of nineteen sail only. A great, if not a pro-

portionable diminution, was visible in other articles of exportation. In addition to this, what few could be obtained, were rendered almost useless, by one of the severest effects of the revolution—the loss of many markets to which Americans had formerly resorted with their produce. Thus was the usual means of remittance by articles of the growth of the country, almost annihilated, and little else than specie remained, to answer the demands incurred by importations. The money, of course, was drawn off; and this being inadequate to the purpose of discharging the whole amount of foreign contracts, the residue was chiefly sunk by the bankruptcies of the importers. The scarcity of specie, arising principally from this cause, was attended with evident consequences; it checked commercial intercourse throughout the community, and furnished reluctant debtors with an apology for withholding their dues both from individuals and the publick.

Another effect of the war which was exceedingly operative in the commotions that took place in Massachusetts, if it may not be called their primary cause, was the accumulation of private debts. The confusion of the times had excused or prevented most persons from discharging their contracts. Some indeed availed themselves of an advantage, which the laws of the country, for a

long time put into their hands, and paid their creditors in a depreciated currency; and some might have discharged their obligations in a more honourable manner: But great part of the community were yet loaded with ancient debts, made still more burdensome from an increase of interest. Private contracts were first made to give place to the payment of publick taxes, from an idea that the scarcity of specie did not admit of the payment of both. The former therefore, were made payable in other property than money, by an act of the 3rd of July, 1782, commonly known by the name of the Tender Act. By this it was provided that executions issued for private demands might be satisfied by neat cattle and other articles particularly enumerated, at an appraisement of impartial men under oath. This act was obnoxious both to constitutional and equitable objections; but the necessity of the case overruled them all in the opinion of a majority in the government. The operation of the act was not altogether coincident with the ideas of its patrons. Its chief effect was to suspend lawsuits, which, by delaying, only strengthened and enlarged the evil when the year's existence of the law expired. But there was a circumstance which sprung out of this measure, infinitely more detrimental than any burden that it was intended to remove. It was the first signal for hostilities between creditors and

debtors, betwixt the rich and the poor, between the few and the many. It was by this act that the citizens of Massachusetts, experienced, that retrospective laws were not a violation of their boasted constitution, in the opinion of their legislature; and the multitude of debtors first felt from it, at an hour when their perplexities might lead them to an undue use of any advantage, that their creditors were under their control. Their principle rapidly increased, and pretences sprung out of it, in many instances, for stopping the execution of law in private cases, and, at length, for the bolder attack upon the courts themselves.

It must be acknowledged that the time when this law made its appearance, was critical. Insurrections had happened in the county of Hampshire, for the purpose of opposing both the Supreme Judicial Court, and the Court of Common Pleas at Northampton, in the month of April preceding; a circumstance which seemed to operate both against and in favour of the act. On the one hand, the motions of the people were considered as evidence of their being oppressed, and demonstrated the necessity of alleviating measures: On the other, there was great danger of sacrificing to the complaints of a faction, what should be yielded only to the unquestionable voice of the

community.. Whenever discontent becomes the only condition of indulgence among any people, they cannot be happy, and, least of all, a people situated as those of Massachusetts were, at this singular period. They were just about quitting a well fought contest, in which almost every man had personally assisted. The applause of the world was fresh on their minds, and they felt a title to retirement and repose. Whatever interrupted this right, naturally appeared like a grievance, and became discountenanced as an abridgment of their liberties. They could not realize that they had shed their blood in the field, to be worn out with burdensome taxes at home; or that they had contended, to secure to their creditors, a right to drag them into courts and prisons.

With such high wrought notions of freedom in the people, it was difficult for the legislature either to govern without appearing to tyrannise, or to relieve without appearing to be overcome. The General Court, in this dilemma, chose to consider the commotions of the populace, as evidence of their real distresses. And in addition to the tender act, they passed a law in the month of November following, by which, with the indulgence of natural parents, they pardoned the rioters without a single exception.

The sentiments entertained respecting private creditors could not long fail of reaching those of the publick. The first of this class of men who fell under popular censure were the unfortunate officers of the army. At a time when the country was disheartened with the appearance of an unequal struggle, Congress thought it necessary to promise half pay for life to such of them as would continue in service. This measure occasioned no difficulties at the time, but when a commutation of five years full pay, was given them for this half pay, by a resolve of the 22d of March, 1782, though calculated upon principles extremely favourable to the states, it raised a general outcry; and occasioned a tardiness in the payment of taxes. So great was the influence of this clamour over the House of Representatives, that they, for a long time, insisted upon introducing a clause into a bill, then about to be passed, for granting an impost to the United States, to provide that no part of the proceeds of that duty, from any of the states, should be applied to the fulfilment of this advantageous contract.

The censure of the people ought to have been, and possibly was lessened by a mortifying circumstance, on the part of the officers, arising from the very execution of this agreement. The addition

made to the federal domestick debt, by their securities, which amounted to five million of dollars, tended, with other causes, to depreciate the publick credit to such a degree, as that the current price of their notes would not make good their established pay, for the time they were in actual service. But, if the disgust of the people was in any degree diverted from the officers, it certainly did not quit any of the measures adopted for their pay. It was only transferred to such persons as had purchased their securities, and to the rest of the publick creditors. Through the want of confidence in the faith of government, these purchases had been made at a great discount. It soon became a common observation, that the promise of government could not, in equity, be extended to the man who was possessed of publick notes for a partial consideration, to entitle him to the payment of more than he gave; and that the legislature ought to avail themselves of the depreciation for the benefit of the Commonwealth. This principle was at length, reduced to system, and held up to the publick in print. When it was mentioned in the Representatives Chamber, an honest member asked, Whether the government had received any powers from the distressed creditors, who lost the difference between the real and nominal value of the notes, to detain the dis-

count? Or, if they should detain it, Whether they designed to do so, for the purpose of restoring it to the original holders of the notes, to whom, in such case, it must undoubtedly belong? But this question was never answered.

From speculators in the funds, the cry of the discontented spread to original and indisputable creditors, of whom the consideration was immediately received by the publick. These indeed could not be denied their demands, but great fault was found with paying their interest money out of the impost and excise revenues, which was the most productive source of the government. At the reviving of these revenue laws in the session of May 1786, the appropriation of the proceeds of the duties, could not be carried agreeably to the former principles, but on condition of being subject to a revisal at the next assembling of the General Court, when, we shall find, one third part was appropriated to the exigencies of government.

The numerous embarassments under which the Commonwealth laboured soon after the war, produced a variety of expedients from the citizens. Among others, that which has been a peculiar favourite with the people of America, a paper

money system, might well be expected to arise. Like their ancestors, the inhabitants of Massachusetts had, by they knew not what means, struggled through a variety of difficulties, with the aid of ideal wealth; and, upon the appearance of new troubles, they felt inclined to revert to the same assistance. The injustice and extreme distress which had happened among individuals, and the burdens yet existing on the Commonwealth, as a member of the union, from bills of credit, began to be effaced by the superior objects which, it was thought, they had brought about. The revolution was ascribed to the powers of paper money, and it was held up as the price of every man's freedom. The proposition, however, was the less expedient, as great quantities of this currency in fact existed and were circulating in the Commonwealth at the very time it was made. The delinquency in the payment of taxes had necessitated the Treasurer to anticipate them, by orders on the Collectors. These orders accumulating in a great degree, had become a kind of currency at a depreciated value, and were negotiated through many hands, previously to their return to the treasury. Besides these, there were the notes for the state and federal debt, which were no inconsiderable substitutes for cash. Many persons must have been deluded as to the scheme for another

emission of paper money, and it is not uncharitable to suppose, that many others were induced to patronize it from principles less excusable. A majority of individuals in every community must, in one sense, be benefited, by a depreciating currency. It puts the publick burden upon principles of chance, and finally settles it upon the unfortunate adventurers, in whose hands the bills happen to expire. Hazard, when offered to the human mind, seldom leaves it uninterested, and from this motive, many will engage on the side of a paper medium. Creditors indeed, and men of property will be averse from raising a phantom, that, in the exchanges of business, may take place of their real wealth; and the widow and orphan must shudder at the unavoidable snares of knavish men, to defraud them of their rights: But these classes of people will ever be opposed by debtors, speculators, and persons otherwise interested against them, and unless supported by the justice and humanity of the people, will be soon overcome. To whatever motives the desire of a paper currency may be attributed, certain it is, that propositions were very strenuously made to the legislature for this purpose from several towns, and upon principles never, perhaps, before, advanced. It was requested that an adequate quantity of this money might be emitted; and, to

avoid the difficulty of redeeming it, that it might by law, be depreciated at fixed rates, in certain given periods, until at a suitable time, the whole should be extinguished. So wild a proposal served rather to retard than advance the views of the party. A report, however, was once made by a committee of the House of Representatives for emitting a paper currency, but it failed of acceptance. Several other plans were suggested to the legislature from without doors, for relieving the people; but means were at length pursued to bring them forward in a collected and forcible manner by the interference of a new authority. This was no other than the expedient of county conventions.

In a government as free as the people themselves can make it, we may expect to find a stated and satisfactory mode of redressing every remediable evil that can happen. In the government of Massachusetts, and to what part of the globe are we to advert for a freer one? this mode is pointed out by application to the legislature. When publick or private distress is felt, every town, and every individual in it, have a right to petition the government for redress. They have also the express privilege of instructing their representatives, and of consequence, directing their

measures; and, the rules of decency aside, there is no law to prevent the inhabitants of a township or plantation, advising the legislature respecting the most intricate concerns of the nation. The government too, annually reverts into the hands of those who formed it. All publick officers are thrown back into the class of private citizens, whence they cannot ascend again but by the voice of the electors: And so small are the qualifications of voters, that scarce a single man is excluded from his equal share in creating even the first magistrate in the community. In a system thus limited and guarded on all sides, and thus open to the interference of the citizens even during its short continuance, there seems to be no room for popular suspicion. But, in a society where that great prerogative of human nature, self government, has been literally exercised, a desire of correcting what appears to be wrong, will naturally exist. And, if the authority of their own immediate establishment seems averse from adopting alterations, there wants that deference to lead the people to doubt of their projects, which a government established by their forefathers, and receiving their implicit obedience from the force of habit, though less perfect in its formation, and less wisely administered, might not fail to inspire. Such possibly were the feelings of a number of

towns in the Commonwealth, who resorted to the mode of assembling by their delegates in convention, for the purpose of ascertaining their grievances, and the best manner of redressing them, while their legislature were in full possession and exercise of the constitutional powers, necessary for the same purpose. This practice is said to be founded on that article in the bill of rights, which provides, "That the people have a right in an orderly and peaceable manner, to assemble to consult upon the common good: Give instructions to their representatives; and to request of the legislative body, by the way of addresses, petitions or remonstrances, redress of the wrongs done them, and of the grievances they suffer." Many, however, have supposed, that the sense of this article extended only to town meetings which are known to the laws. And indeed, to construe it in the most latitudinary sense, might tend in practice, so to divide the sovereign power of the people, as to make the authority of the laws uncertain, and distract the attention of subjects; especially in a republican government, where all power is actually delegated. But whether conventions of this kind be consistent with the constitution or not, certain it is, that their agency has been very material in the late political events. As those assemblies received countenance from the

personal attendance of some members of the legislature, who were under oath to support the constitution, it ought not to be readily concluded that their motives were originally injurious to the established government ; but, it has certainly, been unfortunate to their reputation, that they have been held at such times, and patronized by such characters without doors, as would injure the best institutions. Several disturbances have been ascribed to their influence ; one, in particular, which happened in the year 1782, as it bears a strong resemblance to the insurrections that took place in 1786, deserves to be noticed. The well known Samuel Ely was indicted at the session of the Supreme Judicial Court at Northampton for an attempt to prevent the sitting of the Court of Common Pleas at that place, in which attempt, he used the name of a convention, and pretended to hold up their authority. Ely pleaded guilty to this indictment, and while under sentence of Court, when the inhabitants of Springfield were accidentally withdrawn from the town, was released from the gaol there, by a mob assembled for the purpose. The ringleaders of this mob being afterwards taken, and confined, an attempt was made to release them also. This obliged the militia of the county to the number of 1200 or 1500 men to march out for the protection of the

prison. Both parties met in the field, and nothing but a decided superiority of numbers and characters on the part of government, prevented bloodshed, and the commencement of a civil war. The rioters were surrounded, and then permitted to repair to their several homes. This event may not be chargeable upon the convention, as there is no evidence that Ely was authorised by them to commit the act of violence which he intended; but, however innocent the intention of members of convention might have been of these disturbances, if such use was made of their authority, it was a strong argument against future assemblies of a like nature.

The business of the conventions naturally leading them to exhibit lists of grievances to the people, their proceedings of course, always weakened the government, whose business it ever is, to prevent evils of that kind. But this effect was greatly increased, when the measures of government itself were held up as grievances. Their complaints then wore a strong appearance of opposition to constitutional authority. Thus, in the beginning of the year 1784, we find a proposition made by the towns of Wrentham and Medway, to their sister towns in the county of Suffolk, to meet in convention, to redress the grievance of the com-

mutation to the officers, and of the continental impost; measures which had received the sanction of the legislature, and which no new reasons could be offered to obviate. About the same time, Sutton made a similar proposition to the towns in the county of Worcester. The answer of the capital to the circular letter sent to them, was decidedly against the proposal. In later times, the proceedings of conventions have been still less justifiable. We shall find that they undertook to censure and condemn the conduct of the publick rulers; they voted the Senate and the Judicial Courts to be grievances; they addressed the people in language dangerous, even in times of tranquillity; they called for a revision of the constitution, previously to the end of its intended duration; and, under this idea, attempted to collect a body of men as a general convention, that might rival the legislature itself. But the proceedings of these assemblies, will particularly appear in the general account of the insurrections. From the short view which we have taken of the affairs of the Commonwealth, sufficient causes appear to account for the commotions which ensued. A heavy debt lying on the state, added to burdens of the same nature, upon almost every incorporation within it; a decline, or rather an extinction of publick credit; a relaxation of manners, and a

free use of foreign luxuries ; a decay of trade and manufactures, with a prevailing scarcity of money ; and, above all, individuals involved in debt to each other, are evils which leave us under no necessity of searching further for the reasons of the insurrections which took place. We ought not to be surprised to find the people, who but a few years before, upon the abolition of royal government among them, exhibited a most striking example of voluntary submission to a feeble authority, now driven into a confusion of affairs, common to all countries, but most so perhaps, to those who have shewn the strongest ardour in pursuit of freedom.

The long restraints which the confusion of war had laid upon the administration of justice in private cases, occasioned a very rapid increase of civil actions, when those restraints were removed. This circumstance gave employment to the practitioners at the bar, and increased their numbers beyond what had been usual in the state. The profession naturally became an object of observation ; and, at length, was generally spoken of as an object of reform. Advantage was taken of the prevailing jealousy against lawyers ; and unfortunately, a prelude to the insurrections was framed out of it. Inflammatory writings were inserted in

the newspapers, to excite an idea, in the minds of the people, that the burdens which they laboured under, were occasioned by the abuses of this profession : And, a doctrine was particularly insisted on in one of them, that this class of men ought to be abolished. The electors were therefore conjured to leave them out of publick office, and to instruct their representatives, then about to be chosen for the year 1786, to annihilate them. This idea communicated itself from very natural causes. The lawyers were odious to debtors as the legal instruments of their distresses. They were also intimately connected with the courts of justice, and in a great measure, under their control : A clamour against the one, therefore, was a kind of impeachment of the other. The transition from the servants of the courts, to the courts themselves, being easy and direct, the cry, of course, was received and spread with avidity, by those whose intentions were directed at the administration of justice in general. The flame pervaded the greatest part of the Commonwealth. The lawyers, in most instances, were excluded from the House of Representatives. Among other towns, the capital filled the seat which she had from ancient times, reserved for one of this profession, the seat where Pratt, Thacher, Otis and Adams, had drawn admiration and

love from the publick eye, with a gentleman of a less unpopular calling. When the assembly met, their zeal was kindled from the people. This was first evidenced by their elections in filling up the vacancies in Senate. Preference was given to some characters, which could not be accounted for on any other grounds, than that of their fellow candidates being practitioners of the law. As soon as business came forward, an emulation was shewn to be foremost in correcting abuses which occupied so large a share of the publick attention. Various instances were adduced, wherein the principles of the fee bill, from the local circumstances of the parties, operated to distress them ; and much was said to convince the House, that these distresses had been greatly encreased, by the exorbitant fees of attornies. After many warm altercations upon this subject, the House, with a view of reducing the exactions and influence of the regular practitioners, at length passed a bill to admit all persons of a moral character into the practice of the law, before the Judicial Courts ; to fix the fees of attornies ; to provide for their taking an oath previously to their pleading, in every cause, that they would not receive more than lawful fees of their employers ; and to restrain the practice of champarty. But, when this bill was sent up, the Senate, desirous

of a further consideration of the subject, took measures for examining it in the recess, and referred their decision to their next assembling.

The other proceedings of either house, were hardly so correspondent with the views of the discontented party. The session was made memorable by the grant of the supplementary funds to the United States ; a measure, which, though dictated by the principles of national credit, did not fail to stand high in the catalogue of future grievances. The advocates for a paper money system also lost their confidence in the House. A petition was presented from delegates of all the towns in the county of Bristol, praying for an emission of that kind of currency. This measure was probably suggested by the example of their neighbours in the state of Rhode Island, who had just emitted a large quantity ; and it was expected, no doubt, that this precedent would have influenced the legislature to favour the proposal ; but, on a trial of parties in the House, there were found to be, out of one hundred and eighteen members, only nineteen advocates for the scheme, and only thirty five, out of one hundred and twenty four, in support of the still more popular plan of making real and personal estate a tender, at an appraisement, in discharge of executions. Indeed,

the fate of these projects seems to have been singularly perverse at this session ; for, they were not only negatived, but a law was passed enabling the citizens to discharge executions in favour of any inhabitants of such states as had issued paper money or made a tender act, by payment in their own currency, or a tender of estate according to the regulations which they themselves had provided. This system of retaliation at once vindicated the rights of the people, and expressed the disapprobation of the legislature, at establishing engines of fraud upon publick faith and authority. An attempt also failed to divert the approbation of the impost and excise duties, from the payment of the interest of the consolidated notes, for the purpose of discharging the foreign demands, and those of the civil list. In this situation, the legislature adjourned, on the 8th of July, to the 31st of January following.

The loss of so many motions respecting the important concerns of the Commonwealth, could not but have a proportionable effect upon those members whose confidence in the rejected plans, had drawn them to their defence. The grant of the supplementary funds was also a kind of triumph over this side of the House. A division of course, took place among the members of the leg-

islature, which must, even upon the most favourable view of human nature, have accelerated the divisions among the people at large. The failure of the minority was in a great measure owing to the determined conduct of the Senate, who soon began to be a distinguished subject of clamour. The outcry against lawyers was at length drowned in more general complaints, and grievances arose on all quarters, from a variety of causes.

On the 22d of August, a convention of delegates from fifty towns in the county of Hampshire, met at Hatfield, and came to the following decisions.

“ At a meeting of delegates from fifty towns in the county of Hampshire, in convention held at Hatfield, in said county, on Tuesday the 22d day of August instant, and continued by adjournments until the twenty fifth, &c. Voted, that this meeting is constitutional.

“ The convention from a thorough conviction of great uneasiness, subsisting among the people of this county and Commonwealth, then went into an inquiry for the cause ; and, upon mature consideration, deliberation and debate, were of opinion, that many grievances and unnecessary burdens now lying upon the people, are the sources of

that discontent so evidently discoverable throughout this Commonwealth. Among which the following articles were voted as such, viz.

- 1st. The existence of the Senate.
- 2d. The present mode of representation.
- 3d. The officers of government not being annually dependent on the representatives of the people, in General Court assembled, for their salaries.
- 4th. All the civil officers of government, not being annually elected by the Representatives of the people, in General Court assembled.
- 5th. The existence of the Courts of Common Pleas, and General Sessions of the Peace.
- 6th. The Fee Table as it now stands.
- 7th. The present mode of appropriating the impost and excise.
- 8th. The unreasonable grants made to some of the officers of government.
- 9th. The supplementary aid.
- 10th. The present mode of paying the governmental securities.
- 11th. The present mode adopted for the payment and speedy collection of the last tax.
- 12th. The present mode of taxation as it operates unequally between the polls and estates, and between landed and mercantile interests.
- 13th. The present method of practice of the attornies at law.

14th. The want of a sufficient medium of trade, to remedy the mischiefs arising from the scarcity of money.

15th. The General Court sitting in the town of Boston.

16th. The present embarrassments on the press.

17th. The neglect of the settlement of important matters depending between the Commonwealth and Congress, relating to monies and averages.

18th. Voted, This convention recommend to the several towns in this county, that they instruct their Representatives, to use their influence in the next General Court, to have emitted a bank of paper money, subject to a depreciation ; making it a tender in all payments, equal to silver and gold, to be issued in order to call in the Commonwealth's securities.

19th. Voted, That whereas several of the above articles of grievances, arise from defects in the constitution ; therefore a revision of the same ought to take place.

20th. Voted, That it be recommended by this convention to the several towns in this county, that they petition the Governour to call the General Court immediately together, in order that the other grievances complained of, may by the legislature, be redressed.

21st. Voted, That this convention recommend it to the inhabitants of this county, that they abstain from all mobs and unlawful assemblies, until a constitutional method of redress can be obtained.

22d. Voted, That Mr. Caleb West be desired to transmit a copy of the proceedings of this convention to the convention of the county of Worcester.

23d. Voted, That the chairman of this convention be desired to transmit a copy of the proceedings of this convention to the county of Berkshire.

24th. Voted, That the chairman of this convention be directed to notify a county convention, upon any motion made to him for that purpose, if he judge the reasons offered be sufficient, giving such notice, together with the reasons therefor, in the publick papers of this county.

25th. Voted, That a copy of the proceedings of this convention be sent to the press in Springfield for publication.”

Although it is hinted in the foregoing proceedings, that they do not contain all the causes of grievance, yet they may be so far considered as a faithful collection of these causes, that injustice will not be done to the subject, if some of the future proceedings of that nature should not be in-

serted at large. These can require but little comment. It is scarcely possible for a government to be more imperfect, or worse administered, than that of Massachusetts is here represented to be. Essential branches of the legislative and judicial departments were said to be grievous; material proceedings upon national concerns erroneous; obvious measures for paying the debt blindly overlooked; publick monies misappropriated, and the constitution itself intolerably defective. The directions for transmitting these proceedings to the convention of Worcester, and to the county of Berkshire, displayed a design in this assembly, of doing more than passively representing their own grievances.

After this censure of a convention of delegates from fifty towns, upon the Courts of Common Pleas and General Sessions of the Peace, agreed upon in three days time, and just before their stated terms, it was not surprising, notwithstanding the caution of the convention against mobs, to find that reverence which, if nothing else could, the antiquity and past utility of those courts ought to have inspired, at once superseded by popular rage and contempt. Accordingly, on the last Tuesday of August, a competent number of insurgents, supposed to be near 1500, assembled

under arms at Northampton; took possession of the Court House, and effectually prevented the sitting of the courts aforementioned at that place, as prescribed by law. Upon this violence being committed, a proclamation was issued by his Excellency the Governour, calling in the most feeling and spirited manner, upon the officers and citizens of the Commonwealth, to suppress such treasonable proceedings. But, little attention was given by the ill disposed to this timely measure. The counties of Worcester, Middlesex, Bristol and Berkshire were set in a flame, and the tumult threatened to be general.

On the succeeding week, the Courts of Common Pleas and General Sessions of the Peace, being by law to be holden at Worcester, a body of insurgents to the number of 300 and upwards, posted themselves at the Court House in that place. The judges were admitted to the door, where a line of bayonets prevented their entrance. The chief justice remonstrated with the rioters, on the madness of their conduct; but the court were obliged to retire to an adjacent house, where they opened agreeably to law, and adjourned to the next morning. The violence of the mob, however, soon obliged the Court of Common Pleas to adjourn without day, and the Court of

Sessions to adjourn to the 21st of November following.

The nature of these disturbances rendered their remedy peculiarly difficult. The opposition to the courts must have been unjustifiable even in the views of the insurgents themselves. But, this was a general cause, in which every man exercised his right of judging, and there were not wanting plausible reasons to induce the less informed to judge wrong. The stopping of the Judicial Courts had been blended, in the minds of some people, with the redress of grievances ; and had been charitably, but incautiously considered, only as a mode of awakening the attention of the legislature to that object. Under such pretexts, many moderate men, and more from less pardonable principles than that of moderation, excused themselves from military duty. This enervated the operations of the militia ; and, joined to the circumstance of their being in some instances, unorganized, had almost deprived the Commonwealth of any advantage from this palladium of republican freedom. The attack in the county of Hampshire was so sudden and violent, that, from this cause perhaps, no recurrence was had to the militia ; but, in Worcester, it was maturely concluded, that those in that vicinity, could not

then be relied on. This in a manner, disarmed the Supreme Executive Magistrate, who from inclination, and the principles of the constitution, directed himself to the militia for assistance. The effects of this evil were afterwards still more conspicuous. When bodies of the militia were marched by order of their proper officers, numbers whose principles were concealed, would, at some critical juncture, openly change their sides in the field; a treacherous practice, that was checked by a subsequent provision in the law martial.

The contagion of this riotous disposition appearing to spread, notwithstanding the militia had been ordered to the aid of the Sheriffs, the Governour turned his attention to suitable means of checking its nearer approach to the capital. Accordingly an advising body was collected, in the absence of the council, consisting of such counsellors as were in town, the Judges of the Supreme Judicial Court; the Attorney General and other publick characters. The Courts of Common Pleas and General Sessions of the Peace, were then next to be holden at Concord and Taunton on the same day. There could be no doubt, that attempts would be made to impede their sitting. Among other events which had taken place in

Middlesex, a convention consisting of the delegates of a majority of the towns in that county, had set the day after that which was held at Hatfield. Their proceedings bore a very near resemblance to those of their brethren in Hampshire. The Senate was not numbered among their grievances, but the Court of Common Pleas was expressly mentioned. The people of Middlesex however, were supposed to be less averse to the administering of justice than those of the upper counties; and not opposed to supporting the Judicial Courts against a force. This supposition was founded on good information, obtained by early and judicious inquiries, made by the Major General of that division, who appeared before the council on the occasion. It was also thought that the local circumstances of Concord made it an eligible spot for the serious exertion of government. In pursuance of this idea, it was agreed, that the militia should be called out in defence of the courts from such parts, and in such numbers, as would best serve to protect them. But, while this plan was executing, an agreement was entered into by the inhabitants of Concord and several towns in their neighbourhood, to meet by their committees, to confer with any persons who might appear in arms, with a view of persuading them into moderate measures. Much was hoped for

by the acting council from a pacifick negotiation ; and, upon the personal representation of two justices of the Common Pleas, the orders for calling out the militia, who were designed to act in Middlesex, were absolutely countermanded, and those issued for Bristol conditionally so. No sooner was it known by the insurgents, who were contemptible in point of strength and character, that government would not act with force, than they appeared in triumph on the spot. Those of the county were reinforced by a small party from Worcester. They took possession of the Court House, and paraded with great insolence before the court who had assembled at a small distance. One of their leaders was exceedingly outrageous, and once threatened to put all persons to the sword who should not join them in two hours. Such was the profanity of his language, that it at first staggered the less hardened party from Worcester, but a union of forces afterwards took place. Job Shattuck, their principal leader, sent a written message, that it was the sense of the people, that the courts should not sit. He afterwards affected to permit the Court of Sessions to sit, on condition of adjourning to a day prescribed ; but, the issue was, that the rioters grew still more outrageous, and no court could sit at all.

In the county of Bristol, the cause of government did not yield so easily. Notwithstanding the counter orders respecting the turning out of the militia, the spirit of the people in some parts, led them to appear in arms under the direction of Major-General David Cobb, to the number of three hundred, and the insurgents, though a third part more, could not prevent the sitting of the courts. These, however, voluntarily adjourned again without day.

While these insurrections were happening in the lower counties, the rage of the malcontents was not less violent in the county of Berkshire. A convention was held at Lenox, on the last week in August. This assembly however, was composed of members, as well from the towns where the friends to government prevailed, as from the disaffected ; and their proceedings seem to have evidenced a different disposition, from that of the other conventions. Although the general rage for reformation was conspicuous, yet they explicitly approved of the appropriation of the revenue arising from the impost and excise duties, and of the grant of the supplementary funds to the United States ; and they manifested a decent and respectful regard towards the administration of government in general.

They disapproved of the systems for establishing paper money and tender acts. They solemnly engaged to use their influence to support the courts of justice, in the exercise of their legal powers, and to endeavour to quiet the agitated spirits of the people. The insurgents, however, assembled in force to the number of eight hundred, at Great Barrington, and not only prevented the sitting of the courts which were so obnoxious to them, but broke open the gaol, and liberated the prisoners. They also compelled three of the Judges of the Court of Common Pleas, to sign an obligation, that they would not act under their commissions, until grievances were redressed. It ought, however, in justice to the insurgents, to be mentioned, that the fourth Judge, who was a member of the Senate, upon a proper resistance, was not forced to sign the obligation. This circumstance must extenuate the crime, in the opinion of the world, as it will abate the degree of compulsion, which otherwise might be supposed to have been used upon this occasion.

The conduct of the inhabitants of the town of Boston, during these disturbances, should not pass unnoticed. They addressed the Governour, and in the most unequivocal manner, declared their determination to co-operate in support of consti-

tutional government, whilst they also declared, that their feelings led them to hope for lenient measures to be adopted, with respect to their deluded friends and fellow citizens. They also sent a circular letter addressed to the inhabitants of every town, wherein they acknowledged their own obligations, and recited the mutual danger that awaited all parties, during the war. They contrasted the present free state of the citizens, with what it would have been, had they become a conquered people. They held up the sacred pledges of life and fortune, made to support a constitution, which was as inestimable as the blood that had purchased it. And they conjured their brethren not to gratify the malice of their common enemies, in seeking a redress of supposed grievances, by other means than those which their social compact had amply provided. To their address, his Excellency returned a very favourable answer, in which, however, he plainly suggested, that the supineness of those citizens, who had been duly called upon to assist the Sheriffs, and had neglected to do it, drew on them the blame of the unhappy consequences. The letter to the several towns produced various replies, but most of them conveyed an union of sentiment, and a tender of aid to the constitution.

The disposition for insurrections at this time, was not confined to Massachusetts. On the 20th of September, about four hundred men, armed in different modes, surrounded the legislature of New Hampshire, for several hours, with a view of forcing them into a paper money system, agreeably to a petition which had been previously preferred by a convention of delegates from about thirty towns in that state. But the spirit of their citizens immediately led them to appear in arms, and crushed the insurrection in its infancy.

So frequent an opposition to the administering of justice, made it necessary that an immediate session of the General Court should be held. The Governour, in consequence of a requisition of Congress for a tax, had issued his proclamation for calling that court together on the 18th of October, but the tumults afterwards induced him to fix upon the 27th of September for their assembling.

While the legislature were convening, the insurgents were extending their object. Hitherto their grievances had been confined to the Courts of Common Pleas, the Courts of General Sessions of the Peace, and to some supposed inconveniences in the mode of holding the Courts of Probate.

But, their opposition to the two first of these, had, as they pretended, made a further measure necessary to their safety. This was to prevent the sitting of the Supreme Judicial Court itself, and thereby shield themselves from any indictment on account of their past offences, in obstructing the administration of justice. No great danger ought to have been apprehended by them from this quarter, as the court last mentioned had set at Worcester without the jury's finding a single bill against them. However, it was determined by the insurgents, to prevent their doing business at Springfield, if possible; and the Governour, on the other hand, took measures to obviate their designs. Accordingly he ordered the Court House to be taken into possession by 600 men, under the command of Major General William Shepard. This party were well officered and equipped, and contained the most respectable characters for abilities and interest, in the county of Hampshire. On the day of the court's sitting, the insurgents also appeared, equal if not superior in numbers, but vastly inferior in officers and arms. They were headed by one Daniel Shays, who had been a Captain in the late continental army, but had resigned his commission for reasons quite problematical. They were highly incensed at government's taking possession of the Court House

previously to their arrival. They sent a request to the Judges, that none of the late rioters should be indicted; but received a very firm reply, purporting that the Judges should execute the laws of the country agreeably to their oaths. In the confusion, however, necessarily attending two such large bodies of armed men, who, before they retired increased to more than 2000, the court could transact but little business. On Wednesday the panel of Jurors not being filled, those jurymen who appeared were dismissed. On the next day, which was the third of their sitting, the court adjourned, after resolving that it was not expedient to proceed to the county of Berkshire. The mortification which the insurgents suffered from the Court House being preoccupied by the militia, led them to several bold measures. At one time, they marched down upon the militia with loaded musquets, and every preparation was made for an engagement; but they were dissuaded from an attack, as it was said, at the instance of their commander. They insisted of passing through the street of Springfield, in face of General Shepard's troops, and were allowed so to do, on condition of their behaving peaceably, which was observed. After the rising of the Court, they also demanded the ground on which the General was posted. As it was necessary for him to change his position

in order to secure the federal arsenal, for which people were very apprehensive, he marched to the protection of that, and the insurgents succeeded his forces in the occupation of a place which had, in fact, become of no real importance. The condition of the town of Springfield was truly melancholy, during this civil contention. Neighbours were opposed to each other under arms, the houses were rendered the scenes of female distress; and it was in the power of accident only, to have brought on an action, which might have destroyed the lives of thousands, and subjected all property to the immediate vengeance of the party that might have become victorious. After remaining in this situation for four days, the inhabitants were relieved by the dispersing of both parties.

At the time appointed by law for holding the Supreme Judicial Court, at Great Barrington, the malcontents affecting to believe, that the court intended to deceive them, and that business would be transacted as usual, notwithstanding the resolution to the contrary, assembled in considerable numbers; and being disappointed in their object, became extremely riotous. Several persons who were obnoxious to their views were obliged to fly, and one gentleman who sustained a very hon-

ourable office, was pursued in various directions, by armed men. Houses were searched, and, in some instances citizens were fired upon.

When the legislature had assembled, the Governour opened to them the whole transactions that had then taken place, in a speech from the chair. In this he stated the danger of such proceedings, and the want of justification on the part of the insurgents, even upon the supposition that grievances existed, as they had complained. He related the measures which he had taken, and observed, that if the people would not be obedient to orders issued for their own safety, the consequences were imputable only to themselves. The Senate appeared to be decided in their opinion, of the measures which were necessary to be taken, respecting the insurgents; but parties did not stand so unequally balanced on this point, in the lower House. Those members who from time to time, had found their plans overruled there, seemed to think that publick affairs had not been so properly conducted as they might have been; and to hope, that the present commotions might be the means of bringing about what, they always thought should have been effected without them. They were, therefore, cautious in their proceedings against the insurgents, and, probably did not

wish them to be crushed, till things were corrected according to their view of a right system.

The first measures which the Senate adopted, were, to agree to a report of a joint committee on the Governour's speech. This report was expressive of the abhorrence which the two Houses entertained, of the proceedings against the Judicial Courts. It decidedly approved of his Excellency's conduct, in raising the militia for their defence. A promise of pay was also made to those who had been, or should afterwards be called into service. It recommended a revisal of the militia law, and expressed a full determination on the part of the legislature, to examine into, and redress all grievances, which might lie upon the people : And it provided that the privilege of the writ of Habeas Corpus, should be suspended for a limited time. The House were unanimous in agreeing to the first mentioned clause in this report ; the other clauses were also voted, excepting the last, at which a determined stand was made. In vain was it urged, that the daring attempts which had been made upon the authority of government, required a decisive defence on their part ; that the measures proposed, were only means of disarming, without punishing the leaders of the insurgents ; that the same measures

had been adopted in less perilous times, under the present constitution, without hesitation ; and that the safety of the friends of government, in the discontented counties, made them again necessary. There were other gentlemen, and they were then the majority, who thought it a very unsuitable time for coercive measures. The first object, in their opinions, ought to be, to remove all causes of discontent, and so leave the insurgents without an appearance of justification, in case of their perseverance. But if violent plans should be projected, they feared that the uneasiness would increase, and the great body of neutrals would be disgusted with the government, and lost to its cause. After long debates this part of the report was again committed.

The party who were for postponing vigorous measures against the insurgents, having given this check to their opponents, it became an object to hasten forward whatever business was considered as a condition of the suspension of the writ of Habeas Corpus. The grievances of the people, as the discontented were fond of calling themselves, had been laid before the court in several modes. Petitions from sundry towns had stated them, and these were committed by both houses. The conventions also appeared upon this occasion. Eigh-

teen towns in Middlesex, forty one towns in Worcester, and all the towns but one in Bristol, formed conventions in their respective counties, by their delegates. A petition from each was preferred for a redress of grievances, which were stated as nearly alike, by all, as circumstances would permit. That from Bristol was peculiarly guarded at this point. They united in the gross, with the petition from Worcester, and then observed, that in case there should be different petitions from different counties, or perplexity in the subject matter of those petitions, or they should appear insufficiently explicit, they further prayed the court, to call a convention of the Commonwealth, for the purpose of uniting in consistent and explicit petitions, for the removal of those grievances which the people laboured under. The petition from Worcester, after reciting their grievances, prayed that the sense of all the towns in the Commonwealth might be taken, respecting the necessity of revising the constitution ; and, in case two thirds of them should be in favour of a revision, that a state convention might be called for revising it. They received a delegate from the county of Bristol, and chose a committee to correspond with other counties—a measure that was eminently instrumental in subverting the British government in this country. They also undertook to aid the

legislature in the well ordering of the Commonwealth, by addressing the people of their county, and expressing their confidence, that they would peaceably wait the result of that session of the General Court.

As the substance of the petitions from the conventions was included in those from the towns, it saved a difficulty that might otherwise have arisen, as to the constitutionality of those bodies, and their authority to petition in behalf of the places they were said to represent ; especially, as in some instances, their constituents had not empowered them to go further than to agree upon a petition, subject to their own revisal, and to be presented from the respective towns themselves. These petitions therefore were suffered to lie, without any decision upon them.

The grievances which were finally singled out for the consideration of the Court, as being the most important, and mostly within their power to remedy were, the sitting of the General Court in the town of Boston ; the institution and regulation of the Courts of Common Pleas and General Sessions of the Peace, with the mode of holding the Probate Courts ; the burdens of the people arising from the scarcity of money, and the

difficulties thereby accruing in the payment of back taxes, and private debts ; the mode of appropriating the proceeds of the impost and excise duties ; the fee bill, and the salaries of the officers of government.

As one principal cause of the disturbances among the people, was the misrepresentation of designing men, by which they had been led to believe the grossest falsehoods, it was agreed on all hands, that an address should also be sent to all the citizens for their information, relative to publick affairs.

Among the salaries of publick officers, that of the first magistrate, which was established at 1100l. per annum, being objected to by many discontented persons, it was early taken into consideration by the House of Representatives. They made it a question, whether it was within the power of the legislature to reduce it, consistently with the 13th article of the first section and 2d chapter of the constitution. After a full discussion of this point, it was determined that the salary might be reduced, notwithstanding it had been fixed by an act in pursuance of the constitution. But, no use was made of this vote at the present time, and it was declared by members who were

in the affirmative, that it was intended to extend to a future year only, and not to any service which was actually commenced. Care was taken in the subsequent address to the people, to state the reasonableness of the salary in itself, and particularly when compared to that allowed by the late province, which was not only larger but attended with a variety of perquisites.

The opposers of a paper money system and a tender act, finding both those measures strongly urged by almost all the petitions upon publick grievances, and that the insurgents were not rigorously treated, began to think of a compromise, by allowing of the latter plan, in order to avoid a still more odious expedient in the former. The committee who had been appointed on the subject, submitted a question, Whether a tender act, or an act for the suspension of law, would not be inconsistent with the constitution; and also militate with the confederation and treaty of peace, unless the debts due to British creditors before the war, should be excepted? The Senate voted, that it would be against the confederation and treaty, unless the exception should be made. But the House felt no ways disposed to give a preference, in this case, to British subjects over their own citizens, and disagreed with the Senate, at the

same time giving leave for a draught of such a bill to be laid on their table.

While the House of Representatives were preparing this bill, and endeavouring to reform or abolish the Courts of Common Pleas and General Sessions of the Peace, the time arrived for the Supreme Judicial Court to sit at Taunton. On this occasion the Senate proposed a message to the Governour to request that his Excellency would give his most serious attention to the support of their session, and the House concurred in this proposal. The Governour, of course, afterwards communicated the measures which he had taken. The Senate, in return, originated a message of thanks, in which they introduced, with some address, the resolves that had passed in both Houses, but which, from their connexion with the vote for suspending the writ of Habeas Corpus, still remained on the Representatives' table, incapable of being laid before the chair. This message proved eventually, of great consequence, as it was the foundation of very spirited measures on the part of the Governour. In it the two houses declared that they would always on such and other occasions, afford the Supreme Executive all that aid, which should be incumbent on them, in their own department; fully confiding that his Excel-

lency would still persevere in the exercise of such powers, as were vested in him by their excellent constitution, for enforcing due obedience to the authority and laws of government, &c. In addition to this mesage, the Court passed a riot act, which was the first coercive measure they took, for counteracting the tumults of the insurgents.

The Supreme Judicial Court were effectually supported at Taunton, the insurgents appearing at a distance only. One of them was permitted to present a petition to the court, in which it was requested, as the sense of the people, that their sitting should be adjourned. But, the memorialist being asked, How it happened, that the jurors had all attended, if it was the desire of the people that the court should not sit? he was confounded, and retired.

Such preparations were made for meeting the insurgents at Cambridge, the week ensuing, that they dared not attempt to impede the sitting of the Supreme Judicial Court at that place. The Governour took the opportunity of reviewing the troops that marched upon this occasion, under the command of Major General John Brooks. They amounted to 2069, besides volunteers. The

respectable appearance of this body, which was made up of the Middlesex militia, and three companies from Boston, with many pieces of artillery, greatly elevated the spirits of all the friends of the government, and irritated or depressed those who were opposed to it.

While the Supreme Executive was employed in making the necessary military arrangements, for supporting the administration of justice, the House of Representatives remained in the same pacifick disposition towards the insurgents. Nothing of consequence was suffered to pass them, but what was connected with the grievances of the people. They completed an act providing for the payment of the back taxes in specifick articles, at fixed rates, on account of the scarcity of money. They agreed upon a plan for originating civil causes before Justices of the Peace, in order to lessen the business of the Courts of Common Pleas, and to render law processes less expensive. And they industriously employed themselves in framing a tender act, that should be the least exceptionable to the various opposers of that measure. All of these acts finally passed the legislature, though several cases were excepted from the tender law, and the operation of it was limited to eight months at the motion of the Senate.

On the 28th of October, the Governour communicated to the Court a resolve of Congress, for increasing the federal troops already raised, for carrying on an Indian war, to 2040; of the additional number, the proportion required of Massachusetts, was 660. The critical juncture at which this requisition was made, and the large quota of men assigned to the Commonwealth, excited the jealousy of many persons, that the forces were to be employed in suppressing domestick difficulties, previously to their marching to the frontiers; and this suspicion gained some ground among the members. The resolve, however, was fully complied with.

In pursuance of the idea of quieting the uneasiness of the people, the House of Representatives went on to vote, that they would remove the General Court out of the town of Boston, if it could be done with advantage to the publick; and appointed a committee, consisting of a member from each county, to report a more suitable place at their next sitting. They also took up much time in debating upon the best mode of appropriating the proceeds of the impost and excise duties; one party contending in favour of the old one, and others aiming to defray, with those duties, the in-

terest of the foreign loans, and the exigencies of government.

Such delays taking place in the effecting of a vigorous system for supporting the authority of the laws, occasioned very great alarms among those who were most opposed to the insurrections. Many were surprised that such daring violations of the laws, as had taken place, were not followed with the most decisive punishment; or, at least, that some forcible measures were not pursued to prevent them in future. They were uneasy that an interest could be found, strong enough to confine the vote for suspending the privilege of the writ of Habeas Corpus, to the Representatives' table. They began to lose confidence in the General Court, and to wish that means might be found to adjourn them, before the publick cause should be injured by a feeble system, which might tend only to hold up their divisions and want of energy.

There began also to arise another class of men in the community, who gave very serious apprehensions to the advocates for a republican form of government. These, though few in number, and but the seeds of a party, consisted of persons respectable for their literature and their wealth.

They had seen so much confusion arising from popular councils, and had been so long expecting measures, for vindicating the dignity of government, which seemed now less likely to take place than ever, that they, with an impatience too inconsiderately indulged, were almost ready to assent to a revolution, in hopes of erecting a political system, more braced than the present, and better calculated, in their opinions, to promote the peace and happiness of the citizens.

But the insurgents themselves at length brought about, what their opposers, perhaps, could not have effected without them. The debates in the House of Representatives respecting the suspension of the privilege of the writ of Habeas Corpus, had been spread abroad with the most aggravating circumstances. The insurgents, either through fear for their personal security, which was the ostensible object, or for the purpose of ripening the opposition to government, spread the alarm with avidity. A circular letter was sent by their party, to the selectmen of many towns in the county of Hampshire, requiring them immediately to assemble their inhabitants, to see that they were furnished with arms and ammunition according to law. They also ordered the militia, in some instances, to be furnished with sixty

rounds of powder, and to stand ready to march at a moment's warning. In addition to this, another convention was also appointed to be held at Hadley.

Information of these circumstances was given to the Court, by the Governour, on the 7th of November, and the committee to whom his Excellency's message was referred, recommended that the report formerly made upon his speech, and which then lay before the House, should be taken up. This report by the recommitment which we have mentioned, now contained, among other articles, a clause for trying persons charged with obstructing the administration of justice, out of the county where the fact was committed, and a clause for obliging all persons concerned in the insurrections, to take the oath of allegiance, as a condition of being indemnified against legal prosecutions.

In the debates upon this report, at the present time, a great struggle took place. The advocates for lenient measures could hardly yet be brought to think, that the crisis had arrived, when it was necessary, that the personal rights of the subject, should be so far deserted by the laws, as to allow of trials in foreign counties; or

that every man's liberty should be trusted to the discretion of the Supreme Executive, without legal remedy. At length however, the extreme danger to which the government was reduced, by these hardy and insulting measures of the insurgents, outweighed every consideration that had hitherto supported an opposition to the spirit of the report. The clause was agreed to, which empowered the Supreme Judicial Court to try persons in any county within the Commonwealth, who had been guilty of obstructing or impeding, or attempting to obstruct or impede, the administration of law and justice; or of attempting the detriment or annoyance of the Commonwealth, by open violence or private conspiracy. Though, when the bill was brought in, it was provided that the trial should be had in the county nearest to that in which the fact was committed, where there should be no apprehension of danger. In conformity to that part of the report which recommended a suspension of the privilege of the writ of Habeas Corpus, another bill was framed, and finally passed into a law, which empowered the Governour and Council, to imprison without bail or mainprise, any persons whom they should deem the safety of the Commonwealth required to be restrained of their personal liberty, or whose enlargement was dangerous thereto. The dura-

tion of this law was limited to the first day of July following.

But these measures were not adopted without a qualification which might prevent their operating to the detriment of any individual in the community. A bill was at the same time brought in for granting a pardon to all persons concerned in the late disturbances, who should by the first day of January following take the oath of allegiance, and be of good behaviour in the mean time. The conditions of this general act of indemnity, were mild and easy to be complied with, and the advocates for it were exceedingly sanguine as to its effects. They thought the insurrections arose from misapprehensions and ignorance of the evil consequences of violent measures; and they had too favourable an idea of their countrymen, to suppose that they would not retract, when they were undeceived, and when so fair a way was opened for their return to their duty and allegiance.

In order to give time for information, and for the heated spirits of the malcontents to subside, the Courts of Common Pleas and General Sessions of the Peace, were for the present, in a manner,

put out of their way. Those in the county of Hampshire, were adjourned to the 26th of December; those in Berkshire, to the first Tuesday in February; those in Plymouth and Bristol were also adjourned, though for a shorter time. This arrangement brought the first stated term of these courts at Cambridge, a place which from its neighbourhood to the seat of government, and the disposition of its inhabitants, was supposed to be a favourable spot for the introduction of good order. The Court of General Sessions of the Peace was suffered, however, to meet at Worcester by adjournment, on the 21st of November, a circumstance that, we shall find, the insurgents did not forget. The minds of the people, it was hoped, would be much changed with respect to the courts abovementioned, from the measures which had been adopted for lessening their business, by an act for rendering processes in law less expensive. The design of this act was to originate all personal civil actions before Justices of the Peace, with a view of finishing them there. A trial however, was allowed before the higher courts, if the demand was disputed. The House of Representatives also passed a bill for reducing the number of terms of these courts, but the Senate referred it over to their next assembling.

Another measure on which the members of the court, with very few exceptions, placed great confidence, was, their address to the people. In this was very explicitly stated the amount of the federal and state debts, and the means proposed for paying them. The necessity of maintaining the plighted faith of the commonwealth in the publick securities was forcibly urged, upon principles of righteousness and policy. All the taxes subsequent to the year 1780 were enumerated, and the expenditures accounted for, as minutely as the nature of the subject would permit. The salaries of the officers of government were set forth and compared with those of the late province; and it was shewn, that the whole annual expense of the government, being less than 19,000*l.* did not amount to sixteen pence upon a rateable poll, exclusive of the proportion paid by the estates. The necessity of the major part governing the community was held up against the complaints of a number of parties, whose projects being inconsistent with each other, rendered it impracticable to adopt them. The cry for revising the constitution was answered, by shewing the difficulties that were encountered in obtaining it; the little prospect there was of mending it; and the improbability of finding at this time, that unusual spirit and mutual condescension and domes-

tick harmony, which accompanied the adoption of the frame of government, and which resulted in a great measure, from a danger of foreign invasion. The assistance of a paper medium was shewn to be ideas. Such a currency, it was observed, from experience, must depreciate, and that depreciation would be the source of misery to the helpless part of the community, those who were peculiarly under the guardianship of the legislature; while unprincipled men only would grow rich, and the morals of the whole people become corrupt. The difficulties of the Commonwealth were attributed to the excessive use of foreign luxuries, to the decline of republican virtue, and to a spirit of unreasonable jealousy, and a complaining temper, which would render a theocracy itself a grievance. With respect to the burdens complained of by the discontented, the attention paid to their petitions, upon this subject, by different acts, was recited, and the conduct of the insurgents was attributed to a wish to subvert all order and government. The different officers in the community, and the whole body of the people, were, therefore, called upon to oppose with fortitude and perseverance, attempts to impede the course of justice, and to render their own lives and property insecure; and, if any should be lost to all sense of justice and virtue, they were

assured, that the vengeance of an injured community, must one day pursue and overtake them. This address was ordered to be dispersed, and the several ministers of the Gospel were requested to read it to their congregations, on the ensuing thanksgiving day, or at a lecture to be purposely appointed.

Thus, after passing three different laws for easing the burdens of the people, which were, an act for collecting the arrear taxes in specifick articles ; an act for making real and personal estate a tender in discharge of executions and actions commenced in law, and an act for rendering law processess less expensive ; after appropriating one third of the proceeds of the impost and excise duties for the exigencies of government ; after attempting to enlighten the minds of the citizens, by an instructive address, and to restore peace to the Commonwealth, by providing for the apprehending and trying of dangerous persons ; but, at the same time, tendering indemnity to all the insurgents, the General Court rose on the 18th of November, with reasonable expectations, that the people, if yet unsatisfied, would seek further alterations, by the constitutional means of instructing their Representatives, or by a change of officers in the future elections.

To what causes it was owing, that these expectations were not answered, it is difficult to conjecture. But, whether it was that the insurgents really supposed their burdens to be intolerable, and, by misrepresentations had been led to think, that they were contending against a power which would enslave them, if not effectually resisted; or, whether they thought themselves to be a majority of the people, as some pretended, and so vested with a supreme power of altering whatever appeared to them to be wrong in the polity of the country; or whether their pride prevented them from submitting to conditions of pardon, which a consciousness of their crimes evinced to be mild, and disproportionate to treasonable offences; or, whether the plans of their leaders extending beyond the redress of grievances, did not admit of any conciliatory measures taking place—certain it is, that the act of indemnity was treated with so much neglect, that scarce a single person deigned to accept of the benefits which it held up. The lenient system of government was attributed, not to their humanity, but to their timidity and weakness; whilst the suspension of the privilege of the writ of Habeas Corpus, with the other proceedings of the like nature, were carefully inserted, by those to whom they were dangerous, among the grievances of the people.

The session of the General Court was immediately followed by a convention of delegates from several towns in the county of Worcester. On the 23d of November they sent out an address to the people. In this they held up the right of the people to examine, censure and condemn the conduct of their rulers. They asserted, that the rulers of Massachusetts, being many of them born to affluence, and perhaps the whole in easy circumstances, had not been under advantages of feeling for the less wealthy ; and being at best but fallible men, they had, as the convention apprehended, pursued a mistaken mode of policy. This was instanced in the small value of real estates. The stopping of the courts of justice was condemned as wrong, and as weakening their hands, and the people were intreated never more to attempt to obstruct those courts. They affected to hold up the embarrassment of the legislature, as an apology for the grievances of the people not being redressed in the way they could wish, and cautioned them against bringing government itself into contempt. They called upon all electors to stand strictly to the exercise of their rights, assuring them that their delegates felt for their distresses, and would never forsake them while in the line of their duty. They concluded, with no small degree of vanity, that however they

might suffer in their characters, persons or estates, if they could in the least degree contribute to restoring harmony to the Commonwealth, and to supporting the weight of a tottering empire, they should think themselves happy.

The caution given in this address against bringing government into contempt, must have been exceedingly weakened in its operation, by the former part of it, wherein the right of condemning the publick rulers was asserted, and sentence accordingly passed upon them for mistaking the interests of the people. At any rate, the pacifick language of the convention did not seem to be thoroughly understood by their constituents; for it happened in this case, as it did in most others, that their meeting was followed with additional tumults, instead of considerate measures on the part of the discontented. And, if the doings of publick bodies may receive a construction from the conduct of individuals which compose them, the circumstance of many members of conventions being afterwards found in the most atrocious acts of sedition, and otherwise annoying the government, gives us reason to suppose, that those assemblies, by this time, intended to speak in one language, and to be understood in another.

On the 21st of November, when the Court of General Sessions of the Peace attempted to meet at Worcester according to adjournment, the seat of justice was again found to be filled with armed men. The Justices were obliged to open at a tavern; and all the exertions of the Sheriff to procure them an entrance into the Court House were in vain. As government, relying upon the late proceedings of the legislature, took no measures to oppose a force, about 150 men in arms effectually dispersed the court, and prevented any business being done of a publick or private nature.

The governour immediately, on receiving the news of the procedure at Worcester, issued his orders as commander in chief; wherein he observed, that the very measures which the General Court had adopted for removing the complaints of the malcontents, had been added to their catalogue of grievances, and furnished them with new pretences for complaining. He declared that he felt himself bound by the most sacred obligations of duty, to attempt, at all hazards, to crush every dangerous opposition to government, and he therefore called upon the Major Generals of the militia, immediately to see that the several divisions were completely organized and equip-

ped, and ready to take the field at the shortest notice.

In pursuance of the resolution expressed in these orders, the militia in Middlesex were directed to be in readiness to march to Cambridge. Four regiments also were put into a like disposition in Essex ; and the Sheriff of Barnstable, where some symptoms of uneasiness began to appear, was directed to call upon the militia, to support the courts in that county, if necessary.

Notwithstanding these military preparations, the militia were not actually marched out to support the Judicial Courts at Cambridge, which probably was occasioned by the peculiar circumstances of the insurgents at this time, when a degree of a conciliatory temper appeared to take place among them. An influential character in Middlesex, undertook to make an agreement with the leaders of that county, that no forces should appear on either side, and wrote a letter to the Governour on this subject, to their satisfaction. But, the leaders in Worcester, feeling more interested to keep up the contest, as they had broken the condition of the act of indemnity, and might be left alone unless their brethren in the other counties were persuaded into the same temerity,

afterwards arrived, and, in a secret council, overruled this agreement. This decision was boldly communicated to the above mentioned gentleman, with explicit notice, that there would be a movement of the people. The plan was extensive in its operation, and more so in its design. A force was actually ordered to march from Worcester to Cambridge, to act in conjunction with the insurgents of Middlesex, and messengers were despatched to a leader of Bristol county, to march the people thence, upon the same business. Reports were also spread that troops were on the road from Berkshire and Hampshire.

Pursuant to this new scheme, a small party of Middlesex insurgents, headed by Oliver Parker, (Job Shattuck, their former Captain, coming in a more secret manner, in order to avoid the appearance of breaking his agreement) marched into the town of Concord. The ideas of this party appeared to be very wild, and not confined altogether to the stopping of the courts. Upon their arrival, Shattuck proceeded in the night to Weston, to get intelligence of the Worcester forces; but though they had begun their march, they did not appear, and from this want of co-operation, the whole plan fell through. The insurgents at Concord, growing disheartened, scattered

before any force could reach them. It ought not to be omitted, that the answer from the leader in Bristol, though too late to effect any measures, was, that the General Court had done so much for the people that they had determined not to move.

The leaders of the insurrections having thus rejected the pardon which was held up to them by the General Court, notwithstanding the great exertions which were made there to include them all within it, the Governour and Council found themselves necessitated to exercise the highest authority which was delegated to them by the legislature, for suppressing the opposition to government. Warrants were issued for apprehending the head men of the insurgents in Middlesex, as being dangerous to the safety of the Commonwealth, and for imprisoning them without bail or mainprise. The execution of these warrants was committed to the Sheriff of Middlesex, and others to whose aid, a party of horse, who had voluntarily associated for the support of government, under Colonel Benjamin Hichburn, was ordered from Boston, early in the morning of the 29th of November. These were joined by a party from Groton, under the command of Colonel Henry Wood, and the whole consisting of more than 100,

proceeded immediately for Concord. On their arrival there, the Groton horse, as being best acquainted with the country, and least liable to excite an alarm from an unfamiliar appearance to the inhabitants, were dispatched to secure the subjects of the warrant. These returned at night, with two prisoners, Parker and Page, but Shattuck, the principal leader, had taken an alarm and escaped. Under this disappointment, at midnight, in the midst of a violent snow storm, the whole party were ordered on to Shattuck's house in Groton, where they did not arrive till late in the morning. Here they found that Shattuck had fled to the woods. A search was immediately commenced, and a judicious pursuit discovered him to a party of a few persons, led by Colonel Wood himself. Shattuck obstinately resisted, and was not taken until he had received several wounds, one of which was exceedingly dangerous, and which he returned, though without much injury. The three principal objects of the warrant being thus apprehended, the party returned to Boston, on the next day but one after their departure, having pervaded the country for near fifty miles. The short time in which this excursion was performed with so large a body, and the extreme severity of the weather, rendered the execution of this service as honourable to the gen-

lemen who subjected themselves to it, as their motives in the undertaking were commendable.

This expedition was a very important event. By it the sword of government was unsheathed, while the obstinate spirit of the malcontents, and the unlimited views of their opposition, seemed to afford but little prospect of an accommodation on their part. The advantages derived from the capture of the prisoners were material. The heart of the insurrection in Middlesex was broken by so sudden a stroke, while the friends to good order received a confidence from the strength and success of their cause. The personal safety of the principal insurgents became precarious, and could the attempts afterwards made for apprehending others of them have been attended with the same fortunate issue, the contest would, probably, have been ended without further trouble or expense. But, they were afterwards, either guarded or secreted by their followers, who seemed determined to oppose themselves boldly to the whole powers of the government.

While this body of horse were entering the county of Middlesex, another body of forty were despatched, under the command of Majors Spooner and Brimmer, from Roxbury, into the county

of Worcester, for the purpose of ascertaining the numbers and circumstances of the malcontents ; and one of their principals owed his escape from them to misinformation alone. The alarm however soon extended itself too far, for any further success by surprise, and this party were obliged to return, after reconnoitring the country, and collecting intelligence respecting the situation of the insurgents.

The opposition to the Court of Sessions at Worcester, on the 21st of November, was evidently the renewal of an extensive system for opposing the administration of justice. Previously to that day, all offenders stood upon a safe and honourable footing by the act of indemnity. But, that transaction, as must have been foreseen, threw the government into the dreadful dilemma, of either putting the courts of justice out of their protection, or of supporting them at the hazard of a civil war, and every unknown consequence which might follow an appeal to the sword. No sooner had the insurgents appeared at Worcester, than they attempted an unsuccessful co-operation with those at Concord, as we have mentioned, for the purpose of breaking up the courts at Cambridge. But the excursion of the light horse afterwards confined their operations to the courts at

Worcester, which were to set the week following. With this intention, and perhaps for the better securing of their leaders, for whose safety they became exceedingly alarmed, the insurgents divided into several bodies, the principal party with Shays, their leader, retiring to the barracks at Rutland. Thus embodied they remained until Sunday, the 3d of December, when they began again to enter the town of Worcester.

In the mean time, the Governour received letters from the Sheriff of Worcester, acquainting him of the intentions of the insurgents, and of the improbability of his collecting a sufficient force to oppose them. When this was first communicated to the Council, they advised, that orders should be sent to the Sheriff and Major General of that division, to use their utmost endeavours to support the courts; and letters were transmitted accordingly: But, upon a second consideration, a more extensive plan was agreed upon, and instead of these orders, the judges were advised to adjourn the courts to the 23d of January following. During the interval, it was judiciously conceived, the insurgent leaders would be exposed, and time would be afforded for the government to establish an effectual system for the support of the Judicial Courts. In the interim, while these

courts were again put out of the way of the malcontents, the address of the legislature was forwarded by expresses, with a view of enlightening the minds of the people.

The insurgents continued to enter the town of Worcester, from the 3d to the 5th of December, notwithstanding 170 men belonging to that place, turned out in arms to support the courts, and a most violent snow storm rendered travelling almost impracticable. But the courts met, and adjourned agreeably to the Governour's directions, to the 23d of January. The insurgents nevertheless, continued to assemble. Shays, with about 350 men, arrived from Rutland; and recruits came in from several quarters, until their numbers increased from 800 to 1000. Thus assembled, they placed guards at discretion, apprehended such persons as they pleased, among whom was one of the Judges, and billeted themselves upon the inhabitants. No disorders however, of an outrageous nature, took place.

The object of opposition at Worcester being removed, the insurgents began to prepare for the continuance of their measures in Hampshire. This appears from the following address, which was inserted in the Gazette of that county.

*“An ADDRESS to the People of the several towns
in the county of Hampshire, now at arms.*

“GENTLEMEN,

“WE have thought proper to inform you of some of the principal causes of the late risings of the people, and also of their present movement, viz.

“1st. The present expensive mode of collecting debts, which, by reason of the great scarcity of cash, will of necessity fill our gaols with unhappy debtors, and thereby a reputable body of people rendered incapable of being serviceable either to themselves or the community.

“2d. The monies raised by impost and excise being appropriated to discharge the interest of governmental securities, and not the foreign debt, when these securities are not subject to taxation.

“3d. A suspension of the writ of Habeas Corpus, by which those persons who have stepped forth to assert and maintain the rights of the people, are liable to be taken and conveyed even to the most distant part of the Commonwealth, and thereby subjected to an unjust punishment.

“4th. The unlimited power granted to Justices of the Peace and Sheriffs, Deputy Sheriffs, and

Constables, by the Riot Act, indemnifying them to the prosecution thereof; when perhaps, wholly actuated from a principle of revenge, hatred, and envy.

“*Furthermore*, Be assured, that this body, now at arms, despise the idea of being instigated by British emissaries, which is so strenuously propagated by the enemies of our liberties: And also wish the most proper and speedy measures may be taken, to discharge both our foreign and domestick debt.

“ Per Order,

“ DANIEL GRAY, *Chairman of the Committee, for the above purpose.*”

At the same time appeared another publication, signed by a leader of the insurgents, and purporting to come from the same authority. If it was the act of the people then assembled in arms, it shews their further sense of publick grievances; if it was only founded on the authority of the subscriber, it serves to evince the confidence, with which the unhappy tumults of the times inspired an obscure individual to become a reformer, and to assume the sovereign right of contending for his object by the sword.

This publication was as follows, viz.

“ To the Printer of the Hampshire Herald.

“ SIR,

“ IT has some how or other fallen to my lot to be employed in a more conspicuous manner than some others of my fellow citizens, in stepping forth in defence of the rights and privileges of the people, more especially of the county of Hampshire.

“ Therefore, upon the desire of the people now at arms, I take this method to publish to the world of mankind in general, particularly the people of this Commonwealth, some of the principal grievances we complain of, and of which we are now seeking redress, and mean to contend for, until a redress can be obtained, which we hope, will soon take place; and if so, our brethren in this Commonwealth, that do not see with us as yet, shall find we shall be as peaceable as they be.

“ In the first place, I must refer you to a draught of grievances drawn up by a committee of the people, now at arms, under the signature of Daniel Gray, chairman, which is heartily approved of; some others also are here added, viz.

“ 1st. The General Court, for certain obvious reasons, must be removed out of the town of Boston.

“ 2d. A revision of the constitution is absolutely necessary.

“ 3d. All kinds of governmental securities, now on interest, that have been bought of the original owners for two shillings, three shillings, four shillings, and the highest for six shillings and eight pence on the pound, and have received more interest than the principal cost the speculator who purchased them—that if justice was done, we verily believe, nay positively know, it would save this Commonwealth thousands of pounds.

“ 4th. Let the lands belonging to this Commonwealth, at the eastward, be sold at the best advantage, to pay the remainder of our domestick debt.

“ 5th. Let the monies arising from impost and excise be appropriated to discharge the foreign debt.

“ 6th. Let that act, passed by the General Court last June, by a small majority of only seven, called the Supplementary Aid, for twenty five years to come, be repealed.

“ 7th. The total abolition of the Inferiour Court of Common Pleas and General Sessions of the Peace.

“ 8th. Deputy Sheriffs totally set aside, as a useless set of officers in the community ; and Constables who are really necessary, be empowered to do the duty, by which means a large swarm of lawyers will be banished from their wonted haunts, who have been more damage to the people at large, especially the common farmers, than the savage beasts of prey.

“ To this I boldly sign my proper name, as a hearty wellwisher to the real rights of the people.

“ THOMAS GROVER.

“ *Worcester, Dec. 7, 1786.*”

The insurgents still continued embodied, and alarming the whole Commonwealth, from the uncertainty of their next object. Much talk was circulated, of their intending to march directly to Boston, in order to release Shattuck, and the other State prisoners confined there. And this idea had impressed the Governour and Council so strongly, that they issued orders to Major General Brooks, to hold the Middlesex militia contiguous to the road, in readiness for action, and to dispatch persons to watch the movements of the force at Worcester. But, the severity of the weather, and that want of enterprise in the insurgents,

for which their obstinacy and perseverance was an inadequate substitute, entirely dissuaded them from this attempt, if it ever formed a part of their designs. However, so large a force, hanging, as it were, over the heads of the citizens, uncertain as to its direction, and liable to become predatory, from a want of means of subsistence, kept a great part of the militia under military duty, and deeply impressed every man with concern. The capital, where the prisoners were confined, was under very unusual appearances. The several alarm posts were assigned to the citizens ; guards were mounted at the prison, and at the entrances of the town ; and all things seemed to carry the shew of a garrison. The confusion of the people was greatly increased also by the reports of the discontented, who magnified some trifling accidents which happened in the excursion of the light horse, and represented that enterprise, as a most bloody and cruel attack upon innocent citizens ; they held up the government as a tyranny subverting the liberties of the Commonwealth ; they spoke of themselves as sufferers seeking the redress of grievances, at the risque of every thing ; and they addressed the pity and claimed the assistance of the people, inasmuch as they were to be equal sharers in the benefits for which they were contending under such sufferings. In addition

to all this, the grossest misrepresentations were made of the proceedings of government, and of the characters of publick officers.

The continuance of the insurgent forces at Worcester, for any length of time, however desirable it might have been to their leaders, was not to be effected. Their numbers were considerable, and they had no other supplies than what a sudden departure from their several homes had allowed them to provide. To relieve the prisoners in Boston was not to be attempted; and the courts were not to sit at Springfield until the 26th of the month. A separation therefore was unavoidable. Accordingly, a council of their leaders having been held, at which they concerted a plan for procuring a petition in their behalf, as we shall hereafter mention, they all left Worcester by the 9th of December. A large body of them with Shays their principal leader, retired by the way of Rutland, at which place they remained for some time.

The retreat of these unhappy men, though less peaceable than their assembling, was attended with such distresses, as rendered them objects of pity. Some were actually frozen to death, and all of them were exposed to the inclemencies of

the severest winter that had happened for many years. These difficulties were heightened by a scarcity of provisions, and, we may suppose, by an unwelcome reception among some persons, who considered them as the fomenters of sedition. Their cause during their whole expedition to Worcester, must have worn an unfavourable aspect in their own view. Indeed, this idea seemed to make a deep impression upon Shays himself, if he was sincere in a conversation which happened about this time, between him and a confidential officer of government. Shays was asked by this officer, who left it optional with him to answer the question or not, "Whether, if he had an opportunity, he would accept of a pardon, and leave his people to themselves?" To which Shays answered, "Yes, in a moment." Upon a communication of this conversation to the Governour and Council, they empowered the officer to tell Shays, that, in case he would immediately leave the insurgents, and engage to conduct as a good citizen in future, he might be assured that he should be protected; and, in case he should be convicted by any Judicial Court, of illegal proceedings, that he should receive a pardon from the Governour and Council. But this commission was afterwards returned, no opportunity having offered for the execution of it.

The plan which the government had adopted on their part, being calculated to give time for the people to procure information of the measures which the General Court had taken to redress their grievances and to recollect themselves ; it left the insurgents also at liberty, for a time, to desert or continue their violent proceedings. Of course, a very small force was necessary to enable them to carry on their operations, if they chose to maintain them. This they determined to do at Springfield, where, we may recollect, the Judicial Courts were adjourned to the 26th of December, by a resolve of the legislature. Shays marched into that town, with other leaders of his party, who assembled about 300 malcontents, to oppose the administration of justice. For this purpose, they took possession of the Court House, and placed their guards according to the military ceremonies, which had by this time, become usual and pretty generally known in cases of such a nature. Their respect, however, for the court, led to the decent mode of appointing a committee to wait on them with an order, couched under the humble appearance of a petition, requiring them not to proceed upon business. This supplication was too well understood, not to be instantly granted, and so both parties retired.

This good humoured decision against the serious rights of the community, was however, the last which the insurgents ever had it in their power to negotiate. And they seemed aware, that further force might be necessary, as on their return from Worcester, their officers appointed a large committee to superintend the arrangement of the regiments in the county of Hampshire, assigning to each member his particular division.

On the first of January, the Governour and Council received information of the procedure at Springfield, and of there being the highest probability, that the insurgents would appear at Worcester, for the same purpose, on the 23d of that month. This was to stride over the line which the government had distinctly marked out for their defence. It might be said to be passing the Rubicon in this contest; and to involve one or other of these consequences, that the whole constitutional powers of the Commonwealth were to be prostrated at the feet of usurpation and conquest, or that the lives and fortunes of the adventurers were to be forfeited for a treasonable attempt against their country. Under these circumstances, the Council did not hesitate to advise, that vigorous and effectual measures should be taken to support the courts to be holden at Worcester.

The mode of protecting the administration of justice, by calling on the *Posse Comitatus*, was found by repeated experience, to be ineffectual. Such consequences had followed from exertions in the publick cause, by threats against the lives of those who were distinguished for their activity, and in one instance, by the secret firing of buildings, that the friends of government in the disaffected counties, could no longer, unsupported, be brought into the field against their neighbours, at the risque of their property, and every comfort of private life. It was therefore necessary, that assistance should be given from different counties ; and it was accordingly advised by the Council, that 700 men should be raised from the county of Suffolk, 500 from Essex, 800 from Middlesex, 1200 from Hampshire, and 1200 from Worcester ; the whole amounting to 4,400 rank and file. Two companies of artillery were ordered to be detached from Suffolk, and a like number from Middlesex. The troops from the three first named counties, were ordered to rendezvous in the vicinity of Boston, on the 19th of January ; those from Hampshire at Springfield, on the 18th ; those from Worcester were to join the troops from the eastern counties at the town of Worcester ; and the whole were to be raised for thirty days, unless sooner discharged. The command of this respectable

force was given by his Excellency to Major General Benjamin Lincoln, whose military reputation and mildness of temper, rendered him doubly capacitated for so delicate and important a trust.

But the raising of this army, would have been as ineffectual a measure for defending the Commonwealth, as any that had been pursued, had not some substantial mode been adopted for supplying it. The Commissary and the Quartermaster General represented, that they had neither the articles necessary for that purpose, nor the money to purchase them. Such was the low state of the publick treasury, that perhaps not a single company could have been maintained from that source, if any funds had been appropriated for such uses. The legislature were not sitting, and had they been sitting, could not have laid a tax which would have raised the monies in season. In this situation, a number of gentlemen, from a conviction of the necessity of maintaining good order, and from a consideration of the exigencies of government, voluntarily offered a loan to support the publick cause. The Council advised the Governour, to direct the Commissary and Quartermaster General, to procure money or other articles from this loan, to an amount not exceeding

6000l. and to recommend to the legislature, upon their convening, to take effectual measures for the speedy reimbursement of the sum so borrowed.

In this manner was an army raised, and afterwards marched into the field, by the Supreme Executive of the Commonwealth, in the recess of the legislature. The General Court, at their last sitting, had requested the Governour still to persevere in the exercise of such powers as were vested in him by the constitution, for preventing any attempts to interrupt the administration of law and justice, and for enforcing due obedience to the authority and laws of government. Upon this request, and the inflexible perseverance of the insurgents in their outrageous system, the raising of this army, the highest act of constitutional authority that is vested in the Governour, appears to have been founded. And the measure, we shall find, was afterwards fully justified, not only by the hearty approbation of the legislature, but by its own consequences, in the restoration of judicial proceedings, and the preservation of the constitution.

On the 12th of January, while the militia were embodying, the Governour sent out an address to the people of the Commonwealth. In this, the

conduct of the insurgents, and the proceedings of the legislature, with their request to him of the 24th of October, to use the powers vested in him for enforcing obedience to the laws, were recited. Agreeably to that request, and to his own ideas of duty, the people were informed, that he had ordered a part of the militia to assemble in arms, for the purpose of protecting the Judicial Courts at Worcester ; of aiding the civil magistrate in executing the laws ; of repelling all insurgents against the government, and of apprehending all disturbers of the publick peace.

It was observed that the object of the insurgents evidently was, to annihilate the present happy constitution, or force the General Court into measures repugnant to every idea of justice, good faith, and national policy. Success in either case, must be destructive of civil liberty : And as it would be the result of force, undirected by moral principle, it must finally terminate in despotism in the worst of its forms.

Men of principle, the friends of justice and of the constitution, were enjoined to unite, and by their union, if it should be as firm as the insurgents had been obstinate, in trampling justice and the constitution under their feet, it was observed,

a regular administration of law and justice would be established, without the horrors of a civil war, which were ardently deprecated, and which the utmost endeavours would be used to prevent. But unless force appeared, the greatest calamities seemed inevitable. If insurrection was to stalk unopposed by authority, some consequences were shewn ; and what, it was observed, would be the end of such events, was known only to him, who could open the volume, and read the pages of futurity.

The good people of the Commonwealth were therefore conjured, by every thing valuable in life, to co-operate with government in every necessary exertion for restoring to the Commonwealth, that order, harmony and peace, upon which its happiness and character so much depended.

The movements in raising the army, could not but inspire the insurgents with serious apprehensions ; and they began upon a system of policy, which they for a long time continued, of petitioning the government on the one hand, without relaxing their military exertions to overcome it on the other. When they were at Worcester, they agreed upon a petition to the Governour and Coun-

cil, which was to be supported by as many towns as could be brought into the measure. This petition, which had been once sent, but miscarried, was again brought forward and presented. It contained, in substance, a request that the state prisoners might be liberated, and a general pardon again granted to all the insurgents ; that the Courts of Common Pleas might be adjourned to the next election ; and it then engaged for the peaceable conduct of the insurgents. The motive of petitioning was held up as arising not from the fear of death, or of any evils that might be placed in their way, but to prevent the cruelties and devastations of a civil war. But there did not appear any evidence that the person whose name was subscribed to this petition, was empowered to execute it, and it was dubious whether he himself signed it. Besides which, there was not a man present at the meeting where it was drawn, from the county of Hampshire, in behalf of the insurgents of which county, among others, it was presented. The Council therefore declared, that they could not consistently with their trust, attend to this paper, which they considered rather as an insult, than a petition, as it contained a threat, and not a sense of guilt in proceeding illegally : They therefore advised the Governour, to inform the bearer of this opinion ; at the same

time observing, that whenever any citizen, or corporate body should prefer a petition, all due attention would be paid to it.

But the objections to this petition did not, at present, induce the insurgents to produce any other, better accommodated to the ideas of the Council. Their officers had previously issued their orders for the people immediately to assemble to support their rights, as it was termed, against the government. They therefore directed their attention, to a more authoritative mode of preferring their demands.

The resolutions of the insurgents continuing thus hostile, the army of the state was put in motion, to support the Judicial Courts, under the command of General Lincoln, who received the following Orders from his Excellency the Governour.

“ Boston, January 19, 1787.

“ SIR,

“ YOU will take the command of the militia, detached in obedience to my orders of the 4th instant. The great objects to be effected are, to protect the Judicial Courts, particularly those next to be holden in the county of Worcester, if the justices of the said courts should request your

aid ;—to assist the civil magistrates in executing the laws ; and in repelling or apprehending all and every such person and persons as shall in a hostile manner, attempt or enterprise the destruction, detriment or annoyance of this Commonwealth ; and also to aid them in apprehending the disturbers of the publick peace, as well as all such persons, as may be named in the state warrants, that have been, or shall be committed to any civil officer or officers, or to any other person, to execute.

“ If to these important ends, the militia already ordered out should, in your opinion, be incompetent, you will call on the Major Generals for further and effectual aid : And if you can rely on their attachment to government, you will in the first instance, call on the militia in the neighbourhood of your camp.

“ I cannot minutely point out to you, the particular line you shall pursue in executing these orders : But would observe in general, that if, to answer the aforesaid valuable purposes, you should judge it necessary to march a respectable force through the western counties, you will in that case do it. This would give confidence to the well affected ; would aid and protect the civil of-

fficers in executing their duty, and would convince the misguided of the abilities of government, and its determination to pursue every legal, and constitutional measure for restoring peace and order to the Commonwealth.

“ You are to consider yourself, in all your military offensive operations, constantly, as under the direction of the civil officer, saving where any armed force shall appear, and oppose your marching to execute these orders.

“ That I may be fully acquainted with all the proceedings of the armed force under your command ; and with all matters that respect the great objects to be effected, you will please to give me regular information by every post : And for intermediate and necessary intelligence, you will order the Quartermaster General to provide the necessary expresses.

“ On these attempts to restore system and order, I wish the smiles of heaven, and that you may have an agreeable command, the most perfect success, and a speedy and safe return ; and am with much esteem,

“ Sir, your most obedient servant,

“ JAMES BOWDOIN.

“ *Hon. Major General Lincoln.*”

In addition to the foregoing, the Council, upon letters from General Lincoln and General Shepard being laid before them by the Governour, advised his Excellency, on the 24th of January, to give to General Lincoln, such further orders, as would enable him, in the safest and most effectul manner, to apprehend, disarm and secure, by all fitting ways and means, all persons who, in a hostile manner should attempt or enterprise the destruction, invasion, detriment, or annoyance of the Commonwealth ; and particularly all such bodies of armed men, as then were, or might be assembled in the counties of Worcester, Hampshire, Berkshire, or elsewhere within this state, for the purpose of opposing the authority of the Commonwealth founded on the laws and constitution thereof. And orders were given by the Governour accordingly.

HISTORY
OF THE
INSURRECTIONS, &c.

PART II.

BEFORE we attend to the march of the army, it may not be improper to advert, for a moment, to the state of parties, which by this time prevailed in the Commonwealth, and which greatly influenced the military operations, as well as all other measures, adopted for suppressing the insurgents. In viewing these parties, it will strike us with no small surprise, that the cause of government, which was so directly connected with the administration of justice, and indeed with all the essential principles of society, did not gain greater numbers than what, from the progress of the insurrections, and other circumstances, we may suppose, really inlisted on its side. But, as has been mentioned, many persons were led to consider the success of their attempts

to obtain a redress of grievances, as depending upon the issue of the struggle respecting the courts; and doubtless were by those means induced to wink at an abuse, which if taken by itself, they would have viewed with abhorrence. The discontented of every class therefore, united at this important stage of the contest, without much attention to the difference between their several complaints, or their proposed systems of reform. Many who only wished for an alteration in the Judicial Courts, were entangled with others, who intended if possible, to prevent the administration of justice in any way. Not a few of the more moderate in opposition, who thought that they discovered grievances in the mode of appropriating the impost and excise duties, or in the distresses of debtors, and who wished for any reasonable alterations which would quiet the minds of the people, were carried down in the same current of insurrection, with those who were for annihilating both publick and private debts, and who aimed to revise or extinguish the constitution. Men who in former years had classed themselves on opposite sides of inveterate parties, were, upon this occasion, to be found together. There were those who had been most violently principled against the revolution, and who hated the government as an effect of that event, uniting with flam-

ing, but disappointed patriots, who had exerted all their abilities to bring it about. Among the great body of the disaffected, who were for altering the government, in order to enlarge the powers of the people, there were also to be discerned, many who wished to carry popular measures to such extremes, as to shew their absurdity, and demonstrate the necessity of lessening the democratick principles of the constitution. The rage of the times excited all these parties, from different, and in some instances, from contrary motives, to attack the established system, without considering, if it were overthrown, upon whose plan it could be afterwards rebuilt. Thus was formed a chequered, but numerous body, some have supposed a third part of the Commonwealth, to aid, or at least not to contend against, the resistance made to the sitting of the courts.

To these, however, was opposed a still more powerful body, of which the men of property formed a material part. The holders of publick securities, and private creditors must, from motives of safety, have inlisted on this side of the question. General principles of respect to authority, and habits of obedience, had not yet lost their influence over many loyal and respectable citizens. And the whole received a kind of ce-

ment from patriots who saw the use which might be made of the commotions of the people by designing men, for the purpose of enslaving them; and who too sensibly recollected the blood and treasure, which had been expended in obtaining the constitution, to renounce it for temporary evils. Besides these, we may reckon a third body of citizens, whom neither the idea of grievances on the one hand, nor the love of the constitution on the other, could wholly draw off from a neutral station.

With the ascendancy or decline of these parties the progress of the army, the struggles of the insurgents, and the proceedings of the government, were intimately connected.

On the 19th of January, the army rendezvoused at Roxbury, and reached Worcester on the 22d, the day preceding the sitting of the Courts of Common Pleas and General Sessions of the Peace, in that place. This march was performed, with minute attention to the feelings of the inhabitants, and was calculated to inspire them with ideas of protection. It is scarcely necessary to observe, that the Judicial Courts set at Worcester, without interruption from the insurgents, who, being un-

equal to the resisting of so respectable a force, had turned their attention to a different object.

While the government were quieting the lower counties with even the appearance of their army, a less flattering prospect opened in the west. Previously to the marching of the troops from Roxbury, orders had been given to General Shepard, to take possession of the post at Springfield. Here he accordingly collected about 900 men, and afterwards reinforced them with the addition of near 200, all from the militia of the county of Hampshire. The continental arsenal furnished a sufficient number of field pieces, and such equipments as were wanting for the men. To this respectable post the attention of the insurgents was directed in the first instance, and their expectations were greatly raised, from a hope of carrying it previously to the arrival of the army under General Lincoln. Their movements therefore, were towards West Springfield on the one side, where about 400 men assembled under the command of Luke Day ; and towards the Boston road on the other, where 1100 more were headed by Shays himself. Besides these, a party of about 400 from the county of Berkshire, under the command of Eli Parsons, were stationed in the north parish of Springfield. The first of these parties

undertook to stop and examine all passengers ; and cruelly wounded two persons, who submitted to their authority with reluctance.

The insurgents having collected these forces, which were respectable from their numbers, and from the large proportion of old continental soldiers which they contained, Shays, on the 24th of the month, sent a message to Day, informing him that he proposed to attack the post at Springfield the next day, on the east side ; and desiring that Day's forces might co-operate with him on the other. Whether Day found it really inconvenient to join in the attack on the 25th, or whether he was desirous of having the whole honour of General Shepard's surrender, which was anxiously expected by the insurgents, he was induced to delay the projected plan ; and his reply to Shays' letter was, that he could not assist in the attack on the day proposed, but would do it on the 26th. This answer however, was luckily intercepted by General Shepard, and Shays took it for granted, that Day would co-operate with him, at the time he had mentioned. But instead of this, Day only sent in an insolent summons to General Shepard, acquainting him, that the body of the people assembled in arms, adhering to the first principles

in nature, self preservation, did in the most peremptory manner, demand

“ 1st. That the troops in Springfield should lay down their arms.

“ 2d. That their arms should be deposited in the publick stores, under the care of the proper officers, to be returned to the owners at the termination of the contest.

“ 3d. That the troops should return to their several homes upon parole.”

On the same day, Shays sent a petition, as it was termed, from Wilbraham, to General Lincoln, in which he observed, that from his unwillingness to be accessory to the shedding of blood, and from his desire of promoting peace, he was led to propose, that all the insurgents should be indemnified, until the next sitting of the General Court, and until an opportunity could be had for a hearing of their complaints ; that the persons who had been taken by the government should be released, without punishment ; that these conditions should be made sure by proclamation of the Governour : On which the insurgents should return to their homes, and wait for constitutional relief from the insupportable burdens under which they laboured. When this petition was written, General Lincoln was two days march from Springfield ;

and if the object of it had been really pacifick, some time would have been allowed for an answer.

The situation of General Shephard and his party, whom no one doubted the insurgents intended to attack with all their force, was truly alarming. His troops were decidedly inferiour in numbers to those of the enemy; and though he was possessed of artillery, yet he could derive little advantage from works thrown up on such a sudden emergency. So doubtful was the issue of an attack upon him, in the mind of General Lincoln, and so great was the chance of Shay's gaining importance and numbers from success, that on the 25th, General Brooks was called upon to march with the Middlesex militia to Springfield, as early as possible.

While affairs were in this critical state, General Shepard, about 4 o'clock in the afternoon of the 25th, perceived Shays advancing on the Boston road, towards the arsenal where the militia were posted, with his troops in open column. Possessed of the importance of that moment, in which the first blood should be drawn in the contest, the General sent one of his aids with two other gentlemen, several times, to know the intention of the enemy, and to warn them of their danger. The

purport of their answer was, that they would have possession of the barracks ; and they immediately marched onwards to within 250 yards of the arsenal. A message was again sent to inform them, that the militia were posted there by order of the Governour, and of Congress, and that if they approached nearer, they would be fired upon. To this, one of their leaders replied, that *that* was all they wanted ; and they advanced one hundred yards further. Necessity now compelled General Shepard to fire, but his humanity did not desert him. He ordered the two first shot to be directed over their heads ; this however, instead of retarding, quickened their approach ; and the artillery was at last pointed at the centre of their column. This measure was not without its effect. A cry of murder arose from the rear of the insurgents, and their whole body was thrown into the utmost confusion. Shays attempted to display his column, but it was in vain. His troops retreated with precipitation to Ludlow, about ten miles from the place of action, leaving three of their men dead, and one wounded on the field.

The advantages which the militia had in their power, both from the disorder of this retreat, which was as injudicious as the mode of attack, and from the nature of the ground, would have

enabled them to have killed the greater part of the insurgents, had a pursuit taken place. But, the object of the commander was rather to terrify, than to destroy the deluded fugitives.

Notwithstanding this retreat, General Shepard, who had received no reinforcement, was under the strongest apprehensions of another attack from the whole body of the insurgents. Those on the west side of Connecticut river, under Day, had, from the intercepting of his answer to Shays' letter, been wholly inactive in the attack; and probably, were more irritated than dismayed at the defeat. The main army was more than a day's march distant; and Shays' party formed a junction with those under the immediate command of Eli Parsons, the Berkshire leader, at Chickabee, on the 26th, though this was attended with the loss of two hundred men, by desertion.

But the apprehensions of another attack at Springfield, were entirely allayed, by the arrival of the army under General Lincoln, on the 27th of January. Four regiments, three companies of artillery, a corps of horse, and a volunteer corps, appeared on that day at noon, and the remainder in the evening. The enemy were found posted as we have described, and Day had placed guards

at the ferry house, and at the bridge over Agawam river, so that all communications from the north and west, by the usual routes, were cut off.

Notwithstanding the fatigue of a march, performed in an uncommonly severe winter, the army were ordered under arms at half past three o'clock, the same day on which they arrived. Four regiments, with four pieces of artillery, and the horse, crossed the river upon the ice, while the Hampshire troops, under the command of General Shepard, moved up the river, as well to prevent a junction of the party under Shays, who were on the east side, with those under Day, on the west, as to cut off the retreat of the latter. It was also a great object by this manœuvre, to encircle Day, with a force so evidently superior, as to prevent his people from firing, and thereby to avoid the shedding of blood. Upon the appearance of the army on the river, the guard at the ferry house turned out, but forsook the pass; and after a small shew of opposition, near the meeting house, retired in the utmost confusion. This was attended with the flight of all Day's party, who escaped to Northampton, with the loss of a very small number, that were overtaken by the light horse. The insurgent forces under Shays, made no greater opposition, on the day following.

When the army approached him, he immediately began a retreat, through South-Hadley to Amherst, supplying the hunger of his men by plunder. A person who acted as an Adjutant in his party, was killed ; which happened, according to report, by the excessive agitation of his men, who mistook their own rear guard, for an advanced party of General Lincoln's army.

The appearance of things was exceedingly changed by the flight of the insurgents from Springfield. The publick mind had been impressed with a generous anxiety for the fate of General Shepard, and the very respectable body of militia, which he had the honour to command. The issue of the attack upon them did not wholly allay this concern. The defeat, though decisive, was not attended with such loss, as could discourage so large a body of men, as the insurgents had collected, from further attempts, especially if actuated by the motives which they pretended to hold out. The apprehensions of the inhabitants had been also greatly raised, from the various reports of the numbers and objects of the insurgents ; and more than all, from the aid which they affected to rely on, from secret, but influential characters within the state, and the discontented of neighbouring governments. From

such ideas, the meeting of the two armies in full force, at Springfield was dreaded by all, in whose minds the tranquillity of the country was the primary object. But these fears wholly vanished, by the dispersing of the insurgent forces, and a security naturally arose from the flattering view of their broken and forlorn condition. Orders were therefore immediately issued for the return of the Middlesex militia, who, to the number of about two thousand men, had begun their march, and were entering the county of Worcester, which, it was at this time conjectured, might be protected by the forces originally raised.

The march of this body, however, was not without very beneficial effects to the publick cause, which the friends of the insurgents were artfully undermining, with the specious pretext of preventing the shedding of human blood. Under this idea, they opposed the raising of men for the army, and endeavoured to turn the general sense of the people against the measures of government, as precipitate and cruel. In Middlesex, an attempt was actually made, under the cover of this humane principle, to raise another convention, for devising means of settling the publick commotions, by other ways than those which the executive authority had directed. The motion of

the troops under General Brooks, enabled him to adopt a decisive and spirited mode of conduct, which effectually stifled this baneful project in its infancy ; and it demonstrated, what began to be questioned—that the repeated disappointments of the people of that county, in not marching, after very troublesome and extensive preparations for the field, had not destroyed their obedience to the commands of the government.

The pursuit of Shays and his party, which commenced at two o'clock in the morning, was continued till the army reached Amherst, through which place, however, he passed before their arrival, on his way to Pelham, with the main body of his men. General Lincoln, finding the enemy out of his reach, directed his march to Hadley, the nearest place which could be found to afford a cover for his troops. Upon an examination of the houses at Amherst, it was discovered, that most of the male inhabitants had quitted them to follow the insurgents ; and that ten sleigh loads of provisions had gone forward from the county of Berkshire for their use. Under such appearances, a strict prohibition was laid upon the remaining inhabitants, against affording any supplies to their deluded neighbours.

The morning after the arrival of the army at Hadley, information was received that a small number of General Shepard's men had been captured at Southampton, and that the enemy's party still continued there. The Brookfield volunteers, consisting of fifty men, and commanded by Colonel Baldwin, were sent in sleighs, with 100 horse, under the command of Colonel Crafts, to pursue them. They were soon found to consist of eighty men with ten sleighs, and at twelve o'clock the same night were overtaken at Middlefield. They had quartered themselves in separate places; and about one half of them, with one Luddington their captain, being lodged in a house together, were first surrounded. It was a singular circumstance, that among the government's volunteers, happened to be General Tupper, who had lately commanded a continental regiment, in which Luddington had served as a Corporal. The General, ignorant of the character of his enemy, summoned the party to surrender. How astonished was the Corporal at receiving the summons, in a voice to which he had never dared to refuse obedience! A momentary explanation took place, which but heightened the General's commands. Resistance was no longer made, the doors were opened, and a surrender was agreed to. By this time, the rest of the party had paraded under

arms, at the distance of 200 yards, where they were met by a number of men prepared for their reception. Both sides were on the point of firing, but, upon an artful representation of the strength of the government's troops, the insurgents laid down their arms, and fifty-nine prisoners, with nine sleigh loads of provisions, fell into the hands of the conquerors, who returned to the army on the day following.

The whole force of the insurgents having taken post on two high hills in Pelham, called east and west hills, which were rendered difficult of access by the depth of the snow around them, General Lincoln, on the 30th of January, sent a letter directed to Captain Shays, and the officers commanding the men in arms against the government of the Commonwealth, as follows :

“ **WHETHER** you are convinced or not of your error in flying to arms, I am fully persuaded that before this hour, you must have the fullest conviction upon your own minds, that you are not able to execute your original purposes.

“ Your resources are few, your force is inconsiderable, and hourly decreasing from the disaffection of your men ; you are in a post where you

have neither cover nor supplies, and in a situation in which you can neither give aid to your friends, nor discomfort to the supporters of good order and government.—Under these circumstances, you cannot hesitate a moment to disband your deluded followers. If you should not, I must approach, and apprehend the most influential characters among you. Should you attempt to fire upon the troops of government, the consequences must be fatal to many of your men, the least guilty. To prevent bloodshed, you will communicate to your privates, that if they will instantly lay down their arms, surrender themselves to government, and take and subscribe the oath of allegiance to this Commonwealth, they shall be recommended to the General Court for mercy. If you should either withhold this information from them, or suffer your people to fire upon our approach, you must be answerable for all the ills which may exist in consequence thereof.”

To this letter the following Answer was received.

“ *Pelham, January 30th, 1787.*

“ To General LINCOLN, commanding the government troops at Hadley.

“ SIR,

“ THE people assembled in arms from the counties of Middlesex, Worcester, Hampshire and

Berkshire, taking into serious consideration the purport of the flag just received, return for answer, that however unjustifiable the measures may be which the people have adopted, in having recourse to arms, various circumstances have induced them thereto. We are sensible of the embarrassments the people are under; but that virtue which truly characterizes the citizens of a republican government, hath hitherto marked our paths with a degree of innocence; and we wish and trust it will still be the case. At the same time, the people are willing to lay down their arms, on the condition of a general pardon, and return to their respective homes, as they are unwilling to stain the land, which we in the late war purchased at so dear a rate, with the blood of our brethren and neighbours. Therefore, we pray that hostilities may cease, on your part, until our united prayers may be presented to the General Court, and we receive an answer, as a person is gone for that purpose. If this request may be complied with, government shall meet with no interruption from the people, but let each army occupy the post where they now are.

“DANIEL SHAYS, *Captain.*”

On the next day, three of the insurgent leaders came to Head Quarters with the following letter.

“*The Honourable General LINCOLN.*

“ SIR,

“As the officers of the people, now convened in defence of their rights and privileges, have sent a petition to the General Court, for the sole purpose of accommodating our present unhappy affairs, we justly expect that hostilities may cease on both sides, until we have a return from our legislature.

“YOUR Honour will therefore be pleased to give us an answer.

“Per order of the committee for reconciliation.

“FRANCIS STONE, *Chairman.*

“DANIEL SHAYS, *Captain.*

“ADAM WHEELER.

“*Pelham, January 31, 1787.*”

To this the following Answer was sent.

“*Hadley, January 31st, 1787.*

“GENTLEMEN,

“YOUR request is totally inadmissible, as no powers are delegated to me which would justify a delay of my operations. Hostilities I have not commenced.

“I have again to warn the people in arms against government, immediately to disband, as they would avoid the ill consequences which may ensue, should they be inattentive to this caution.

“B. LINCOLN.

“*To* FRANCIS STONE,
DANIEL SHAYS,
ADAM WHEELER.”

THESE communications on the part of the insurgents, were backed by committees from disaffected towns, who began to lose confidence in the strength of their party, and therefore thought it time to attempt an accommodation. This they carried on conveniently enough, under the pretence of preventing the effusion of blood, without betraying the true motives of their application. The answer which was given them, though probably not very consonant to their feelings, could not have been without its effects. They were advised to exert their abilities, to withdraw the men belonging to their several towns, from the body of the insurgents, which would effectually secure them from harm, and destroy the unlawful combination, that alone had endangered the lives of the people on either side.

During these negotiations between the army and the insurgents, the time arrived for the assembling of the legislature. But such was the general confusion of affairs throughout the state, that a sufficient number of representatives could not be collected until the third of February, which was the fourth day after the time of adjournment. The Court then acquainted the Governour, that they were prepared to receive his communications, and he addressed them by a speech from the chair, which contained a retrospective account of the malcontents, as to their views and proceedings, and of the measures which the government had adopted to oppose them. Vigour and energy were strongly recommended, as the proper means of crushing so unprovoked an insurrection, while a want of them might draw on the evils of a civil war. A reimbursement of the monies borrowed for raising the militia, was also advised, with an adequate provision for defraying the general expense of the campaign, and several secondary measures for the same purpose.

Affairs had been brought to such a crisis, that there was no room left for the legislature to waver in their opinions, or to delay their measures. The whole community were in an alarm, and the appeal to the sword was actually made. One army

or the other was to be supported, and there could be no hesitation in the mind of any reasonable man, which it ought to be. On the next day, therefore, a declaration of Rebellion was unanimously passed in the Senate, and concurred by the lower House. This however was accompanied by a resolve, approving of General Lincoln's offer of clemency to the privates among the insurgents, and empowering the Governour in the name of the General Court to promise a pardon, under such disqualifications, as should afterwards be provided, to all privates and noncommissioned officers, that were in arms against the Commonwealth, unless excepted by the general officer commanding the troops, upon condition of their surrendering their arms, and taking and subscribing the oath of allegiance, within a time to be prescribed by the Governour.

On the same day, an answer was also sent to the Governour's speech. In this the Court informed his Excellency of their entire satisfaction, in the measures which he had been pleased to take for subduing a turbulent spirit, that had too long insulted the Government of the Commonwealth; and congratulated him on the success which had attended them. They earnestly intreated him still to continue them, with such further consti-

tutional measures, as he might think necessary, to extirpate the spirit of rebellion; for the better enabling of him to do which, they thought it necessary to declare that a rebellion existed. They assured him of the most effectual measures being used, for paying the army, and reimbursing the monies which had been generously advanced for their support. They accorded with the Governour, in his idea of the propriety of vigorous measures; and requested him, in case the numbers of the militia who were inlisted should be too small, or the time for which they were to serve, too short, that he would increase them, and continue them in service, until the objects in view should be completely accomplished. They subjoined, that they would vigorously pursue every measure, which would be calculated to support the constitution, and would continue to redress any real grievances, if such should be found to exist.

Agreeably to the assurances contained in this address, the legislature passed an act, for appropriating 40,000*l.* of the impost and excise duties, for reimbursing the loan of monies, borrowed for suppressing the rebellion: And they unanimously passed a resolve, approving of the spirited conduct of General Shepard, and the militia of his

division, in their defence of the arsenal at Springfield, against the attack of the insurgents.

The accounts of the numbers, resources and objects of the malcontents continued to be exceedingly variant; and from the measures of government, it is probable, that their real strength differed greatly at different times. When they were dispersed at Springfield, such was the hopeless prospect before them, that 2000 militia who were marching to aid the army, were discharged by the commanding officer, as we have mentioned, for want of employment. But upon their taking post at Pelham, their importance increased to such a degree, as to produce a further requisition for men, and the Governour accordingly issued his orders, for 2600 of the militia in the middle counties, to take the field.

The petition mentioned in the letter from Shays and his associates, at Pelham, was in fact presented to the legislature, and was conceived in the following terms.

“ Commonwealth of Massachusetts.

“ To the Honourable the SENATE, and the Honourable House of REPRESENTATIVES, in General Court assembled at their next Session.

“ A PETITION of the OFFICERS of the counties of Worcester, Hampshire, Middlesex, and Berkshire, now at arms,

“ HUMBLY SHEWETH,

“ THAT your petitioners being sensible that we have been in an error, in having recourse to arms, and not seeking redress in a constitutional way ; we therefore heartily pray your honours, to overlook our failing, in respect to our rising in arms, as your honours must be sensible, we had great cause of uneasiness, as will appear by your redressing many grievances, the last session ; yet we declare, that it is our hearts’ desire, that good government may be kept up in a constitutional way ; and as it appears to us, that the time is near approaching, when much human blood will be spilt, unless a reconciliation can immediately take place, which scene strikes us with horror, let the foundation cause be where it may :

“ We therefore solemnly promise, that we will lay down our arms, and repair to our respective homes, in a peaceable and quiet manner, and so remain, provided your honours will grant to your petitioners, and all those of our brethren who have had recourse to arms, or otherwise aided or assisted in our cause, a general pardon for their

past offences.—All which we humbly submit to the wisdom, candour and benevolence of your honours, as we in duty bound shall ever pray.

“FRANCIS STONE, *Chairman of the committee for the above counties.*

“Read and accepted by the officers.

“*Pelham, January 30, 1787.*”

By this petition it appears, that the insurgent officers intended to open a treaty, and to avail themselves of the force which they had collected, amounting by general computation to 2000 men, for the purpose of obtaining advantageous terms. And it became a prevailing sentiment, that a regard for the safety of their leaders, some of whom had been partly compelled to accept of their appointments, held the armed body together at Pelham. But the court, whose decision upon this petition was not concluded till the 8th of February, did not seem inclined to encourage such a treaty ; as appears from the following proceedings.

“A PAPER called a petition from the officers of the counties of Worcester, Hampshire, Middlesex and Berkshire, now at arms, and signed by Francis Stone, chairman of the committee from

the above counties, and addressed to the General Court, was read :

“ Whereupon Voted, That the said paper cannot be sustained :

“ *First*, Because those concerned therein, openly avow themselves to be at arms, and in a state of hostility against the government ; and for this reason alone, the said paper would be unsustainable, even if the tenour of the application had discovered a spirit suitable to the object of it.

“ *Secondly*, Because it does not appear, what officers, or how many are represented in the said paper, or that the said Stone had authority from any officers whatever, to make the application by him subscribed.

“ *Thirdly*, Because the applicants, although they call themselves petitioners, and acknowledge an “ error,” yet consider that error only as “ a failing,” and attempt, at least, in part, to justify themselves therein.

“ *Fourthly*, The said applicants appear to view themselves on equal, if not better standing than the legislature, by proposing “ a reconciliation.”

“ *Fifthly*, They appear to threaten the authority and government of the Commonwealth, with great effusion of blood, unless this “ reconciliation” can immediately take place.

“*Sixthly*, They implicitly declare their determination to continue in arms, unless all who now are, and who have been in a state of open war with the government, including those who have been apprehended, and are now in custody, as well as all others who have any way aided or assisted in their cause, can have another full pardon granted for all offences, in addition to that which they have so lately despised.

“*Seventhly*, If the paper presented had been a proper petition, subscribed by the persons who desire a pardon, and expressive of a due sense of their crime, with proper resolutions of amendment, yet their engagements could not be depended on, as their cause has been supported by a multitude of falsehoods ; and as no engagements can be more solemn than those made by the leaders of the rebels in the county of Middlesex, on the week before the Judicial Courts sat last in the said county, that they would not take any measures to obstruct the sitting of the said Courts ; which engagements were so far regarded, as to induce the commander in chief, to write counter orders to a considerable part of the militia, whom he had ordered to be detached ; and yet those engagements were on the next day violated.”

The insurgents, however, did not wait at Pelham for the result of their petition to the legisla-

ture. One of their leaders requested a private conference with an officer of the army, upon the pretended subject of a promise of pardon to all the principals of his party. This was granted ; and took place on the 3d of February. But, while the conference was holding, and while the attention of the army was attracted by it, the insurgents withdrew themselves from Pelham, and marched to Petersham. Whether this was occasioned by their post being reconnoitred the preceding day, or by a wish of being situated more advantageously for a supply of provisions, and a communication with their friends, is uncertain. Their movement was remarkable, for (its being the last time they appeared in any considerable force ; and for its having given rise to one of the most indefatigable marches, that ever was performed in America.

Information of the enemy's being in motion, was brought to General Lincoln, at Hadley, at twelve o'clock the same day on which it happened. But it was then supposed, to have been only a removal from the west to the east hill in Pelham. Orders however, were issued for the army to be in readiness to march, with three days provisions, at a moment's warning. At six o'clock undoubted intelligence was received, that the in-

surgeons had really left their post, and gone eastward. In two hours from this, the army proceeded after them. Nothing more than the usual inclemency of the season opposed their march until two o'clock in the morning, by which time they had advanced as far as New-Salem. Here a violent north wind arose, and sharpened the cold to an extreme degree; a snow storm accompanied, which filled the paths; the route of the army lying over high land, exposed the soldiers to the full effects of these circumstances, while on their way; and, the country being thinly settled, did not afford a covering for them within the distance of eight miles. Being thus deprived of shelter by the want of buildings, and of refreshments—by the intenseness of the cold, which prevented their taking any in the road, their only safety lay in closely pursuing a march, which was to terminate at the quarters of the enemy. They therefore advanced the whole distance of thirty miles, subject to all these inclemencies, without halting for any length of time. Their front reached Petersham by nine o'clock in the morning, their rear being five miles distant.

It has been thought by some, that in this state of the troops under government, had the insurgents possessed any considerable degree of vigil-

ance or discipline, they might have given them a severe check, if not a total defeat. These seeming advantages arose from unforeseen circumstances, and from causes which no human power could control. The opposers of government had, at this moment, all the advantages which they could ever expect to enjoy. Their men had been lodged in warm houses, and were capable of entering into action with alertness, whilst their pursuers were suffering exceedingly from the cold, and were greatly worn down with fatigue. The general however, advanced with the utmost confidence of success, being well acquainted with every inch of ground he had to tread in his approach to the town; and having his flanks covered from any sudden impression, by a very deep snow, so crust-ed as nearly to bear a man. He knew therefore that he could not be annoyed, but in front, in a very narrow sled path, which, having a part of his artillery advanced, he could command to a very great distance. If the insurgents possessed advantages, they were lost by an idea of their own security, from which they were first awakened by an advanced guard led into the town by Colonel Haskell. A company of artillery with two pieces of cannon immediately followed, and the whole body of the army was brought up as early as possible. Nothing seemed to be more foreign from

the expectations of the insurgents, than a pursuit through so many difficulties, and in so short a time. The surprise was therefore complete, and they instantly evacuated the houses, thronging into a back road which leads towards Athol. Through this they quitted the town in great confusion, scarcely firing a gun. They were pursued about two miles, and one hundred and fifty of them were taken prisoners. Many retired to their own homes, and the rest, including all their principal officers, fled into the states of New-Hampshire, New-York and Vermont. The privates among the prisoners, after being disarmed, and taking the oath of allegiance, received passports to return to their several homes.

The news of the arrival of the army at Petersham, and of their success in dispersing the insurgents, reached the court by a message from the Governour, on the 6th of February. It gave great support to the friends of the government, who were, after this, no longer doubtful of the sense and determination of the people to maintain the publick cause. But notwithstanding the disabled situation of the malcontents, the court, at first, did not incline to countermand the orders for raising the 2600 men ; judging it the most certain means of preventing bloodshed, to appear with a

decided superiority of force. These orders, however, were necessarily superceded, upon further information from the army, which induced the two Houses, on the 8th of February, to resolve that a number of men not exceeding 1500, should be inlisted to serve for four months, unless sooner discharged. And they, at the same time, requested the Governour to issue a proclamation, offering a reward not exceeding 150*l.* for apprehending either of the leaders in the rebellion, and to write to the Governours of other states, to request them to issue similar proclamations for the same purpose. The legislature also, in their answer to the Governour, expressed the high sense which they entertained of the ardour and zeal of General Lincoln, and the army under his command, in performing the march from Hadley to Petersham, with only a momentary halt, and in repelling the rebels; and desired that it might be communicated to them.

The routing of the insurgents at Petersham, changed the mode of their carrying on their contest. After this, it was in vain for them to attempt an opposition to the army, by a collected force. They therefore determined to harass the inhabitants in small parties by surprise. This mode of offence was attended with rancour, rob-

bery and murder. The evils of war had before been gathered and confined to one spot ; but they were, by these means, scattered through the whole western part of the state.

The disqualifications which were to be the conditions of indemnity to the rebels, could not be brought to a conclusion, until the 16th of February. A subject so new and unassayed in Massachusetts, as that of disfranchising the citizens, was necessarily attended with many perplexities. This was the point at which the future character of the offenders, and of their cause, was to be fixed in the publick opinion. The effect of their punishment greatly depended upon the assent of mankind to the justice of it ; and this was to be obtained, only by the exactest proportion between the penalty and the crime. It was easy to foresee, that if the former exceeded the most moderate limits, numbers, instead of being deterred at the fate of the culprits, would forget or excuse their crimes, and become advocates for them, as the oppressed victims of power. To punish in such a case, was truly a critical task ; and delay was the least inconvenience which could happen, in settling a measure, that scarce any length of time would have been mispent in considering. The substance of these conditions, which extended

only to noncommissioned officers and privates, finally was, that the offenders, having laid down their arms, and taken the oath of allegiance to the Commonwealth, should keep the peace for three years ; and during that term, should not serve as jurors, be eligible to any town office, or any other office under the government ; should not hold or exercise the employments of schoolmasters, innkeepers, or retailers of spirituous liquours, or give their votes, during the same term of time, for any officer civil or military, within the Commonwealth ; Unless they should, after the first day of May, A. D. 1788, exhibit plenary evidence of their having returned to their allegiance and kept the peace, and of their possessing an unequivocal attachment to the government, as should appear to the General Court, a sufficient ground, to discharge them from all or any of these disqualifications.

The Governour was empowered to dispense with the whole, or any part of these conditions of indemnity, to all such privates as, having borne arms against the government, voluntarily took up arms in its support, previously to the first of February ; and to such as, agreeably to the proposals of General Lincoln of the 29th and 30th of January, voluntarily came in, surrendered their

arms, and took and subscribed the oath of allegiance, within three days. The persons absolutely excepted from the indemnity, were included in the following descriptions.—Such as were not citizens of the state ; such as had been members of any General Court in the state, or of any state or county convention, or had been employed in any commissioned office, civil or military ; such as, after delivering up their arms, and taking the oath of allegiance during the rebellion, had again taken and borne arms against the government ; such as had fired upon, or wounded any of the loyal subjects of the Commonwealth ; such as had acted as committees, counsellors, or advisers to the rebels ; and such as, in former years, had been in arms against the government, in the capacity of commissioned officers, and were afterwards pardoned, and had been concerned in the rebellion.

The unanimity which had prevailed in the General Court during the session, was interrupted at the passing of this law. The friends to lenient measures, by this time, began again to advance their sentiments. Petitions from more than twenty towns had appeared, to request the liberation of the state prisoners, and, in some instances, the recal of the state's army, under the humane idea of preventing the shedding of blood. This party

therefore, took the present opportunity, to intercede for persons whom they could not justify ; and to mitigate a punishment, which the criminal perserverance of the rebels had made it impossible further to delay or avoid. It was urged, that the government was put beyond danger ; and to pursue the publick enemy further than the publick safety directed, was for them to discover passion and resentment, which no government ought to entertain. That the sooner a spirit of conciliation was introduced among individual citizens, who, from taking different sides, had become either elated with success, or mortified from the want of it, the sooner publick tranquillity would be restored, and the government be established in the affections of the people. That, to effect this great end, caution also should be used not to render those persons desperate, who had been led into the rebellion from misinformation and ignorance, which was the misfortune of a large number of honest and substantial citizens. That odious distinctions would have this unhappy effect, and the best characters might be shut out, rather than submit to terms, which they should think beyond their crimes ; while bad men, who would comply with them only in appearance, might avail themselves of such terms to the injury of the Commonwealth. That the rebellion, how-

ever unjustifiable, had in fact engaged large numbers on its side, and good policy evidently directed, rather to recal them to the bosom of their country, than to weaken the state by their final expulsion. In answer to these arguments, the magnitude of the crime, and the nature of the disqualifications, were urged. Some test, it was said, ought evidently to be required of persons who had taken the last means of resisting the government, and overturning the constitution: And, whenever repentance appeared, means were provided for the total exculpation of the offenders, after the expiration of a very few months.

The advocates for the insurgents had so often pledged themselves for their reformation, on condition of lenient measures being adopted; and these had so often failed of effecting this desirable purpose, that their observations were at length less attended to than usual, and possibly less than they deserved. And it was unfortunate to their influence, that, in this instance, as had before been the case, the conduct of the rebels flatly contradicted every argument which they could raise in their favour. While the disqualifying bill was under debate in the lower house, and at the moment a respectable member of the minority was endeavouring to soften the conditions, letters were re-

ceived from General Lincoln, who, by that time, had proceeded into the county of Berkshire, stating the obstinacy and malignant conduct of the rebels in such a manner, as literally to shut his mouth : And the bill was carried.

The rebels having fled in various directions, when the army arrived at Petersham, the General, after dismissing three companies of artillery, and ordering two regiments to Worcester, directed his attention towards Northfield, in the neighbourhood of which place, many of the fugitives had taken shelter. But, an express arrived from Major General John Patterson, the commander of the militia in Berkshire, which occasioned an alteration in his plan.

While the army were on their march, the insurgents in that county who had not joined their main body under Daniel Shays, endeavoured to support their cause, and distract the attention of government, by appearing under arms in their own neighbourhood. The friends to good order also, were not inactive upon the occasion. It was conjectured by them, that the malcontents, from a want of resources, would be dispersed by the army under General Lincoln; and, in that case, they supposed it more than

probable, that Shays would seize on the heights which lie between the counties of Hampshire and Berkshire, where strong posts were to be found, and the passes easily defended ; and, thus situated, would draw the means of his subsistence, from the towns well affected to government, which abounded in plenty ; securing also, perhaps, the most important characters as hostages. They therefore, voluntarily, associated to the number of about 500, for the defence of themselves, and of the publick cause. In this body, most of the respectable inhabitants of the county were to be found, and men of the first importance submitted to the duty of the ranks. The insurgents began to assemble at West Stockbridge, under one Hubbard, who posted himself at the meeting of three roads, for the convenience probably, of collecting men. Here he drew together about 150 or 200 of the disaffected. It was conceived to be absolutely necessary, to disperse this party, before their numbers should grow more respectable. The whole body of the friends to government were ordered to march for this purpose, in several directions which the roads naturally pointed out, and which would enable them to surround the enemy. On the approach of an advanced party, consisting only of thirty-seven infantry, and seven gentlemen on horseback, they were fired upon by

Hubbard's sentries; and the whole of his men were instantly put into good order, and commanded to fire. But, such was the effect of their situation upon their minds, that they staggered apparently. Timely advantage was taken of their panick: A gentleman* whom they well knew, rode up to their front, and directed them to lay down their arms, which many of them complied with, whilst others fled. A firing took place between scattering parties on both sides, by which two of the insurgents were wounded. Eighty-four of them, among whom was Hubbard himself, were made prisoners; and most of these, after being disarmed, were admitted to the oath of allegiance, and sent home. The express informed, that the insurgents had afterwards collected, in the town of Adams; but, upon General Patterson's approach, they separated, with an intention of collecting again at Williamstown. Here also, upon his appearing, they were again scattered. That there seemed, nevertheless, such a disposition in the insurgents to embody, in order to prevent the sitting of the courts, and such numbers were actually upon their march towards Washington, under the direction of a Major Wiley, as

* The Hon. THEODORE SEDGWICK, Esq. one of the present Judges of the Superior Court—1810.

made his situation unsafe, and he earnestly requested assistance from the main army.

Upon this information, General Lincoln directed his march immediately for the county of Berkshire, passing through the towns of Amherst, Hadley, Chesterfield, Partridgefield and Worthington, into Pittsfield; while another division of the army under General Shepard, marched to the same place, by a different rout. But before their arrival there, an adjustment took place between the insurgents, who had collected about two hundred and fifty men in the town of Lee, in order to stop the courts, and the militia, who mustered to the number of about three hundred, with a determination to protect them. The substance of the agreement was, that the insurgents should disperse, and that the commander of the militia should, in case they were pursued by government, use his personal endeavours, to have them tried within their own county.

When the army arrived at Pittsfield, a party were immediately detached in sleighs, under the command of the Adjutant General, to the town of Dalton, in pursuit of Wiley; and another under the command of Captain Francis, on a similar undertaking to Williamstown. Both of them return-

ed on the next day. The first party took six prisoners, among whom was Wiley's son; Wiley himself having made his escape. The other party took fourteen prisoners, after meeting with some resistance, in which one of their men was wounded.

While the army were marching through the country, and bearing down all opposition before them, a spirit of uneasiness frequently broke out in their rear. In the county of Worcester, where Major General Jonathan Warner was in command, a number of the insurgents assembled at New-Braintree, making prisoners of travellers, and insulting the friends of government. Upon information of this, on the 2d of February, a party of about one hundred and fifty in sleighs, and twenty on horseback, were dispatched from Worcester, to disperse them. On the approach of this force, the insurgents went some distance from their quarters, and secreted themselves behind the stone walls: Hence they fired upon the militia, and immediately fled to the woods. Two persons were badly wounded by their fire, but the party pursued their course to a house, where the main body of the insurgents were supposed to have been lodged. Upon their arrival here, however, they were greatly disappointed, in finding

only a few of the enemy, who had been placed as a guard over their prisoners; the rest having effected their escape. They therefore proceeded to Rutland, and returned the next day, with four of the insurgents whom they had captured.

The effects which the defeat of the malcontents had impressed upon the minds, and which they wished to communicate to their friends, who had tarried behind, were remarkably discovered by the following letter, which was transmitted into the state, as it is said, by one of their leaders.

“ Berkshire, February 15, 1787.

“ FRIENDS AND FELLOW SUFFERERS,

“ WILL you now tamely suffer your arms to be taken from you, your estates to be confiscated, and even swear to support a constitution and form of government, and likewise a code of laws, which common sense and your consciences declare to be iniquitous and cruel? And can you bear to see and hear of the yeomanry of this Commonwealth being parched, and cut to pieces by the cruel and merciless tools of tyrannical power, and not resent it even unto relentless bloodshed? Would to God, I had the tongue of a ready writer, that I might impress on your minds the idea of the obligation you, as citizens of a republican

government, are under to support those rights and privileges that the God of nature hath entitled you to. Let me now persuade you, by all the sacred ties of friendship, which natural affection inspires the human heart with, immediately to turn out and assert your rights.

“The first step that I would recommend, is to destroy Shepard’s army, then proceed to the county of Berkshire, as we are now collecting at New-Lebanon, in York state, and Pownal, in Vermont state, with a determination to carry our point, if fire, blood and carnage will effect it: Therefore, we beg that every friend will immediately proceed to the county of Berkshire, and help us to *Burgoyne* Lincoln and his army. I beg this may immediately circulate through your county.

“I am, gentlemen, in behalf of myself and other officers,

“Your humble servant,

“ELI PARSONS.”

On the 16th of February, General Shepard detached a party of horse from Northfield, under the command of Captain Samuel Buffington, for the purpose of apprehending certain insurgents, who had fled to Vermont. Upon their arrival, within

that government, although they procured a warrant from a magistrate, to apprehend the objects of their search, yet the people assembled in such numbers, and evidenced such a hostile disposition towards them that they were obliged to relinquish their pursuit, and return to Massachusetts. They however, in the evening, sent a small number from their body, among whom was Mr. Jacob Walker, to secure one Jason Parmenter, who had acted as a Captain with the insurgents. Unfortunately for Walker, they soon overtook the person whom they were sent after, accompanied in his flight by several others. The sleighs of the opposite parties, unexpectedly run upon each other; and, on Parmenter's hailing, and receiving no answer, he ordered his men to fire; but mischief was prevented, by their guns not going off. Parmenter and Walker then raised their pieces together and fired. The latter was shot through the body, and died in half an hour. The survivor and his associates, escaped by the help of the woods and a deep snow, into Vermont, where however, they were all taken the next day, by a body of infantry, detached from the militia by Captain Buffington: And Parmenter was afterwards tried, and convicted of treason.

The period for which the militia were detached, having expired on the twenty-first of February,

and the troops under the new enlistment not having arrived in any great numbers, the rebels determined to embrace so favorable an opportunity of making an incursion into the state, as well for the purpose of plunder, as of taking several respectable characters, and among others, General Lincoln himself. Their prospect upon this occasion was such, as might have almost insured success, had their motions been properly timed: For, in the exchanging of the militia, the General was once left with only about thirty men. But, from misinformation, or some other cause, this moment, so auspicious to their views, was neglected. On the 26th of the month however, a large body of them under a Capt. Hamlin, entered the county of Berkshire, from the state of New-York, and proceeded to the town of Stockbridge. This they pillaged at pleasure, and made prisoners of a great number of the most reputable inhabitants. The militia of Sheffield were collected upon the first information of this event, and were joined by those of Great-Barrington about one o'clock on the 27th. The whole, making eighty, were commanded by Col. John Ashley, jun. and after marching in several directions, to meet the enemy, they finally returned to Sheffield, and came up with them there. The severest engagement took place at this time, that happened during the contest. The rebels began a scattering fire at a dis-

tance ; whereupon the militia advanced rapidly towards them, and the action became general. It was warmly supported by both sides, for the space of about six minutes, during which time many of the government's troops discharged that number of rounds. The rebels then gave way, and fled in various directions. They left two dead near the place of action, and upwards of thirty of them were wounded, among whom was Hamlin, their Captain. Another party of militia arriving immediately after the skirmish, enabled the conquerors to take more than fifty of the enemy prisoners. The loss on the side of the militia, consisted of only two men killed and one wounded. Of the former, one was a prisoner with the rebels before the action, and probably met with his fate from the fire of his friends, by a barbarous practice which his captors adopted, of putting their prisoners in the front, as well to check the ardour of the militia, from a sense of their danger, as to screen themselves. But in addition to this loss, ought to be reckoned, that of two amiable young men and intimate friends, whose habits of body were unequal to enduring the fatigue of the rapid march which this party performed, and who, after languishing under the effects of their exertions, died with peculiar marks of sympathetick grief for each other.

The lodgment which the rebels effected in the neighbouring states, after their expulsion from Petersham, besides exposing the Commonwealth to a predatory war, which no force could prevent, was attended with another very serious evil. By their communication with the inhabitants, they diffused their principles, and created a partiality for their cause, which was said, in one state, to have reached the government itself. An inattention to authority, and a lurking disposition to enforce popular plans by insurrections, had appeared in several parts of the continent, and there was great room to fear, that a less operative cause than the emigration of so many incendiaries, might light up the passion, and throw the whole union into a flame. Aware of this, as well as of the impossibility of conquering a party who could, at any time, secure a retreat in other territories, the General Court early requested the Governour, to write to the Governours of the neighbouring states, to offer a reward for apprehending the rebels, and to take measures for preventing their receiving any supplies. But, from one cause and another, though his Excellency's letters were repeatedly sent to urge this subject, effectual measures were not so readily adopted by all the states adjoining, as the legislature seemed to expect.

The answer from the Governour of Rhode-Island, on the 15th of February, was indeed the first, in point of time, though it can hardly be called so, in respect to the prospect which it held up, of efficacious measures being adopted by that state, for suppressing the rebellion. However, after some general observations on the difficulty of curing evils in the body politick, he concluded, that he would strictly adhere to the Governour's request, and do every thing in his power to cooperate with him, in supporting peace, order and good government. But the authority of Rhode-Island was far from taking steps to secure the fugitives from justice, who publicly resorted there. When a motion was made in their assembly, (upon the act of Massachusetts for apprehending the principals of the rebellion being read) that a law should be passed, requesting the Governour to issue a proclamation also for apprehending them, if within that state, it was lost by a great majority: And one of the very refugees was allowed a seat within their chamber.

The Governour of Connecticut, in his answer of the 20th of the same month, was much more direct and decisive in his assurances of assistance. He informed the Governour of the Commonwealth, that if the rebels should seek an asylum

in Connecticut, they would be immediately apprehended, and delivered up; and, in case of their re-assembling, they would be effectually prevented from receiving supplies, as the inhabitants of his government viewed the rebels with a strong degree of aversion. In addition to this, he issued a proclamation, offering a reward for apprehending the rebel leaders, as requested by the Governour of Massachusetts; and, in the month of May following, the assembly of Connecticut, upon information that certain persons were attempting to excite their inhabitants to join the insurgents, passed a resolution for apprehending them, and even calling out the militia, if necessary, to prevent the execution of their evil purposes. This measure was attended with success, as the incendiaries were, in fact, apprehended and confined.

The government of New-Hampshire, where the legislature were now sitting, pursued every measure, which it was thought the powers vested in the President and Council would authorize. They did not think proper, to admit armed parties from another state into that; but the existing laws permitted civil officers of other states, to pursue offenders there, and by application to a magistrate, to have them apprehended and sent into the state having jurisdiction of the offence.

They, therefore, directed a Major General, to secure all armed parties who might come into their state; and a proclamation was issued by their President, agreeably to the request of the Governour of the Commonwealth.

No answers having been received from the Governours of New-York or Vermont, the General Court, after the incursion into Stockbridge, requested the Governour, on the 8th of March, to write again to the Governour of New-York by express, urging him in pressing terms, that effectual measures might be taken for apprehending such of the rebels as had fled and taken refuge there, and removing them to Massachusetts, agreeably to the articles of confederation, which declared, that the United States thereby entered into a firm league of friendship with each other, for their common defence, the security of their liberties, and their mutual and general welfare; binding themselves to assist each other against all force offered to, or attacks made upon them, or any of them, on account of religion, sovereignty, trade, or any other pretence whatever. And, that if any person guilty of, or chargeable with treason, felony, or high misdemeanour in any state, should, flee from justice, and be found in any of the United States, he should, upon demand of the

Governour, or executive power of the state from which he fled, be delivered up, and removed to the state having jurisdiction of the offence. And further requesting, that the Governour of New-York would permit the forces of the Commonwealth to march within the limits of his jurisdiction, when necessary; and that all officers and citizens of that state might be directed to afford them aid, and prohibited assisting the rebels.

But before these proceedings respecting the government of New-York took place, measures had been pursued from another quarter, though unknown to the General Court, for effecting the same object. After the engagement at Sheffield, General Lincoln dispatched an express to the Governour of that state, representing the continuance and support of the rebels within one district of it, and giving information of the incursion which took place on the 26th. Upon this communication being laid before the legislature, they resolved to recommend it to the Governour, to repair as soon as possible to the place where the insurgents should be, and to call out such military force from the militia of New-York, and to take command of any militia that might arrive from Massachusetts, and pursue all other legal measures he might deem necessary, for apprehending such

of the insurgents as might be found within their state, and for preserving the peace against their designs. And they further signified their consent to the Governour's absenting himself from the state, from time to time, as exigencies might require. Immediately upon this resolution being passed, the Governour proceeded to execute the design therein expressed. General orders were issued, by which a brigade and three regiments of the militia, were directed to hold themselves in readiness to march at a moment's warning, and reasons drawn from the constitutional and federal principles, were urged with propriety and force, to induce a prompt obedience in the militia, to his commands. After an interview with General Lincoln, he went on, accompanied by that commander, to New-Concord, where a number of his officers were assembled to meet him. Those of the civil department were directed to call on the militia of New-York, or on the military officers of Massachusetts, for such force as might be necessary, in apprehending or dispersing the insurgents. These decisive measures obliged the malcontents to flee out of the state of New-York, and to betake themselves to their last resort in Vermont.

With respect to that government, the legislature had been officially informed, That on the 13th of

February, General Lincoln dispatched Royal Tyler, Esq. one of his Aids-de-camp, to request their assistance in apprehending the rebel ringleaders : That upon his communicating his instructions and request in writing, the subject of them was put in committee, and a report made for requesting their Governour to issue his proclamation, enjoining it upon their citizens, not to harbour the leaders or abettors of the rebels : That this report was accepted by their lower House, and sent up to their Council, where there also appeared eight or nine assistants in favour of it : That it would of course, have passed there, but for the Governour's objections, which were at first founded upon his not having given the subject a proper consideration, but were afterwards bottomed upon more serious principles :—These were said to have been raised from the impolicy of issuing a proclamation, which might impede the emigration of subjects from other states into that ; and the imprudence of opposing the sense of their people, who began to assemble in arms, in a neighbouring town, and who might create an insurrection, and surround the legislature, unless the report was dismissed : That there being no prospect of Mr. Tyler's effecting the object of his request, and the letters from the Governour of Massachusetts having arrived, he departed, with strong

apprehensions, that the majority of the people in Vermont, were for affording protection to the rebels, and that no immediate or effectual aid would be granted, in consequence of either. The General Court therefore, on the same day, requested the Governour to write again to the Governour of that state also, representing the religious and political obligations neighbouring states were under, to prevent fugitives from justice harbouring themselves within their respective territories; reminding the government of Vermont of the liberal principles on which Massachusetts had conducted towards them, and of her unwillingness to entertain a doubt of a different conduct on their part; informing them of the general notoriety, that a number of the leaders, and others concerned in the rebellion, had taken shelter, and received succour among their citizens, whereby not only the inhabitants of Massachusetts, but the government of Vermont, was in danger; that this had been represented to them in a friendly letter from his Excellency, and although no answer was received, yet that the Court conceived, that they had a right to expect a ready and full compliance with the request therein expressed. And further requesting the Governour of Vermont, to deliver up the rebels who had taken refuge within his limits, or to permit the forces of Massachusetts to

enter those limits, for the purpose of apprehending them, and to direct all officers of Vermont, to aid them in that purpose.

Previously however to the passing of this spirited resolution, the Governour of Vermont issued his proclamation of the 27th of February, and afterwards communicated the same to the Governour of Massachusetts, in a letter, containing friendly assurances of co-operation in measures, for effectually checking so daring and dangerous an evil, as the intestine faction which then prevailed.

The legislature of Pennsylvania, the President of which state was also included in the Governour's letters, shewed a generous compliance with his Excellency's request. On the 1st of March they made an addition to the reward offered by Massachusetts, for apprehending the leaders of the rebellion, if taken within their state. Their resolution was communicated by their President, in a congratulatory letter upon the success of the measures adopted for preserving a constitution, which he was pleased to denominate one of the best in the union, if not in the world.

The General Court also empowered the Governour, on the 8th of March, in conformity with

the constitution, to march the militia raised for subduing the rebellion out of the limits of the Commonwealth, into the bounds of any of the states adjacent, if he should think it necessary for that purpose. In addition to a former request to the Governour, to write to Congress, to inform them that a rebellion existed in the Commonwealth, and to request that they would take measures for defending the arsenal at Springfield, in order that the troops there might be employed in other service; they further desired his Excellency, to request of Congress, that the federal troops raised in New-York and the states eastward of it, might be directed, to afford their aid, in apprehending, and, if necessary, in destroying the rebels, in any place within the limits of the United States. And that Congress would give to General Lincoln a commission, under the authority of the United States, to march the forces of Massachusetts into any territory, within the states, for the purpose of apprehending their leaders, and bring them to justice.

As soon as the insurgents were subdued within the state, and measures taken for precluding them a toleration in the neighbouring governments, the General Court found it a suitable time for providing for the trials of such as were in custody.

For this purpose, on the 26th of February, the Supreme Judicial Court was directed, by law, to hold a special session in the disaffected counties of Berkshire, Hampshire and Middlesex, the standing laws providing for their sitting in Worcester on the last Tuesday in April. And in order that the trials should be made by disinterested and unprejudiced juries, a law was also passed, reciting, that whereas the pardon to the rebels was granted on condition, that the persons concerned should not serve as jurors for three years; and whereas it was reasonable to provide, as far as might be, not only for the due administration of justice, but also for the relief of such persons as had been concerned in the rebellion, and who, though unwilling to declare themselves criminal, might wish to avail themselves of the pardon which was, or might be promised: Therefore, it was enacted, that the selectmen of the several towns, to which venires should be issued for jurors within one year, should withdraw from the jury boxes the names of all such persons as they might judge had been guilty of favouring the rebellion, or of giving aid or support thereto, prior to their drawing out the names of the jurors that might be called for by the venires. Provided however, that if such persons should make application to the town to restore their names to

the jury box, and could obtain a vote of the town, at any town meeting afterwards to be called for that purpose, to have their names so restored again, the names of such persons should be restored accordingly. This law further enacted, that for the purpose of preventing those persons who had been concerned in the rebellion, from serving as jurors in trials for treason or misprison of treason, in case the attorney for the Commonwealth, in the trial of any person for the aforementioned crimes, should suggest to the court, that any persons called to serve on the jury of trials had been guilty of favouring the rebellion, or had been in any manner concerned therein, or given aid or support thereto, if the court, upon inquiry of the person against whom the suggestion should be made, or upon examination of witnesses, should judge that there was probable ground for the suggestion, it should be the duty of the court to set aside the person so objected to, as disqualified to serve as a juror, in the same manner as had before been practised, in case a juror felt himself prejudiced in any cause.

But, the extent of the rebellion had been too general to allow of the indiscriminate operation of law. Such had been its prevalence in some towns, that when the disqualifying act came into

force, it scarcely left sufficient numbers for the necessary offices of the corporation. It therefore, became equally an act of humanity and good policy, to invent some method for screening from the laws, many who yet remained, among such multitudes, obnoxious to the severest penalties. With this view the General Court, on the 10th of March, appointed three commissioners, whose duty it was, upon application made to them, by or in behalf of any persons concerned in the rebellion, and not included in the act of indemnity, after due inquiry into their character and conduct, to promise indemnity to them, on their taking and subscribing the oath of allegiance to the Commonwealth, provided satisfactory evidence should be produced in their favour, that they were duly penitent for their crimes, and properly disposed to return to their allegiance, and discharge the duty of faithful citizens. And this indemnity was, at the discretion of the commissioners, to be promised with or without any or all of the conditions, &c. enumerated in the act aforementioned; and with or without the farther condition of the offender's being bound to keep the peace, and to be of good behaviour for a term not exceeding three years.

The powers of the commissioners were likewise extended, to make remission of the conditions of

the disqualifying act, in whole or in part, to those who were entitled to the benefits of it. Provided that their attention to those persons, should not interfere with the duty first assigned them.

From the protection of this commission however, were excluded four of the rebel leaders, Shays, Wheeler, Parsons, and Luke Day, together with all persons who had fired upon, or killed any of the citizens in the peace of the Commonwealth, and the commander of the party to which such persons belonged. Also the members of the rebel council of war, and all persons against whom the Governour and Council had issued a warrant, unless liberated on bail.

In order to derive every advantage from the execution of this important commission, very respectable and honourable characters were appointed for that purpose. These consisted of the Hon. Benjamin Lincoln, Esq. the Commander of the army; Hon. Samuel Phillips, jun. Esq. the President of the Senate; and the Hon. Samuel Allyne Otis, Esq. Speaker of the late House of Representatives.

From these measures it was hoped, that the benefits of pardon would at length be forced, as it were, upon many infatuated citizens, whose obstinacy had repeatedly led them to reject offers

of mercy with scorn ; while the despatch with which the necessary examples of justice would be made, would show their punishment to be the immediate and just consequence of their crimes.

While the General Court were making this liberal provision for restoring the rebels to their privileges, they thought it necessary to provide some check against feigned converts being suddenly admitted into places of trust. They therefore passed a resolution, directing that selectmen and other town officers, should take and subscribe the oath of allegiance to the Commonwealth.

Notwithstanding the attention necessary to be paid to the suppressing of the rebellion, and the defence of the state, the General Court did not lose sight of the system of reform begun at their last session. They passed the bill for reducing the number of terms of holding the Courts of Common Pleas and General Sessions of the Peace, in the several counties ; and they enacted a new fee bill, by which the allowances made to publick officers were considerably lessened. They also appointed a committee to inquire, whether there were any real publick grievances under which the people of the Commonwealth laboured. This committee reported but three, which were the following :

“ 1st. That suitable provision had not been made, for the seasonable and punctual payment of the interest due on publick securities.

“ 2d. That the Treasurer had not been laid under greater restrictions, with regard to the drawing of orders. And,

“ 3d. That the salary established by law for the support of the first magistrate of the commonwealth, was higher than was reasonable.”

The last article in this report did not fail to attract the attention of the legislature. A long debate ensued upon the subject of it, and the result was, that the two houses passed a bill for reducing the Governour's salary the ensuing year, from 1100*l.* to 800*l.* This bill his Excellency returned, with his objections, founded upon that article of the constitution which provides,

“ That as the publick good requires that the Governour should not be under the undue influence of any of the members of the General Court, by a dependence on them for his support; that he should, in all cases, act with freedom for the benefit of the publick; that he should not have his attention necessarily diverted from that object to his private concerns; and that he should maintain the dignity of the Commonwealth, in the char-

acter of its chief magistrate ; it is necessary that he should have an honourable, stated salary, and of a fixed and permanent value, amply sufficient for those purposes, and established by standing laws : And it shall be among the first acts of the General Court, after the commencement of this constitution, to establish such salary by law accordingly.

“ Permanent and honourable salaries shall also be established by law, for the justices of the Supreme Judicial Court.

“ And if it shall be found, that any of the salaries aforesaid, so established, are insufficient, they shall from time to time be enlarged as the General Court shall judge proper.”

Upon this occasion the Governour by a written message asked, Whether, by this article, the right of settling the quantum of the salary, was not confined to, the first General Court, after the commencement of the constitution ? Whether any power was given to any succeeding General Court, to alter that quantum, unless it should be insufficient ; in which case, it might be enlarged as the court should judge proper ? Whether, if it were alterable by diminution, by the then General

Court, it might not, in the same manner, be altered by the next General Court; and again further altered by succeeding General Courts; and thus, instead of being established, whether it would be any thing more than an annual grant, constantly subject to variation and change? Whether, in that case, it could be deemed a stated salary; or of a fixed and permanent value; or established by any standing or permanent law; or could be depended on as amply sufficient for the purposes intended? And whether those purposes as expressed in the constitution, would in that case be answered?

The Governour disavowed any interested motives influencing him to make these objections, declaring that should there be a future opportunity for it, and the General Court should then think the proposed reduction worthy of their notice, he would, so far as it might respect himself, consent to it, although his annual expenditures did much exceed the whole amount of his salary. But, that it was not in his power, for the reasons stated, nor did it comport with his inclination to diminish, or in any way render precarious, the salary of his successors.

These objections were of such force, that thirty six only, out of sixty five members in the lower

House, were in favour of passing the bill, after they were made : So that it was in fact negatived ; the constitution requiring two thirds of the members present in both Houses, to give efficacy to a measure under such circumstances.

On the same day, March 10th, the Governour, at the request of the two Houses, put an end to the third session of the General Court, and, as it was then supposed, to their further agency in the affairs of the Commonwealth, by a prorogation to the next annual election. In taking our leave of this memorable session, we shall be indulged in observing, that the acts of the legislature were directed at an object entirely new, and of course, were unassisted by precedent. No rebellion had heretofore marked the annals of Massachusetts, either under the royal or republican government. Upon the histories of European nations, a reliance could be placed so far only as the genius and circumstances of the people of the two hemispheres agreed. But who could say, that principles and measures which might persuade or terrify the mind of the mountaineer of Scotland or Wales, would have the same effect upon the unconquered spirit of the western inhabitants of Massachusetts? No less difficulty arose from the divisions in the sentiment of the citizens. To ascertain

the course which the publick mind would take, required a foresight little short of prophecy. Whether that thirst for freedom which the people had discovered in the late revolution, would, from mistaken principles, decline to an unqualified opposition to authority, or whether it would rise into a disdainful resentment against the enemies of just laws, who are always the real enemies of liberty, seemed to be reserved for futurity alone to determine. The constitution also was recent in its standing, and unsettled by practice. To enforce it in that point, where the powers of government begin to encroach upon the most favourite rights of the subject, was to encounter not only the clamours of the discontented, but the jealousy of the whole people.

Under such circumstances, to mark the exact point at which force ought to begin, or the exact degree to which it ought to extend, exceeded perhaps, the calculation of the legislature. But if vigorous measure were delayed too long, it was an error which arose from too great a confidence in the operation of reason and reflection upon the minds of the insurgents, and from the tardiness with which the publick sentiment seemed at first to recede from their cause. If the penalties inflicted upon the culprits were severe, it is a

sufficient apology, if not a justification, that they were not inflicted until the free, unsolicited pardon of government had been twice tendered to them, and rejected with contempt ; nor, until they had made their appeal to arms, with evident designs, and no small expectations of conquering the government, and overturning the constitution. In short, the provision which was made at the last stage of the penal system, for checking its operation almost universally, when the ends of it should be effected by the voluntary acts of the offenders, must forever acquit the government, in the minds of every impartial judge, from any sanguinary or revengeful design.

In the recess of the legislature, the commissioners for granting indemnity to persons concerned in the rebellion, were employed in the mild exercise of their authority ; whilst the Supreme Judicial Court were proceeding in the no less necessary, though less thankful office, of trying the offenders. Seven hundred and ninety persons took the benefit of the commission. Of those who were tried at this circuit, there were six convicted of treason in the county of Berkshire, the same number in Hampshire, one in Worcester, and one afterwards in Middlesex ; all of whom received sentence of death. Besides these, there were also

large numbers convicted of seditious words and practices ; many of whom were persons of consequence, and some of them in office. Among others, a member of the House of Representatives, after being apprehended by a state warrant, was convicted of these offences, and sentenced to the ignominious punishment of sitting on the gallows with a rope about his neck, paying a fine of 50*l.* and being bound to keep the peace, and to be of good behaviour, for five years ; and this sentence was accordingly put in execution.

The same inclination to mercy, which had induced the legislature to make frequent acts of indemnity, was visible in the conduct of the executive branch of government. Out of the number of convicts in the western counties, who had forfeited their lives to justice, the council advised, that two only should suffer death in Berkshire, and as many in Hampshire. To the remaining eight, the Governour extended a free pardon on the 30th of April ; and, on the 17th of May, a reprieve was granted to their less fortunate companions, to the 21st of June following.

The death of the Treasurer afforded an unexpected occasion, for calling the legislature together the fourth time in the present year. Upon

their assembling on the 27th day of April, the Governour took that opportunity, after the necessary communications of business, to express his wish for retirement, and (alluding to the turn which the votes for the chief magistrate had taken) his happiness, that the voice of the people coincided with it, as he could not otherwise have indulged it, without the imputation of deserting them in the critical situation of their affairs. His Excellency took his leave of the Court, and conferred his best wishes on the Commonwealth; among other things, that the people might have just ideas of liberty, and not lose it in licentiousness, and in despotism, its natural consequence.

Nothing material to the rebellion appeared in the proceedings of the Court, during this session, which continued but nine days, excepting a report of the commissioners appointed to grant pardons to offenders. The most operative causes to which they assigned the late disturbances, were publick and private debts, which arose principally from an undue use of articles of foreign growth and manufacture; and a delusion with respect to the proceedings of the General Court, and the situation of things in the different parts of the Commonwealth. They also observed, that they were obliged in duty to declare, although it was

painful to make the declaration, that from the representation which had been made, there was great reason to believe that too many persons, who had been members of the General Court, instead of giving that information of the reasons and principles, upon which the acts and resolves of the legislature had been founded, which might have satisfied the rational enquirer, and have silenced the unreasonable complainer, had by their conversation and conduct, irritated and inflamed the restless and uneasy, and alarmed the peaceable uninformed citizen.

Upon their rising, the court answered the Governour's address. In this, they accorded with him in his satisfaction, on the success of the measures which had been adopted, for subduing the rebellion. They declared that their confidence in his Excellency's character, was the dictate of real sentiment; and, expressing the hopes which might be entertained from his abilities and virtues, they plainly dissented from the wish which he entertained for retirement: Adding their own desire, that he might receive those marks of esteem and benevolent affection, from a grateful people, which are the proper reward of distinguished merit.

The heart of the rebellion being broken, by the return of many of its abettors to their allegiance, and the exclusion of the rest from the state, The views of the malcontents became confined chiefly to the securing of their leaders, and of those who were under sentence of death. They had left no expedient untried, to render themselves formidable upon a larger plan. Several of their leaders had proceeded to the province of Canada, to solicit succours from that government; but this adventure was not attended with success. Their predatory incursions had been represented as preludes to a general invasion, and magnified with ostentatious and malignant threats. Their weakness however, was too evident to admit of their extending their object beyond what we have mentioned: But this they pretended to have some expectation of effecting. from the pardon and reprieve which had been granted to the convicts; a circumstance which they affected to construe into a fear, on the part of the government, to execute the sentence of the judicial department.

The hostilities of the field were succeeded by less destructive, though not less determined contests, at the elections. Every party resorted to this source, for constitutional means of effecting their wishes. Those who were for preserving the

dignity of government ; those who hoped to meliorate the existing system against the rebels, and those who were too much wearied with war, and too little attached to either side, to look after any other objects than the immediate quiet of the Commonwealth, by whatever means it might be effected, all applied themselves to the elections. When the business was over, such alterations were made in the representations of towns ; such divisions appeared in the votes for Senators ; and the change in the chair was effected by so large a majority, as seemed to indicate a revolution in the publick mind.

Upon the meeting of the new General Court therefore, the curiosity and anxiety of the inhabitants were not less raised, than when the controversy was doubtful in the field. The insurgents had always requested, that the decision of their cause might be referred to a new assembly. They spoke of them with confidence, as a body who would demonstrate, upon the just principles of representation, that they were the majority of the people. When the returns of the representatives were published, it was in fact found, whatever might be the sentiments of the members, that about a quarter of them only had been in the late House. Several persons who in the war

had been thrown into prison as dangerous to the Commonwealth, who had fled from state warrants into neighbouring governments, or who had presided in county conventions, and otherwise manifested their opposition to the late ruling authority, were now to be seen on the seats of the legislature. Such a reverse of things drew the eyes of all upon the new Court, who were viewed with emotions of expectation and concern.

The contest being thus, in a great measure, removed from the military department, and carried into the legislature, where it may be said to have begun, the first subject which offered for trying the strength of parties, was the filling up of the vacancies in the Senate, and the elections of Counsellors. To guard the Senate against paper money and a tender act, and to give vigour to the Council, was the object of one side. To introduce a spirit of clemency and pardon into the Council, on whose vote the lives of convicted rebels were suspended, and to incline the Senate to popular reforms, was the object of the other. In this struggle, though it may not assist us in deciding which party prevailed, yet it is a circumstance worthy of notice, as expressive of the thirst for novelty, which reigned at this time, that the Council underwent nearly the same

changes as the lower house ; two thirds of their number consisting of persons who had never officiated in that station before.

The great question of means for the final suppression of the rebellion, did not long keep out of sight ; and the insurgents themselves once more furnished an incident, for affecting the minds of the members with unfavourable impressions to their cause. In one of their incursions, which happened on the 21st of May, as Mr. Joseph Metcalf was returning home, upon a journey, they made him their prisoner ; and, on the night following, they attacked the house of Medad Pomeroy, Esq. in Warwick, and captured him also. Both these gentlemen, who supported very respectable characters, and who were generally known in the country, were conveyed to places without the state. A paper was left at the house of Mr. Pomeroy, purporting that the persons taken were to be reserved as hostages, to secure the lives of Jason Parmenter and Henry M'Culloch, who were under sentence of death for high treason ; and that, if these should be put to death by the state, the persons then captured, would be put to death also, without delay. Such a high handed system of retaliation, was truly inconsistent with the debilitated state of the rebel forces, and

with a retreat which they held by the courtsey, and precarious indulgence of a neighbouring state. This indeed was soon evinced by the escape of their prisoners, not as was supposed without their own connivance.

Whatever expectations the malcontents might have entertained, from the great change in the elections, the language of the chair, in which Governour Hancock was this year replaced, was manly and decisive, upon communicating the intelligence of these incursions. His Excellency submitted it to the consideration of the Court, whether it would not be absolutely necessary for the support and protection of government, to continue in service the troops then stationed in the counties of Hampshire and Berkshire, for so long a time, after the term of their enlistment should expire, as they might judge necessary, to restore peace, tranquility and security to those counties.

The committee on this message, reported a resolution for requesting the Governour to raise eight hundred men, to be stationed in the western counties for six months, unless sooner discharged. To this resolution the Senate assented, but after it had been once debated in the House, they sent down an order, in connexion with it, for raising a

committee to consider the expediency of repealing the disqualifying act, and of reporting a bill of indemnity, under certain restrictions and exceptions to such persons connected in the rebellion, as would take the oath of allegiance to the Commonwealth within a certain time ; and in general, to consider the most effectual measures for restoring peace and tranquillity to the Commonwealth. In the debates upon a concurrence with the Senate in this order, the sense and feelings of the House began to be discoverable. An attempt was made to direct the indemnity to be in discriminate, without any restrictions or exceptions ; but it was not supported by one quarter part of the House, which at that time consisted of two hundred members. It was however, at length, agreed that the committee should be permitted to report the bill with restrictions and exceptions, or otherwise : And in this the Senate concurred.

Although it was foreseen, that the report of this committee would be intimately connected with the resolution of the Senate, or perhaps entirely supersede it ; and although one great objection to it was, that another pardon did not accompany it, yet the House would not postpone the consideration of the resolution, till the report was made, but debated upon it until the Senate sent for it, and substituted the report in its place.

During these debates, the House, for the ease of some members of the western counties, who were extremely dissatisfied at the delay of the business, unanimously resolved, That the end of the social compact was to secure the existence of the body politick, and to furnish the individuals who compose it, with the power of enjoying in safety and tranquillity their natural rights, and the blessing of life ; and that, therefore, the House considered it as their first, greatest, and most essential duty, not only to take the most effectual methods to establish and confirm them ; but that they would employ all the powers vested in them by the constitution, civil and military, to give permanency and effect to these important objects.

The report of the last committee consisted of a resolution for raising a number of men, not exceeding eight hundred, nor less than five hundred, to be stationed in the western counties ; and for pardoning all persons concerned in the rebellion, upon their taking and subscribing the oath of allegiance on or before the 12th day of September following, excepting eight, to whom the Senate added a ninth.

In debating the report by paragraphs, the favourite measure of introducing a general pardon

was again, for the last time, attempted, but without success, as out of two hundred and fourteen members, ninety-four only were in favour of it. The same fate attended various motions for lessening the number of the excepted persons ; and on the question of concurrence with the Senate, in accepting the report, the long disputed superiority fell to the advocates for the measure, by a majority of eight. The legislative opinion was thus at length decided, respecting the means of suppressing the rebellion, a subject which had drawn speculations and conjectures from every quarter of the community.

Notwithstanding this important determination for the support of coercive measures, similar to those of the late government, the proceedings under that authority were held up as disgusting to the present House ; and a committee was raised on the 14th of June, to bring in a bill to repeal the law for suspending the privilege of the writ of Habeas Corpus, and the clause of the law requiring town officers to take and subscribe the oath of allegiance ; although the former of these laws was to expire on a day so near, the first of July following, as to admit of little more than time, for the necessary ceremonies of enacting the bill proposed. This proposition, however, fell

through from obvious reasons, and was afterwards openly renounced by its advocates.

On the 29th of June, in consequence of a message from the Governour, his Excellency was requested to make known to the states, who had adopted measures for aiding the exertions of government to suppress the rebellion, the just sense which the legislature entertained of their friendly disposition; and to request permission of those with whom any of the rebels had taken refuge, to march the troops of Massachusetts into their limits, for the purpose of destroying and conquering them. And the Governour was empowered to raise or detach such force, as might appear to him to be necessary for that purpose, and to march them out of the state accordingly. The legislature also declared it as their determination, that no further acts of grace and clemency could be made, to any persons who might be in arms against the government, consistently with the dignity thereof, and with that safety and protection, which ought to be extended to the peaceable and well affected citizens of the Commonwealth.

The resolution for pardoning persons concerned in the rebellion, being found to extend only to the crime of treason, another was introduced

to include seditious practices. But one side of the Court contended, that the costs of prosecution which had arisen, should be paid by the Commonwealth, while the other thought it but a reasonable condition of the pardon, that they should be paid by the culprits. Having been much divided upon this point, they finally agreed upon a resolution, in general terms, that until the end of their next session, no prosecution should be commenced or proceeded on, for sedition or seditious practices.

The eye of the General Court was still fixed upon reforms, and a reduction of the Governour's salary, began again to be agitated. But his Excellency effectually checked all further debates upon the subject, by a message, in which he voluntarily offered 300*l.* of his salary for the present year, to the community ; suggesting at the same time, that when the future situation of affairs should be less perplexed, he hoped it would not be considered as a precedent to affect any successor in office ; nor be viewed in any other light, than that of contributing, as far as in him lay, to relieve the burdens of the people.

To this message both houses returned their thanks ; applauded the patriotism and generosity of his Excellency ; and accepted the proffered

donation. They added, that they wished it not to operate as a precedent to influence any successor in office ; but that the constitutionality of the question of lessening the salary, which the Governour had asserted to be uncertain, would without doubt, claim the attention of the legislature when they should think expedient.

The usual conditions of coercive measures for suppressing the rebellion, were complied with. The tender act was continued, and a committee was raised to consider of a more convenient place for holding the sessions of the General Court. A motion was also made for appointing a committee to consider the expediency of issuing paper money ; but this was lost, by the opinion of one hundred and three members out of one hundred and fifty.

The supplies for the troops being granted, though not without opposition, the session of the General Court was finished on the 7th of July. Their measures, though effected with less unanimity, were by no means so different from those of their predecessors, as appearances seemed to predict. They raised forces, granted supplies, indemnified offenders, and redressed grievances much in the same manner, as had been done for two sessions before. This uniformity of system, tended greatly to annihilate the expectations of

the malcontents, who presumed that a change of men would have produced a more adequate change of measures, with respect to their affairs.

The legislature having thus provided the necessary means for finally extinguishing the rebellion, the publick cause of course, devolved to the Supreme Executive, whose duty it became to put those means into exercise. As soon as a suitable number of troops were inlisted, the great question respected the fate of such of the rebels, as, after trial and conviction, were under sentence of death. On the one hand, to suffer such high crimes as they had committed, to pass away without punishing the offenders, seemed to be frustrating the ultimate designs of justice; to be making the situation of the guilty less ineligible than that of the innocent persons who had fallen in the cause of the country, and one of whom had been killed by a convict, whose case was in question; it seemed to be removing the great barriers which the laws had set up for the preservation of the body politic, by lessening the terrors annexed to the boldest attempts upon its existence, in rendering the punishment of offenders uncertain: The motives of mercy also, were liable to be misconstrued by the party still in arms on the borders of the state, who, naturally desirous of increasing their consequence, would ascribe that to a fear

of their pitiful inroads and robberies, which would be the result of infinitely superior principles : This, instead of introducing tranquillity, might lead them to attempts, which they would otherwise realize to be beyond their power. On the other hand, the low state of the rebellion, made severe and sanguinary measures less necessary than ever to its extinction; and to punish when the evil was removed, which it was the principal design of the punishment to remedy, would appear more like revenge in government, than the dispassionate exercise of justice. The convicts in question, though aggravatedly guilty, were not however, those leading characters which had most attracted the public attention; and if made examples, would excite a degree of pity in the minds of the people, from the obvious reflection that the less guilty were overtaken by the laws, while greater offenders escaped unpunished. Above all, the saving of life was an object truly desirable, and to give place to nothing but the safety of the Commonwealth.

Under such circumstances, the Supreme Executive determined upon a middle line of conduct; and on the 16th of June reprieved the convicts until the second of August following; thereby retaining the security which the government had, by the possession of the prisoners, for the pacifick

conduct of their associates without the state, on the one hand ; and avoiding furnishing them with any new pretence for hostilities, on the other. In the warrant of reprieve, the cause of it was declared to be, the necessity of further time, as well to discover whether the lenient measures adopted by the General Court, would have the happy consequences which they were intended to procure, as to determine whether spirited, decisive and forcible measures would be necessary to support the government, and protect the citizens in that security, which they were entitled to have under the constitution. A plain intimation to the malcontents, that their peaceable behaviour would save the lives of their brethren. At the same time that a reprieve was granted to the prisoners in Hampshire, the Sheriff of that county was ordered, not to open his directions, until the criminals had arrived at the gallows ; by which means, the usual preparations for the execution were attended to, and the ability of the government to carry the sentence into effect, fairly demonstrated.

The reasons which operated to induce this reprieve, grew every day more influential ; and were thought sufficient to justify a further reprieve, for four of the convicts, to the 20th of September. A full pardon was at length granted to a like number, among whom were Parmenter and Shattuck,

on the twelfth of the same month. Of three who were confined in the county of Berkshire, two effected their escape ; and the other, who was convicted in October, was favoured with a commutation of his punishment, to hard labour, for the term of seven years.

The military operations of the insurgents, during the summer, were not of sufficient consequence to be particularly mentioned, consisting rather of private robberies than public hostilities. So secure was the state from any attacks on the 13th of August, that the Governour reduced the troops to the number of 200. And on the 12th day of September following, he had the high satisfaction of announcing peace and tranquillity to the whole republick, by ordering the discharge of all their forces.

If any thing were wanting to complete the success of the measures of government, with respect to those deluded citizens who were concerned in the insurrections or rebellion, it was furnished from the voluntary concessions of the criminals themselves. The hardiest of them at length implored, with the most humble contrition, the mercy which they had so often rejected. Among others, Shays and Parsons, in the months of February 1788, preferred their petition to the late legislature. In it they declared themselves to be

penetrated with a melancholy sense of their errors; they averred their penitence and plead the misfortunes to which they had been personally exposed, in the course of their unhappy opposition to government, in expiation of their misconduct. They gave assurances, that their future behaviour should evidence their sincerity. In extenuating, they wished not to appear to justify their proceedings. They saw, they felt, and they owned that they had long felt the effects of their temerity, and they would never cease to regret their not having trusted for relief, to the wisdom and integrity of the ruling power. Whilst they acknowledged their errors, they entreated the legislature to believe, that these proceeded from misapprehension, and not from an abandoned principle. They had been obliged, they said, to seek an asylum far from their friends and connexions, in a state of exile from their country; yet, whatever had been suggested to the contrary, they had never combined with the secret enemies of America, if any such there were, to subvert her liberty or independence. If it should be thought necessary, that they should be held up as examples of suffering, to deter others, still enough had been done even for that purpose, as there was scarcely an inconvenience or misfortune which they could not number in their distresses. If these circumstances would not avail, they brought into view

their friends, their wives and their children, who were innocent, and who, by their pardon, would be bound by new ties of gratitude and affection to the government: They declared that, in asking to be restored to their lost rights, they were not influenced by the fear of punishment, but by a wish to demonstrate the sincerity of their reformation, and to add to the instances, already so conspicuous, of the clemency of the court.

A disagreement in opinion between the two houses, prevented the legislature from coming to a decision, upon this and many other similar petitions, which were before them. They were therefore, of course, left for the consideration of their successors, who, on the 13th of June following, passed a resolution, for justifying all officers and others, who had apprehended suspicious persons who had used property, or who had entered into and quartered troops in houses, in order to suppress the insurrections and rebellion, or preserve the publick peace, or safety of government; and for indemnifying all gaolers and sheriffs from whom prisoners had escaped, or who had been prevented serving executions, by reason of the rebellion.

This conciliatory resolution also provided for the indemnifying of all citizens who had been

concerned in the insurrections and rebellion, not convicted thereof, except against private suits for damages done to individuals, on condition of their taking and subscribing the oath of allegiance to the Commonwealth, within six months after the date; and, with respect to the nine persons excepted from the indemnity of the 13th of June 1787, on the further condition, that they should never accept or hold any office, civil or military within the Commonwealth.

Thus was a dangerous internal war finally suppressed, by the spirited use of constitutional powers, without the shedding of blood by the hand of the civil magistrate; a circumstance, which it is the duty of every citizen to ascribe to its real cause, the lenity of government, and not to their weakness; a circumstance too, that must attach every man to a constitution, which, from a happy principle of mediocrity, governs its subjects without oppression, and reclaims them without severity.

FINIS.

The first of these is the fact that the
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 whether it will accept the
 proposal for the extension of the
 franchise to the working class.
 It is clear that the Government
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