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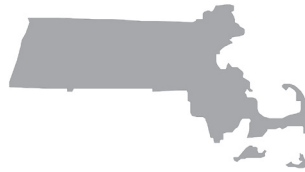


Stage for an Insurrection

Downtown Northampton, Massachusetts, 1786, as depicted in this 1936 painting by Maitland de Gorgoza, was a central location for merchant interests hostile to farmers' discontent with the region's economic arrangements, as voiced by men like Daniel Shays. The courthouse, to the right of the church, stood where today's Hampshire County Courthouse stands. Courtesy of *The Daily Hampshire Gazette*.

Shays' Rebellion: Reclaiming the Revolution

TOM GOLDSCHIEDER



Abstract: *Shays' Rebellion* presents an uncomfortable chapter in our national narrative that defies easy explanation. This was a significant armed insurrection directed against the new Revolutionary government in the state where the struggle for independence began. Historians are sharply divided on what to make of these events. We lack a clear picture of who the rebels were and why they confronted state power in the way they did.

This article examines the period in microcosm. It focuses on the experiences of three men from a small frontier town at the heart of the troubles who were imprisoned for debts they owed in 1785–86, just prior to the Rebellion. Taken together, they present a picture of the larger political opposition that preceded the Rebellion itself. What author Tom Goldscheider finds stands in sharp contrast to the Federalist view that continues to hold sway.

He presents evidence that debt litigation played a critical role in the uprising, since economic conditions forced otherwise solid farmers and ardent patriots to turn to a select group of “moneyed men” for credit they needed to pay their taxes due in scarce specie. Goldscheider argues that

these farmers saw their access to economic opportunities hampered by their lack of access to a political process in Boston framed under a constitution they did not endorse.

This article concludes that interpretations of the Rebellion have served to obscure the much more significant political movement that preceded Daniel Shays' precipitous call to arms.

On February 4, 1785, James Hunt, a yeoman farmer from Williamsburg, Massachusetts, was “committed to Gaol,” the county jail in the neighboring town of Northampton. Two men he purportedly owed money to had him arrested and confined there, presumably as a means of collecting their just dues. Six days later, Hunt “broke his bonds for Liberty of yard without leave,” and almost certainly went home to work on his farm. Luke Day was the only other prisoner of debt to defy the Hampshire County authorities and leave the Northampton jail of his own volition that year. Day, from West Springfield, co-led what came to be known as Shays’ Rebellion the following fall. Hunt was re-confined to gaol on May 30, 1786, by a different set of plaintiffs, and again “went to liberty without order of the General Court” after serving a three-month sentence. He left prison just as angry crowds began to congregate around the state courthouse next door, touching off a series of commotions that eventually convulsed most of Western Massachusetts.¹

Shays’ Rebellion has long puzzled students of American history. It presents an uncomfortable chapter in the national narrative that defies easy explanation. It was a significant armed insurrection directed against the new Republic immediately after the War for Independence taking place in the state that had spearheaded the struggle to break free from Britain.

The first draft of this history was written by the winners in the contest: the Federalist faction in control of state government at the time. These men were largely drawn from and represented the interests of the mercantile and professional classes. They supported strong, centralized governmental authority and counted their electoral base along the seaboard and in larger market towns. They depicted the rebels as selfish, traitorous, and largely ignorant farmers spirited on by ruthless demagogues. This account was softened by George Minot in his *The History of the Insurrections in Massachusetts*, written at the close of hostilities. He saw the rebels as misguided and confused and also pointed to the state for making poor policy choices during a period of great instability.² Taken together, these formed the dominant narrative of this pivotal event for the next 150 years.

The first sustained challenge to this understanding came from Progressive historians like Charles and Mary Beard in the early 20th century. They legitimized the rebels' grievances and hailed the rebellion as an agrarian uprising led by debt-burdened farmers whose operations had suffered while they fought in the Revolution. Then followed a series of "consensus" interpretations of events that worked to minimize differences between the warring factions in the 1780s.³

In 1980 David Szatmary revived the interpretation of Shays' Rebellion as a popular revolt with a "cultural" twist in *Shays' Rebellion: The Making of an Agrarian Insurrection*. In his view, western farmers imbued with "traditional" values were fending off "acquisitive" and "individualistic" merchants and professionals intent on exploiting them and disrupting their way of life.⁴ The bicentennial of the Rebellion ushered in a host of new scholarship in search of answers to familiar questions: Why did it occur in Massachusetts? Was private debt litigation a primary cause? Who were the rebels? While many historians focused on state policy choices that contributed to rising tensions, Leonard Richards, in his *Shays' Rebellion: The American Revolution's Final Battle*, reexamined the pardons list of individuals directly connected to the insurrections. The list contained almost 4,000 names of confessed Shaysites, grouped by town of origin. Using statistical methods, he saw no connection between support for the rebellion and private debt. He discovered that many leaders in the struggle were prosperous farmers who had acted as plaintiffs as often as defendants in the proliferation of debt cases widely viewed as a primary cause for the uprising.⁵ Who, then, were the rebels, and why did they take up arms when they did?

This study will use a different approach in exploring these questions. Instead of studying the effects of policy or making broad comparisons of participants using quantitative analysis, it will focus on the experiences of three men from one town. James Hunt was one of three men from the town of Williamsburg made a prisoner of debt in the months leading to the Rebellion. The other two self-described yeomen farmers who appeared on the Northampton jailer's list were Josiah Hayden and Thomas Fenton, and the town of Williamsburg lay at the epicenter of the troubles in 1786-87. A yeoman is a freehold farmer, or one who owns clear title to the land that he works and that sustains his family. In examining these three individuals in their shared community, we stand to gain insight into who joined the opposition and why, what form their activism took, and the significance of personal debt and resultant court actions.

We shall then widen our view to take in three of the creditors who acted to incarcerate these men: Israel Williams, Levi Shepherd, and Daniel



The Hunt House

James Hunt's Williamsburg farmhouse, c. 1780s. Courtesy of the Williamsburg Historical Society.

Rose Jr. Taken together we can attach individuals, personal experiences, and relationships to otherwise broadly discussed historical developments and extrapolate from this to produce new evidence regarding this central question: What were the causes for, and what was the significance of Shays' Rebellion?

WHO BECAME A PRISONER OF DEBT?

All three Williamsburg men were raised in Braintree, Massachusetts, just outside of Boston, and were lured as young men to the newly opened frontier

town by the prospect of cheap land.⁶ The territory that was eventually incorporated as the Town of Williamsburg in 1774 opened for settlement in 1763, following the defeat of French forces in North America and the cessation of hostile Indian raids in this hill-country. The men settled lots as they became available in 1764 with their wives and small families and quickly expanded their holdings.

James and Mary Hunt raised seven children on twenty-eight acres of "improved," or farmed, land, with 161 acres held in reserve. Josiah and Ruhamah Hayden raised ten children on fourteen acres of improved land (including a sawmill), with thirty-two acres in reserve. And Thomas and Hannah Fenton raised thirteen children on fifteen acres of farmland, with an additional eighty-five acres held in reserve. All three families rated well above average in their valuations for state taxes, and Hunt and Fenton rated just below the top tier occupied by the three tavern-keepers in town. Like most New England towns at this time, Williamsburg's land ownership and wealth were quite evenly distributed, with a few families above average and a few below, while the great majority occupied the middle range.⁷

All three men were present at Williamsburg's first Town Meeting, convened in 1773, and held important positions in town government from that time forward. Hunt was selected to "procure men" to serve in the Continental Army in 1779, and was given responsibility for raising "specie," or hard currency, in order to pay the town minister's salary in 1782. On two occasions, Hunt was elected Tythingman, charged with preserving order on the sabbath. The period between sundown on Saturday until sundown on Sunday was considered "holy time," devoted to religious study and observance. Josiah Hayden and Thomas Fenton served on the town's first committee of correspondence in 1775, formed to report local developments to the Revolution's leadership. All three served in local law enforcement as wardens or constables and as highway surveyors charged with constructing and maintaining new roads in the heavily wooded hills. These were politically engaged men who were respected in their community and entrusted with important responsibilities.⁸

Williamsburg overwhelmingly supported the American Revolution. The newly incorporated town passed a resolution supporting independence from Britain on May 6, 1776, two months before the national declaration was issued. James Hunt responded to the alarm at Lexington in April 1775 and all three men served under Williamsburg's Captain Samuel Fairfield at the Battle of Bennington in 1777. Enthusiasm

for the cause ran particularly high in July 1774, when a “mob” formed in Williamsburg and marched on the home of Israel Williams, an outspoken Loyalist from the neighboring town of Hatfield. We know that Hunt was present there because he was called in to give a deposition the following September.⁹

We have a picture here of three ambitious farmers who expanded their holdings while they helped raise large families on the newly opened frontier. They were civically engaged and supported the Revolution both in committees and on the battlefield. They fought in support of “home rule,” where authority was vested in towns and kept under the watchful eye of its citizens using an open, participatory political process.¹⁰

James Hunt and Josiah Hayden continued this tradition when they were chosen as Williamsburg’s two delegates at a county convention held in Hatfield in April 1782.¹¹ This was one in a series of regional meetings convened for the purpose of discussing and assembling lists of grievances that were presented to the state legislature. These meetings represented a continuation of a process that had started during the Revolution. Hayden and Fenton, as members of Williamsburg’s Committee of Correspondence, most likely attended regional meetings where local grievances were aired and policy initiatives were passed on to leadership councils.

In this case, representatives from thirty-six towns from across Hampshire County met for several days to articulate growing concerns about state policy in the early days of the Republic. Not all of Hampshire’s towns were represented, demarcating which sections of the county supported “Friends of Government” (the state) or the opposition. In general, the older, established market towns along the Connecticut River, like Northampton and Deerfield, supported the government, while more recently settled frontier towns in the outlying hills were more likely to support the opposition.

WHO ATTENDED COUNTY CONVENTIONS?

The first issue addressed at these conventions was political representation, the very issue that made these meetings necessary.¹² The constitution that formed the government in the new Commonwealth of Massachusetts had been adopted under highly contentious circumstances two years earlier. It received very little support in the western part of the state and was strongly opposed by Williamsburg’s representative in General Court.¹³ It embodied John Adams’ theory of “balanced government,” in which the interests of the few (mercantile and professional elites) were protected against the interests of the many (yeomen farmers and laborers). Under its provisions, a second

house was added to the legislature and the governor was given enhanced powers. Either the newly formed upper house (the senate), or the governor, using his veto power, could negate policy initiatives coming from the lower house. Property requirements for voting and holding office indicated whose interests were being served. Only men with personal estates worth more than sixty pounds could choose which senator or governor would represent them. Candidates for senate were required to have personal estates worth 400 pounds or more, while candidates for governor had to be worth at least 1,000 pounds.¹⁴ John Nash, one of Williamsburg's leading figures, had a personal estate worth 172 pounds when he died in 1773.¹⁵ This valuation did not include land and therefore favored merchants over farmers. Western farmers felt their access to political representation was hampered by geography and property requirements that barred them from full participation.

The "instructions" that emerged from the Hatfield and subsequent conventions (Hunt attended two more in 1783) revolved around issues of procedure and policy. Procedural issues included reforming the lawmaking process and returning sovereignty to the towns. Delegates resented unwarranted intrusions by state officials into what had been town business. They believed that such men were invariably prone to corruption since they operated outside the people's direct control. Policy issues addressed included state fiscal and tax policies that favored minority interests over-represented in government. Farmers saw an economic crisis made worse by a political crisis of accountability. Massachusetts was experiencing a severe post-war recession in the early 1780s. Farm prices and land values fell suddenly at the same time that demand in foreign and domestic markets dropped off, largely as a result of Britain's embargo on trade with the West Indies.

This crisis was compounded by the state's enormous war debt. Delegates took issue, however, with the way the state calculated its 1.3 million pounds in "consolidated debt," purportedly owed to foreign and domestic creditors. They noted that this figure was, in fact, based on policy choices made in Boston. Massachusetts was the only state that moved to redeem bonds and currency that were issued during the Revolution to fund the military effort at full face value. This despite the fact they were now held by a handful of speculators who had bought them from unsuspecting farmers and soldiers for pence on the pound at war's end. This pointed toward gross conflict of interest since the same men who implemented this policy held the majority of notes in question and stood to make windfall profits. To make matters worse, the burden of funding this policy fell disproportionately on farmers with large families (like our three) in the form of poll and land taxes. It was particularly onerous that the tax used to pay the interest on the depreciated

securities was due in specie—gold or silver coin—which was in extremely short supply largely as a result of the state’s tight fiscal policies.¹⁶

Concerns expressed at the conventions over procedural and policy issues converged around the issue of debt litigation. State fiscal and tax policies were identified as causative factors for personal indebtedness, and the use of the courts and law enforcement in debt cases represented the state’s sharpest assault on town sovereignty and personal liberty. Up to one in three Hampshire County men were entangled in civil suits involving debt at this time, so it should come as no surprise that the conventions focused on this issue. The meetings proposed streamlining the legal system in order to eliminate unnecessary procedures and expenses, along with temporarily suspending prosecutions while the causes for this explosion of debt-related cases came under investigation.¹⁷

The delegates in Hatfield bore witness to a legal system that encouraged unnecessary suits, creating needless hardship. As they saw it, this was not an economic or a cultural problem, but a political one.¹⁸ It was a systemic defect only policy makers in Boston could address. The April convention offered two concrete policy initiatives for the legislature to consider. The first authorized justices of the peace to take acknowledgment, or “confession,” of debts that would only enter the courts after a year of inaction on the part of the debtor. The second designated “neat cattle” and other farm products as legal tender that could be used to pay taxes due in specie.

ELY’S REBELLION

These policy initiatives evidently got little response in the state legislature because worsening conditions pushed the Hampshire County hilltowns to the boiling point the following June. Jonathan Judd Jr., a storekeeper in neighboring Southampton, recorded in his diary on June 6 that “a mob collected at Williamsburg armed, the militia were kept under arms all day.”¹⁹ Williamsburg men participated in a general uprising that climaxed with 700 state militiamen defending the Northampton courthouse and jail against 450–600 angry farmers. Luckily a truce was negotiated and the two groups dispersed with no recorded casualties, thus putting an end to Ely’s Rebellion, named for an outspoken ex-minister at the center of events.²⁰

This rebellion left two principle legacies. The first was the lesson that when the political process failed to produce results, direct action spoke louder than words. Samuel Adams, serving at the time in the state senate, was concerned enough to meet with two conventions held in Conway and Hatfield that August. Soon thereafter, the legislature voted the Confession Act and the Tender Act into law, the two policy initiatives proposed at the

April convention.²¹ Citizens in Williamsburg and the surrounding hilltowns had apparently internalized the lessons of the American Revolution: Political sovereignty was to be vested at the local level, where it was subject to direct democratic control; individual towns should form representative assemblies to voice collective grievances; and direct action was justified when illegitimate power was acting irresponsibly.

The second legacy of Ely's Rebellion was the response it elicited among ardent supporters of state government, otherwise referred to at the time as "law and order" men. The conventions themselves were held directly responsible for the mob actions that followed. We have no direct evidence of this, and the language used in the conventions' articles and by supporters in the press was highly conciliatory.²² Yet, government supporters worked very hard to discredit the entire convention process by associating it with mob violence. This was followed by disparaging characterizations of the convention delegates themselves, men like Josiah Hayden and James Hunt.

"An Old Republican" addressed his remarks to the delegates at a subsequent convention held in August 1786, but they can be applied to the 1782 delegates as well. He proclaimed: "They are not people, but a class of disaffected individuals, spirited on by wicked men . . ." He called them "people zealous without information" and "men of desperate circumstances and morals" who "design to prevent the collection of private debts and the payment of public taxes." Finally, he accused the delegates of treason: "But I do seriously believe them to be excited, supported and encouraged by the emissaries of that nation to which we were formerly subject."²³

None of these descriptions match what we know of Hayden or Hunt. They were middle class heads of households who were respected in their community and entrusted with important responsibilities there. As we have seen, Hunt was chosen to collect the tax used to support Williamsburg's minister and charged with enforcing moral order on the Sabbath. The two were chosen to represent their town at the convention because of their political experience. They were not simple backcountry farmers susceptible to demagoguery. And lastly, these were committed patriots, unlike many vocal "Friends of Government."

The last issue of contention between the two sides concerned debt. "An Old Republican" asked: "Will men of property and weight put themselves under the conduct of those persons who so notoriously are governed by selfish, if not dishonest motives?"²⁴ This question goes to the heart of the remainder of our investigation into the lives of these three men united by their shared experience as convicted prisoners of debt. What were the circumstances surrounding their indebtedness, and how did their situations configure in the courts? Both sides in this political debate accused the other of acting selfishly and dishonestly in financial matters. In

looking at the three men's experiences we can begin to unravel these accusations and thereby gain key insights into the causes and significance of Shays' Rebellion.

WHO WAS IMBUED WITH "VIRTUE"?

The Federalists, who controlled state government at this time, framed the issue of indebtedness in terms of public and private "virtue." Public virtue referred to one's willingness to subordinate individual interests to the public good. In this case it referred to the willingness to pay one's share of the "publick," or state debt that constituted a collective responsibility. They viewed tax resisters as selfish and shortsighted, unwilling to shoulder their share of a necessary burden. They presented supporting the Commonwealth in its hour of need as a moral imperative.²⁵

As we have seen, the opposition countered that it felt under-represented in a policy-making process that lacked transparency and pointed toward conflicts of interests.²⁶ They further asserted that this was not a moral issue, but rather one based on policy choices. They recognized the same set of problems seen by the Federalists, but identified different solutions. State policy called for the maximum extraction of gold and silver specie from Massachusetts' taxpayers to be used to redeem government notes issued during the war at full face value in the shortest time possible. Federalists argued the shortest path to renewed growth lay in restoring the state's credit line with overseas lenders at any cost. This credit was seen as the lifeblood of international trade and commerce, Massachusetts' economic mainstay.²⁷

The opposition countered that this policy of extreme austerity was unnecessarily painful for broad swaths of the population and that the problem of public debt should be approached differently. They advocated stimulating the depressed economy by increasing the money supply (creating more debt) in the short term in the belief that resultant growth and profitability over the long term would produce the revenue needed to retire existing debts. They were investing their faith in the inland economy and farmers' abilities to boost domestic trade using ready access to credit supplied this way. In essence, they saw the state restoring its public credit at the expense of private credit. The state was acting to restore the merchants' economy at the expense of the farmers' economy.²⁸

Private virtue referred to the conduct of household finance. The virtuous citizen managed his finances prudently, avoided incurring debts, and paid them promptly. Federalists, who subscribed to this view publicly, accused individuals entangled in private suits over debt of idleness, dishonesty, and overindulgence in luxury items they could not afford. The first charge does

not hold up in looking at the three debtors. The Williamsburg men carved large productive farm operations out of the wilderness, steadily expanded their holdings, and volunteered extensively in their community. It is equally difficult to imagine that they bought items on credit with no intention of making good on their obligations. In a cashless economy, in which the medium of exchange consisted largely of farm output produced seasonally, everyone was, of necessity, financially extended in many directions at once.²⁹ None of these small farm operations were entirely self-sufficient, nor, as we shall see, did they wish to be, and they depended on maintaining good credit in order to continue in business.

WHO BECAME A DEBTOR? JAMES HUNT, JOSIAH HAYDEN, AND THOMAS FENTON

Register of Prisoners for Debt

Name	Committed	Creditor	Demand (£, S. D.)	Liberated
James Hunt	Feb. 4, 1785	James Adams	9.1.4	Feb. 10, 1785
James Hunt	Feb. 5, 1785	Israel Williams	15.5.5	"Broke his bonds..."
James Hunt	May 30, 1786	Dearing Spear	16.1.7	Aug. 22, 1786
James Hunt	June 6, 1786	Aaron Kingsley	12.2.6	"Went to Liberty..."
Josiah Hayden	Apr. 27, 1786	Levi Shepherd/ Ebenezer Hunt	8.0.6	Apr. 27, 1786
Thomas Fenton	March 12, 1785	Samuel Rose Jr.	73.6	May 4, 1785

Debt and Consequence

This table shows a register of debt prisoners and their eventual release from imprisonment—sometimes through orthodox channels and sometimes otherwise. James Hunt turned up several times, twice taking his liberation into his own hands.

To fully explore the nature of the three men's indebtedness to determine how "virtuous" they were, we need to recreate their economic lives using the evidence at our disposal. It is useful here to think in terms of three economic spheres in which they operated simultaneously.³⁰ The first of these was the household economy. All three families owned enough land and infrastructure to feed, clothe, and shelter themselves and produce marketable items for trade. Large families provided most or all of the labor needed to run these operations. Each household economy operated within a local market economy, both intra- and inter-town. Each family traded goods and services with other farmers as well as with local artisans and storeowners, using surpluses to procure goods and services they could not supply themselves. And lastly, they increasingly participated in larger commodity markets that extended beyond western Massachusetts. They depended on local merchants who were dedicated to this trade to mediate these transactions. All three spheres overlapped in terms of what was traded or consumed, but they engendered three distinct sets of relationships.

Household economies were seen in the biannual tax valuations taken for the town. In 1784, the year before the three faced incarceration, the Hunts farmed twenty-eight acres and grew enough hay and pasturage to support ten cows along with a team of horses used to produce modest crops of wheat and rye. The Fentons farmed fifteen acres that supported seven cows and a team of oxen used to produce a bigger wheat crop. The Haydens farmed fourteen acres but grew only enough hay to feed their three cows and ox team. Their lack of farm output was offset by their operation of a sawmill that was used to trade for necessary items. All three families owned other assorted livestock and grew flax used to make linen. They also had ample access to wood used for heat, cooking, and construction. They almost certainly hunted game, fished, and kept gardens with orchards and berries. Each family was therefore almost wholly self-sufficient for its basic wants.³¹

The three families' participation in the local market economy was best seen in the ledger book kept by Dr. Elijah Paine, the physician, trader, innkeeper, and farmer who operated in Williamsburg throughout this period.³² Not surprisingly, the Haydens maintained the most active account with Dr. Paine since they were least self-sufficient on their farm. In their running account from 1785-1793, debits were balanced against credits with goods and services valued on both sides of the ledger to the nearest pence. The Haydens procured the doctor's services along with foodstuffs, shoes, and the use of equipment. In return, Hayden supplied 1,200 board feet of sawn lumber along with his own and his son's labor and twenty-one yards of woven linen produced by his daughter Abigail. Hunt, like Hayden, enjoyed the occasional mug of "flip"

at Paine's Tavern, in return for the use of his team of horses or the services of his prize bull. Thomas's wife, Hannah Fenton, ran up an especially large bill in 1786 when she visited the doctor twenty times in a two-month period.

Paine primarily traded in local goods that he took in from other customers. In other words, he took in sawn lumber from Hayden, that he "sold" to another farmer in exchange for a peck of apples, which was sold to someone else, and so forth. He traded in some imported items like tobacco and rum, and extended credit when needed, but did not deal in exportable commodities and always found a way for his customers to settle their accounts according to what was available to them at the time. His best customers were his neighbors, so there was added incentive to maintain amicable relations and settle disputes personally.

The three men's forays into larger commodity and credit markets appeared in their court records. All three had business dealings with local merchants from neighboring towns who dealt in wider markets as well as additional dealings with merchants from outside the region who offered them considerable advances at this time. These yeomen farmers helped manage complex, largely self-sufficient, family-run operations; they participated in trade networks with their neighbors, both on and off the books, based on principles of mutual cooperation; and they were actively seeking out larger markets for surplus production off their lands.

Court records for the three men paint a complicated picture with a dominant theme: The desire to pursue business opportunities beyond the local sphere exposed them to difficulties largely outside their control.³³ During the 1770s, Hunt and Hayden were implicated in a number of small suits involving lesser amounts. Interestingly, Hunt was the plaintiff in almost half these cases, demonstrating he was not averse to using the legal system to his advantage. Beginning in the early 1780s, Hunt was the defendant in all the cases he was involved in and the nature of the creditors and the amounts owed changed markedly. These were no longer minor disputes between economic equals, but rather larger transactions involving powerful, well-connected merchants.

All three men borrowed heavily from outside the region during this time. Thomas Fenton and his brother Benjamin owed sixty-six pounds to Daniel Rose Jr. of Dutchess County, New York. Josiah Hayden and his neighbor Samuel Bagley owed the equivalent of fifty-five pounds in depreciated currency to Obadiah Thayer and Samuel Sprague, Boston-based merchants. James Hunt owed a total of fifty-two pounds to Azariah Smith, of Hartford, Connecticut, and Dearing Spear, of Braintree. All three were similarly under suit from a pair of local merchants who participated in a wider market economy.

Hayden, Hunt, and Fenton owed Israel Williams, of Hatfield, forty-six, nine, and fifteen pounds respectively. James Hunt and his brother-in-law Abel Thayer owed Levi Shepherd twenty-eight pounds, while Josiah Hayden owed the Northampton merchant six pounds.³⁴

Hayden, Hunt and Fenton were eventually imprisoned for debts owed to Shepherd, Williams, and Rose respectively. Before we address the specific circumstances that surrounded these suits, we need to turn our attention to how they experienced them in general terms. This understanding will contribute to our sense of what lay behind growing political tensions during this period. In order to do this, we need to take a closer look at the plaintiffs involved.

THE “MONEYED MEN”: SHEPHERD, WILLIAMS, AND ROSE³⁵

Israel Williams, along with his son Israel Jr., operated a retail store in Hatfield that traded largely in imported English goods. This was no ordinary store, however, nor were these ordinary storekeepers. Israel, Sr. was regarded as the last of the so-called “River Gods.” This was a group of seven interrelated families that effectively ruled the Connecticut River Valley in western Massachusetts for most of the eighteenth century. They arrived in the late seventeenth century armed with strong connections to political power in Boston, which they maintained and leveraged to their collective advantage over three generations. They used clerical, military, and political appointments from the Royal Governor to consolidate their local base and amass large fortunes. Williams was referred to as “our father” by those he commanded in the militia, and as “ye monarch of Hampshire” in Boston because he held a seat on the Governor’s Council while he oversaw the court of quarter sessions, the court of common pleas and probate court for Hampshire County.³⁶

The Williams family wielded considerable influence in the town of Hatfield, and it should be remembered that Williamsburg had been carved out of the older town’s “three-mile-addition,” hence its name. It should also be remembered that James Hunt participated in a “mob” action based in Williamsburg directed at Williams and his son for their refusal to observe a patriotic fast-day in 1774. By this time the elder Williams had broken with the Congregational Church and was an outspoken supporter of the Crown as the Bay Colony moved towards rebellion.³⁷

If Israel Williams represented the old guard that exercised economic and political power in the region, Levi Shepherd represented the new mercantile elite that established itself during the Revolutionary period. He opened the first apothecary north of Hartford on Court Square in Northampton in 1765. He partnered with Dr. Ebenezer Hunt (no relation) in 1769 and married into one

of the most prominent families in town.³⁸ By 1773, Shepherd and Hunt carried 171 debtors on their books and earned an annual profit of 140 pounds.³⁹ To put this into perspective, Williamsburg's Rev. Strong, by far the most prominent and well-paid figure in town, was paid an annual salary of seventy pounds. Looked at another way, a full day's labor was valued at one shilling, six pence in Dr. Paine's ledger-book.

Levi Shepherd went on to establish Northampton's first major manufactory and founded its first bank. When he died in 1805, he was declared "the wealthiest man who had ever lived in town" with an estate valued at over \$100,000.⁴⁰ During the war, he could be described as a "moderate" patriot at best. Shepherd declined a Revolutionary appointment as Commissary for the State because "my partner in trade utterly refuses to give consent to my going . . . as I am obligated by our Indentures not to undertake any Business away from Home."⁴¹

The out-of-state creditor who had Thomas Fenton incarcerated for debts owed him had the most checkered record in relation to the Revolutionary struggles that dominated this period. Samuel Rose Sr. was one of eight partners granted 23,000 acres of land by the Royal Governor of New York in what is now southwestern Vermont. The largest landowner in Manchester, his property was confiscated in retaliation for giving aid to General Burgoyne at Bennington in 1777. It is worth recalling that all three Williamsburg men responded to the "alarm at Bennington" that year.

His son Samuel Rose Jr., Fenton's creditor, spied for the British and was taken prisoner in 1777. He escaped to Canada, where he served the British as a storekeeper for two years before being "sent out on secret service, but most unfortunately for me, I was taken prisoner, tried for my life and sentenced to Northampton Jail, where I lay in close confinement and in irons, for seven months, then broke and went to New York." He reportedly contacted General Clinton's army there and was returned to Canada for the duration of the war.⁴² Rose's suit against Thomas and his brother Benjamin originated in Pawling, New York, in 1783.

A DEBTOR'S DAY IN COURT

The three creditors described here used Massachusetts' legal system to deprive three army veterans of their liberty within months of the signing of the Treaty of Paris. Their arrests in 1785 followed long, humiliating, and expensive ordeals. Each was served with papers to appear at Northampton's court of small pleas on three occasions before writs were executed against them. The debtors invariably failed to appear at these hearings that would

have cost them a day's work and transportation. They were nonetheless assessed with a courts bill along with additional fees and the optional cost of an attorney to represent them.⁴³

Once the writs against the debtors were executed, the creditor could pursue one of three courses of action. He could have the debtor's property appraised and attach what was owed to him; he could force an auction of the debtor's property and take cash from the sale; or he could imprison the debtor to pressure him into producing the arrears "voluntarily."⁴⁴ All three creditors chose the last option in spite of the fact that all three debtors owned land and property that could have been attached. They were part of a small minority in pursuing this course of action. Well over a thousand civil suits involving debt were prosecuted in Hampshire County in 1784, the year these writs were executed,⁴⁵ and yet only forty-one debtors were confined to jail in 1785, the year all three were arrested.⁴⁶ Israel Williams and his son prosecuted at least twenty cases that year but only sought to imprison James Hunt, who was implicated in the humiliating mob action directed against them in 1774. The original note Levi Shepherd held for Josiah Hayden that resulted in the latter's arrest, was for forty-two shillings, eight pence. Shepherd could have chosen a different course of action over this trifling sum.

The three Williamsburg men (James Hunt, Josiah Hayden, and Thomas Fenton) surely felt exasperated by their experiences in the courts. They must have felt like victims of selective prosecution in a system where they were unfairly disadvantaged. Ebenezer Hunt, Levi Shepherd's recently departed business partner, acted as registrar in all these cases. Both Shepherd and Williams were certainly connected with other court officers, judges, lawyers, sheriffs, and so forth; and were similarly in a position to afford better representation. The debtors must also have been aware that Massachusetts courts were unusually aggressive in pursuing these cases to the point of incarceration.⁴⁷ The final insult here was that the three creditors, acting on behalf of "virtue," had done nothing or worse during the recently ended Revolutionary struggle for which so many had sacrificed.

Each debtor had a different experience of incarceration. Debtors were typically allowed to leave Northampton's "New Jail" during the day as long as they stayed in the downtown area. At night they were confined to their cells, which "were scarce four feet high."⁴⁸ Josiah Hayden opted to pay his eight-pound demand, made up almost entirely of court fees and penalties, rather than spend the night. Thomas Fenton was confined for six weeks in the early spring of 1785. James Hunt was held for five days that February before he "broke his bonds" and went home. He was re-confined

the following summer for almost three months before going “to liberty” on the eve of the insurrections.

The picture we get of these six men, arrayed against one another in court, serves to politicize the Federalist concept of private virtue, just as the issue of public virtue was moved into the political arena earlier. The Federalists' claims to being the arbiters of virtue in the sphere of personal indebtedness begin to fray when individuals are attached to these civil suits. We need to consider who was prosecuting whom using what means before passing judgment on which party (or Party) held the high ground.

WHY DID FARMERS BECOME DEBTORS?

To fully settle the question of where each side stood in relation to this concept of private virtue, we need to return to our original question: Why did the three Williamsburg men go into debt? Why did these men, who owned enough land and personal property to provide for their families and trade for further necessities locally, expose themselves to this degree of risk? Why would these frontier farmers, who valued their independence so highly, risk dependency on powerful figures from outside their community?

The answers to these questions lie in a deeper understanding of the three families' farm operations, and the larger economic situation they all confronted in the early 1780s. They were never simply small frontier farmers who aspired to little more than self-sufficiency on their modest holdings. They always actively sought out access to larger commodity markets in order to expand on what they already had.

This process began when the three arrived from Braintree in the early 1770s to claim their small lots in the wilderness at bargain prices. Williamsburg was entirely wooded when they arrived, so their lands had to be cleared to make way for productive fields, pastures, and hay lots. The good news was that much of that felled lumber could be converted into silver in the form of potash, or “salts” that were further distilled to produce same. In fact, an acre of land could pay for itself utilized this way, thus freeing up the capacity of the land to produce revenues that could be applied to expanding their holdings.

There is no question that potash “fever” took hold in Williamsburg from this time forward. By the beginning of the nineteenth century, virtually all the town's hillsides were denuded, converted into potash, which commanded high prices on European markets. Potash had a number of industrial uses at this time, including the production of gunpowder, and was therefore in increasing demand. Hunt, Hayden, and Fenton surely participated in this

trade early on, and this probably accounted for why they were able to enlarge their holdings in town.⁴⁹

Further evidence that Williamsburg farmers participated in commodity markets was seen in the town's tax lists. In 1782, farmers across town suddenly switched to growing large quantities of flax. Fenton led the way among our three, producing 200 bushels off his farm that year. The most dramatic example of this occurred in 1791, when the re-opening of West Indian markets produced a spike in demand for salted pork. Williamsburg farmers responded by becoming swineherds overnight. An aggregate tax list produced for the state counted 146 swine town-wide in 1786. Five years later, from one year to the next, swine numbered in the thousands. James Hunt, in characteristic form, boasted an even thousand on his farm.⁵⁰

James Hunt, Josiah Hayden, and Thomas Fenton were farmers/sawyers in a relatively isolated frontier outpost, but they really viewed themselves as small businessmen seeking advantage in larger markets. This explains their response to the post-war economic crisis described earlier that beset all farmers in this region. Farmers saw demand for their produce drop off sharply while their sources of credit evaporated and their taxes increased five-fold. Some opted to sell off portions of land at depressed prices in order to raise enough specie to pay their taxes and hold on to what was left them. We see evidence of this in the Williamsburg tax lists. Aaron Kingsley, a prosperous farmer whose economic standing in town was comparable to that of Fenton's and Hunt's, sold off almost one half of his unimproved land in 1784. During this same period, Hunt and Hayden increased their holdings. Hunt almost doubled his acreage of unimproved land in 1782 (becoming the third biggest landowner in town) and Hayden did double his in 1785. These men took the opposite tack. They opted to protect their holdings by borrowing against future earnings. They responded to a downturn in the economy and increased pressure on liquidity by participating in the marketplace more aggressively.

This is the strongest explanation for why all three formed partnerships in order to take on large advances from wealthy merchants based outside the region during the depths of a recession. Josiah Hayden and his neighbor Samuel Bagley owed 2,258 pounds in inflated currency to the Boston merchants; Thomas and his brother Benjamin Fenton owed sixty-six pounds to Daniel Rose Jr.; and James Hunt and his brother-in-law Abel Thayer owed Levi Shepherd twenty-eight pounds. Hunt was dealing with a local trader in this case, but the premise stands that borrowing with a partner bespeaks enterprise, while borrowing singly is more likely an act of preservation.

Business dealings also accounted for the debts the three owed to Shepherd and Williams. Levi Shepherd referred to himself as a "Doctor" because he

R 1786.

THE

NUM

AMPSHIRE GAZETTE

WEDNESDAY, SEPTEMBER 13, 1786.

HAMPTON: PRINTED BY WILLIAM BUTLER, A FEW RODS EAST OF THE COURT-H

HAMPTON, Sept. 6, 1786.

the Public.
vice and encouragement of a
of Gentlemen in this Coun-
has established a *Print-*
Northampton, where printing
in America will be pecu-
and dispatch.

ry like this, where our na-
and happiness is entirely
a general diffusion of know-
the people, (the extensive ad-
such periodical publications
often explained or too high-
The United States of Amer-
existence as an empire to
degree of knowledge which
large have enjoyed and main-
every period of their pro-
the first settlement of the
the late revolution. In no

the rights of mankind been
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lation of News-Papers, are
principal causes which have
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ch a state, our children will
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mark the decline of empire;
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ter part of the extensive
counties of Hampshire and
much more commodiously
ceive their communications
than from any other, while
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probably increase the num-
and writers, an object to
every friend of liberty and

WILLIAM BUTLER,

wealth of Massachusetts.
HIS EXCELLENCY
BOWDOIN, Esquire,
Commonwealth of Massachusetts.
DECLARATION.

information has been given to
me Executive of this Common-
the day last, the 29th of August,
pdated by law for the firing of
mon Pleas and Court of General
sake, at New HAMPTON, in the

prevent the firing of the Court, and the orderly
administration of justice in that county:

AND WHEREAS this high-handed offence
is fraught with multifarious and pernicious conse-
quences, must tend to subvert all law and gov-
ernment; to dissolve our excellent Constitution,
and introduce universal anarchy and confu-
sion, which would probably terminate in absolute
despotism, and consequently destroy the fairest
prospects of political happiness, that any people
was ever favoured with; and which this people
will realize, if they do not inter themselves to be
mildred by the machinations of internal real
enemies, who treacherously assume the character
of their best, and most zealous friends:

I HAVE therefore thought fit, by and with the
advice of the council, to issue this proclamation,
calling upon all Judges, Justices, Sheriffs, Grand-
Jurors, Constables, and other officers, civil and
military, within this Commonwealth, to prevent
and suppress all such violent and riotous proceed-
ings, if they should be attempted in their several
counties:

AND I DO hereby, pursuant to the indispen-
sable duty I owe to the good people of this Com-
monwealth, most solemnly call upon them, as
they value the blessings of freedom and independ-
ence, which at the expense of so much blood
and treasure they have purchased—as they re-
gard their faith, which in the sight of God and
the world, they pledged to one another, and the
people of the United States, when they adopted
the present Constitution of Government—as
they would not disappoint the hopes, and thereby
become contemptible in the eyes of other nations,
in the view of whom they have risen to glory and
empire—as they would not deprive themselves of
the security derived from well-regulated Society,
to their lives, liberties and property; and as they
would not devolve upon their children, instead of
peace, freedom and safety, a state of anarchy,
confusion and slavery—I do most earnestly
and most solemnly call upon them to aid and assist
with their utmost efforts, the aforesaid officers,
and to unite in preventing and suppressing all
such treacherous proceedings, and every measure
that has a tendency to encourage them: And
the Attorney-General is hereby directed to pro-
secute and bring to condign punishment the
Ringleaders and Abettors of the aforesaid unpro-
pious violation of law and government; and also
the Ringleaders and Abettors of any similar viola-
tion in future, whensoever or wheresoever it shall
be detected: Such is the Commonwealth's

GIVEN at the Council-Chamber, in Boston,
this second day of September, in the year of
our Lord, one thousand seven hundred and
eighty-six, and in the eleventh year of the
Independence of the United States of Amer-
ica.

JAMES BOWDOIN,
By his Excellency's command
JOHN VENABLE, jun. Secretary.

From the Connecticut Courant.
The Establishment of the Worship of the DEI-
TY, essential to National Happiness.

*Plusque domi moris,
Quam bene leges, valet.* Tacitus.

By an AMERICAN.

Without thee, what were our rights and our
A passage running through the woods and wilds.
In quest of prey; and with the unshod'd fur
Rough clad; devoid of every finer art.
A elegiac life! No opposition
Domestic, mix'd of tenderness and care,
Nor moral excellence, nor social bliss.
Nor guardian law, were his
Nations, few, scarce, indolence and suite.

errations respecting the "article
liberty; and whether they may not
treatment of religion constantly wi
and religious rights of all denomina
the expediency of such an establish
states?"

I submit the subsequent thoughts I
doct. Price by his generous and
ed labours in the cause of human
ed the applique of all the friends of
gious liberty in the world, and especia
American. I esteem it a
and other foreigners of enlarged min
en us their enlightened thoughts on t
ous subject of government, and the
foundation of such a system of regula
tend to make wile and happy, prese
our American generations. May w
their labors!

We need the assistance of the wif
as well as the smiles of an omnipo
to lay firm and lasting the basis of
the virtuous empire on which the fan crea

HAPPY had universal liberty! I
ppy thy future sons, if wisdom direct
the councils of their fathers! While
of European monarchies, in high
vassalage, and look up from a humb
to their haughty lords and oppress
born American families with confu
and independence, in the position o
and privileges of a man, and in eij
office of honour and influence in i
merit, depending not on the caprice
a despotic prince, or his favourite;
uncorrupted virtue of his fellow citi
May Americans by their wisdom
foreverment, and high and uninter
firmness, avoid a similar scene, say
upon them.

Europe has for ages grov
ecclesiastic oppressions, and
of tyranny in church and state, un
have in time past revolved it still
vented to seize the prize of fate.
especially fallen on two evils, tyru
influence, and the power of subre
pot; as the consequence, who has str
vied their claims, as shown in Scy
vizee Chauldinhim. Happily we have
gulf, without feeling the rub of tyra
whirlpool of anarchy; and cur
has reached the fair haven of peace
and burden is cast, but the work of
to be finished. We have to seize the
which providence hath put into our
to turn them to the public good.

Such is the state of human nature, the
tions of religion are necessary to give
law. Mankind are held back from
commanding use of a power, unmit
to the power of their own creat
excited to the practice of the moral
tues, by the animating hope and affi
true appropriation and reward.

Doctor Price passes up in silence,
concrete essential to the future prosp
states, that is, the support of the
of the Deity. I mean not the establi
by one sect or denomination, accom
with an exclusion or toleration. Our
mode of teaching is not to be cast
most all the different sects into wh
dom is divided, are scattered thro
them. No one sect is universal
or modes of worship, and therefore
nomination can be established on th
of equal liberty.

The great step out of the line
the moment he establishes his op
standard of orthodoxy; because in his

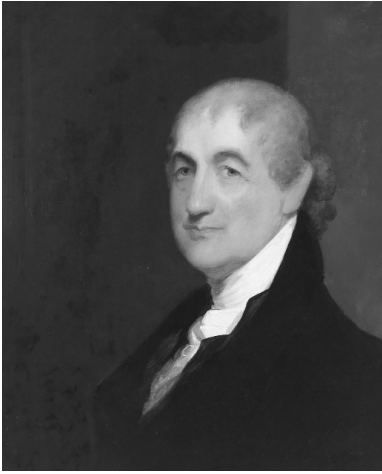
A Critical Voice

The Hampshire Gazette was founded by interests hostile to the actions represented by Hunt, Hayden, and Fenton. Its pages hosted withering attacks on the integrity and intentions of the farm interests and their notable personalities.

dispensed imported medicines out of his downtown shop, but he had no formal training and was, in fact, an international trader in commodities. We have his correspondence with two London traders confirming their acceptance of barrels of potash in exchange for medicines and dry goods that were transferred to Northampton via another merchant in Boston.⁵¹ Shepherd's store accepted "Grain, Pork, Potash, Salts, Flax-seed" and paid cash "for Shipping Furrs and Bees-Wax."⁵² In other words, he converted marketable surpluses from Williamsburg farms into precious specie. By extension, he was in a position to offer farmers the credit they relied on to run their operations from year-to-year based on future delivery of produce. Failure to deliver on time at agreed upon prices easily resulted in accumulated debits in this scenario.⁵³

There is less evidence that Israel Williams acted as a conduit for international trade at this time, but nor was his relationship with his customers like that of Elijah Paine's. In an increasingly complex economy that lacked a stable and readily available form of currency, "notes of hand" became the principle medium of exchange. Williams accepted promissory notes from third parties as payment for goods at his store, thus becoming a clearinghouse for debts in the valley. Sometimes these notes were passed on to fourth parties and sometimes he acted to collect on them himself. This accounted for the long list of prosecutions for debt in his name, including our three from Williamsburg.⁵⁴ It is likely that James Hunt never set foot in Williams' store following their encounter in 1774, and was nonetheless indebted to him. It is useful here to think of notes of hand and potash as currency in an economy without currency, and of Shepherd's and Williams' stores as banks in an economy without banks.

The *Hampshire Gazette*, the Connecticut River Valley's long-standing newspaper of record, was founded in September 1786 as a Federalist response to growing unrest that centered on the Northampton courthouse. One of its principle columnists was River God Caleb Strong, writing under the pen name "Aristedes." Strong was a prominent lawyer who had prosecuted an unusual case against James Hunt earlier that spring in superior court in Springfield. Hunt posted bail for Benjamin Fenton (Thomas' brother), who was being sued over four pounds he owed Aaron Kingsley, the Williamsburg farmer referred to earlier. When Benjamin failed to appear at his scheduled hearing, Kingsley, presumably acting on Strong's advice, issued a warrant for Hunt's arrest.⁵⁵ As we know, Hunt served almost three months in jail as a result while his farm languished. Strong also represented Levi Shepherd in his bid to have Josiah Hayden incarcerated for an outstanding balance of forty-two shillings. The attorney, also a "Moderate" during the Revolution,⁵⁶ went on to lead the Federalist Party in western Massachusetts



Caleb Strong

and was elected governor eleven times.

In his column, “Aristedes” accused “the heads and fomenters of these troubles” of being “bankrupt, dishonest prodigals who have wasted their estates by vice and folly, by idleness and gaming.”⁵⁷ Once again, our Williamsburg men were subjects of an aggressive smear campaign in the press. It must have been galling to these enterprising farmers who were bullied in the courts for the “crime” of doing business in uncertain times, to then be publically vilified.

Strong’s accusation of “gaming” came closest to the mark here. The Williamsburg men were using whatever

access they had to capital to bet against future earnings in order to protect what they had: land, which was the key to personal independence. From what we know of these men, it simply defies reason that they would choose to indulge in “baubles and geegaws” in the depths of an economic recession. Shepherd and Williams were probably overstocked with imported luxury items at this time, and would certainly have welcomed their business on credit, but the three do not appear that naïve. Nor were they naïve enough to simply borrow money to pay their taxes. As businessmen, they would have recognized this was an unsustainable model. Rather, they resembled George Caldwell, a Connecticut small businessman prosecuted for debt in 1786, whose “insolvency arose from new projects in trades and manufactures, which led him into debt beyond his means.”⁵⁸

WHO JOINED THE REBELLION?

Up to this point we have been examining the questions of who joined the opposition to government and why, using the Williamsburg men as a case study. The next question is whether or not they participated in Shays’ Rebellion as a result of their experiences. The answer is, they did not, but their nephews did. Twenty-four names appeared on a list of Williamsburg men who swore allegiance to the state in return for the restoration of their political rights in 1787. This came in response to the offer of a blanket pardon for all directly connected with the insurrections granted by the newly elected governor. The average age of the Williamsburg oath-takers was twenty-one and featured the sons of nearly all of the most prominent men in town. The

list included four young men related to Hunt and Hayden along with the sons of Captain Samuel Fairfield, Dr. Elijah Paine and others from similarly prosperous families.⁵⁹ The Williamsburg contingent of those “assembled at Hampshire Courthouse with guns, swords and other deadly weapons and with drums beating and fifes playing in contempt and open defiance of the authority of this Government”⁶⁰ was predominantly made up of the sons of privilege. This impression was confirmed for us by Daniel Stebbins, of Northampton, who bore witness to these events as a young man. He noted in his diary in 1845:

Previous to entering the open field of action, under Daniel Shays, there had been many disorderly meetings—some were ready to “show fight.” A few spirited young men had clustered around the Sheriff of Court, prepared for a rush, should occasion require. They were a motley crowd of idle and would be considered honest young men [never challenged by] straightened circumstances of life—for either food or the comforts of life.⁶¹

Our three debtors, who fought in the Revolutionary War, represented Williamsburg on committees of correspondence and at county conventions, and participated in “mob” actions in 1774 and possibly in 1782, stayed at home. They had every incentive to join in closing the court that fall, but were content to leave that part of the struggle to another generation. They certainly appreciated the need for direct action when the situation called for it, but they also recognized that such actions were largely symbolic, and therefore best left to a younger set that reveled in the danger and pageantry that were front and center here. Shays’ Rebellion did not represent the culmination of an existential struggle for these middling families, but rather the extension of a political struggle, to some degree calculated to achieve targeted objectives. Viewed this way, the Rebellion looks like a series of partially planned militant actions, not unlike those seen in 1774 and 1782, that spiraled out of control. Daniel Stebbins closed his diary entry noting that, at a certain point, Daniel Shays “could not back out. He had proceeded such lengths in rebellion [that it was] neck or nothing.”⁶²

Only one of the three commissioned army captains in Williamsburg responded to General William Shephard’s call to assemble a company and make ready to march in defense of Springfield’s federal arsenal in January 1787. The other two captains’ sons were confirmed Shaysites and their fathers likely supported the opposition. The small unit mustered under Captain Jonathan Warner mutinied against him outside of West Springfield, and he was held prisoner until General Benjamin Lincoln’s forces gained the upper hand in late January.⁶³ And a final note, Levi Shepherd accepted Governor Bowdoin’s appointment as Commissary

General to the Troops, responsible for provisioning General Lincoln's army with bread, rum, beef, and pork while they mopped up resistance forces throughout western Massachusetts.⁶⁴

And so what became of our three Williamsburg debtors? Thomas Fenton could not have participated in Shays' Rebellion because he had already left the state by then. He sold the one hundred acre farm he had cleared and developed and moved his ailing wife and their thirteen children across the state line to Cambridge, New York, in the spring of 1786.

James Hunt settled his outstanding debts by selling 130 acres of land, valued at ninety-four pounds, to William Philips Jr. of Boston, in 1788.⁶⁵ Philips must have acquired Hunt's debts, just as his father had amassed devalued government securities towards the end of the Revolutionary War. Philips' father was the powerful speculator who was also the largest subscriber to General Lincoln's privately funded army used to suppress the Rebellion.⁶⁶ Hunt and his family also left the state. He sold all of his Williamsburg holdings in 1794 and moved to the newly settled town of Bolton, Vermont. He bought a gristmill there and was elected selectman, only to have the mill seized from him by the courts in 1799 as the result of a debt action.⁶⁷ He was an ambitious, if not a particularly successful businessman.

The Hayden family was the only one of the three to remain in Williamsburg. Josiah settled his share of the debt owed the two Boston merchants by selling six acres of land to Henry Hill, another influential speculator who had purchased his note.⁶⁸ The Haydens passed their estate on to their children while they were still living. Josiah died in 1810, followed by his wife Ruhamah in 1817. Their sons Daniel and David started the first manufactory on the upper Mill River in Williamsburg in 1809, and their grandsons Joel and Josiah established a button factory there thirty years later that employed over 200 workers.⁶⁹ These early industrialists numbered themselves among the wealthiest and most powerful men in the state.

LEGACIES

In focusing on the lives and experiences of three men imprisoned for debt from a town that supported the opposition to state government—James Hunt, Josiah Hayden, and Thomas Fenton—we have given voice to a voiceless majority. This was not necessarily a majority statewide, but it did constitute an overwhelming majority in Williamsburg and in scores of other small towns spread across the growing frontier. The opposition was silenced because it “lost” in 1787 and was consequently written out of history. Its legacy has been obscured by its association with Shays' Rebellion, its principles conflated with a series of

unplanned militant actions largely outside its control. In examining these three, we have developed a picture of the larger opposition that surrounded the Rebellion and we have gained insight into the central role that debt played in this political standoff.

The opposition that enjoyed majority support in western Massachusetts included prosperous, ambitious farmers who actively sought a wider stake in the growing market economy. They saw their access to economic opportunities curtailed by their lack of access to a political process formulated under a state constitution they did not support. They did not face foreclosure and destitution as a result of state fiscal policies so much as severe limitations on their abilities to engage in a competitive marketplace free of unfair disadvantages.

Thus, they were not the “radical” egalitarians bent on leveling society described by the Federalists,⁷⁰ but rather what historian Joseph Ernst termed “entrepreneurial egalitarians.”⁷¹ In their view, the “monopolizing interest” that enjoyed disproportionate access to political and economic power in post-war Massachusetts was forcing them onto a slippery slope toward tenancy, however far they might be from that actual condition. This represented a direct blow to core values they had struggled to uphold during the Revolution: economic independence based on land ownership protected by fair participation in a transparent political process.

Viewed this way, the opposition looks like a moderating force aimed at preserving widely held core principles no longer embraced by state government. They represented a continuum in the Revolutionary process in terms of the ideals they espoused and the methods they used to affect their purposes. Their use of the political process coupled with limited, direct action when called for was an extension of what had worked earlier. The fact that the overwhelming majority of western farmers ignored orders to form militias aimed at enforcing state policy, and yet chose not to close ranks with Shays and Day, reinforces this notion of a moderate opposition facing off against an extremist state government.⁷² This was pushback, not revolution, the culmination of a breakdown in consensus



Governor James Bowdoin

between opposing sides that shared more similarities than differences.⁷³

How, then, do we account for the rash of court closings in 1786 that culminated in an armed standoff between rebel and state militias the following winter? Here we turn our attention to the effects of debt litigation. The experiences of the three Williamsburg men confirm that the fury created around debt cases was a primary causative factor for the Rebellion. We see successful family men who were virtual pillars in their shared community humiliated and harassed in a legal system where they felt unfairly disadvantaged. High taxes coupled with restricted credit in the midst of a severe post-war recession forced them to borrow and thereby risk exposure to the whims of a select group of men who were in a position to lend.

Hunt, Hayden, and Fenton were fully aware that the state's fiscal policies were largely responsible for the economic position they found themselves in. And they were aware that state laws pertaining to debt collection accounted for the harrowing legal entanglements that culminated in their incarceration. Far from resisting the forces of the wider market economy, they were marginalized and punished for seeking entry into it. If these debtors were guilty of a "sin," it was that of taking risks, of betting against their abilities to generate future earnings.

To make matters worse, the very creditors who used the legal system to their advantage in this way were oftentimes outspoken or active Loyalists, sworn enemies of the Revolution for which so many had sacrificed so much so recently. And finally, convicted debtors like our three were vilified in the press, which like the courts was controlled by Federalists. They must have felt bitterly betrayed by their former comrades-in-arms now in positions of authority who subjected them to this provocative treatment.

This helps explain why thousands rose to challenge state government under a new republic they had just fought to install. The memory of what they had fought for was fresh in their minds, and they felt empowered to take action based on their success in throwing off British tyranny. Many more western farmers recognized signs of tyranny, arrogance, and "corruption" in state government under the Bowdoin administration, but viewed this as a political, not a military struggle. While Williamsburg solidly supported what the rebels stood for in broad terms, not a single town elder joined the fray. Based on their experiences in the courts and their records of political activism, Hunt, Hayden, and Fenton had every reason to muster out in the fall of 1786, but chose not to. This suggests that the majority of the opposition did not, in fact, support armed insurrection at that time. Looking ahead, the legacy of the insurrection has served to obscure the legacy of a larger political movement that never endorsed it.

The true legacy of the opposition movement had its roots in a Town Meeting held in Braintree in 1698 where citizens issued their “declaration of independence of landlordism.” They prohibited absentee ownership of property there in order to forestall feudal arrangements they saw taking shape around them involving powerful English aristocrats.⁷⁴

The three Williamsburg debtors’ ancestors were probably present there, along with those belonging to John Adams, another native son. Our three travelled west to establish independence for their families on the frontier, while John Adams developed his legal practice representing James Bowdoin’s vast holdings in southeastern Massachusetts and in what is Maine today, the Plymouth and Kennebec Companies. Adams defended Bowdoin’s claims to these territories, enforcing contracts with tenant farmers while he prosecuted debtors, trespassers, and squatters.⁷⁵

These represented two distinct visions for how the new republic should be organized. Conflict between the two dominated the political landscape in the 1780s. Governor Bowdoin, presiding under a constitution formulated by his former counsel, was taking the state in a direction that did not accord with declarations made in 1698 or in 1776 that our three Williamsburg men subscribed to. This was the spirit expressed by James Hunt when he openly defied the “monarch of Hampshire” and “broke his bonds for liberty.”

HJM

Notes

1. A List of Prisoners for Debt in the Gaol in Northampton, MA, kept by the jail-keeper there starting in 1785, is available on microfilm at the Forbes Library in Northampton under the “Two-In-One” file.
2. *Hampshire Gazette*, published in Northampton, MA, September 26, 1786. George Minot, *The History of the Insurrections in Massachusetts* (Boston: James W. Burditt & Co., 1810).
3. Charles A. and Mary R. Beard, *A Basic History of the United States* (New York: Doubleday, Doran & Company, 1944). Marion L. Starkey, *A Little Rebellion* (New York: Alfred A. Knopf, 1955).
4. David Szatmary, *Shays’ Rebellion: The Making of an Agrarian Insurrection* (Amherst, MA: The University of Massachusetts Press, 1980).
5. A number of papers given at a tribute event were compiled in a collection edited by Robert Gross titled *In Debt to Shays: The Bicentennial of an Agrarian Rebellion* (Charlottesville: University of Virginia Press, 1993). Woody Holton, “From the Labor of Others: The War Bonds Controversy and the Origins of the Constitution in New England,” *William and Mary Quarterly*, April 2004. Leonard A. Richards, *Shays’s Rebellion: The American Revolution’s Final Battle* (Philadelphia: University of

Pennsylvania Press, 2002).

6. Josiah Hayden bought his first fifty acres in Williamsburg in 1764 for fifteen pounds. This is taken from a self-published genealogical survey of the family of which the Josiah in this study was the patriarch. Donald Macurda, *Josiah Hayden of Williamsburg Massachusetts* (La Mesa, CA: DB Macurda, 1984).

7. The average value of assessed land for Williamsburg residents in 1784 was 99 pounds. Hunt, Hayden, and Fenton's land values averaged out at 187 pounds. The highest single valuation came in at 410 pounds. Williamsburg's Valuation for State Tax, 1784, available at Town Offices. Williamsburg's Assessor kept a bi-annual list by family of polls and estates, real and personal to record each household's contribution to what the town owed the Commonwealth.

8. Records of Williamsburg's Town Meetings, 1773-1787, available at Town Offices.

9. Town Meeting records, May 6, 1776. *Massachusetts Soldiers and Sailors of the Revolutionary War: A Compilation from the Archives Prepared and Published by the Secretary of the Commonwealth* (Boston: Wright and Potter Printing Co., 1896). Amelia F. Miller and A. R. Riggs, eds., *Romance, Remedies, And Revolution, 1773-1775: The Journal of Dr. Elibu Ashley of Deerfield, Massachusetts* (Amherst: University of Massachusetts Press, 2007), 116.

10. Barry Levy showed the "exceptional" role played by town-based government in New England and the effects this had on its citizenry during the Revolutionary period. Barry Levy, *Town Born* (Philadelphia: University of Pennsylvania Press, 2009)

11. Town Meeting record, March 1782.

12. The Hatfield Convention issued fourteen articles to its representatives in General Court, re-printed in John Lockwood, *Western Massachusetts. A History 1636-1925* (New York: Lewis Historical Publishing Company), 120. The articles from the convention held August 22, 1786 appear in Minot's History of the Insurrection, 33.

13. William Bodman, Williamsburg's representative in the state legislature for fourteen years, was an outspoken opponent of the proposed state constitution. *Hampshire Gazette*, February 12, 1861. When the constitution was first proposed in 1778 it was rejected by nearly four out of five Massachusetts' towns, in many cases unanimously. Gary B. Nash, *The Unknown American Revolution: The Unruly Birth of Democracy and the Struggle to Create America* (New York: Penguin Books, 2005), 296.

14. Nash, *The Unknown American Revolution*, 290-305.

15. John Nash's probate inventory is located at the Hampshire County Registry of Probate in Northampton, MA.

16. Holton, "From the Labor of Others," *William and Mary Quarterly*, April 2004. Richards, *Shays's Rebellion*, 75-79. *The Judd Manuscript*, Volume V, "Hard Times for Insolvents", at the Forbes Library.

17. Articles drawn up at the County Convention held in April 1782. Lockwood, *Western Massachusetts*

18. A famous Boston columnist writing under the pen name "Honestus" blamed lawyers here, likening them to "mercenary troops" liable to use "every method to entrap those who are acting upon the unguarded sentiments of honor and

equity.” *Independent Chronicle*, April 13, 1786

19. Sylvester Judd’s diary entry from June 6, 1782, available at the Forbes Library in Northampton, MA

20. Sidney Kaplan, “The Ely Outbreaks in Northampton: A Prelude to Shays’ Rebellion” in *The Northampton Book* (Northampton: A Tercentary Committee, 1954); and James Trumbull, *History of Northampton* (Northampton: Press of Gazette Printing Company, 1902), 460.

21. Kaplan, “The Ely Outbreaks,” 52.

22. Two columnists in the *Hampshire Gazette* who were highly critical of state policy entreated their readers to exercise restraint. “Free-thinker” cautioned his readers “our legislature are not to be censured rashly or hastily.” (October 11, 1786) The following week “Peace-Maker” pleaded that “mobbing should be the last step that is taken.” (October 25, 1786)

23. *Hampshire Gazette*, September 27, 1786.

24. *Gazette*, Sept. 27, 1786.

25. Joseph A. Ernst, “Shays’ Rebellion in Long Perspective” included in *In Debt to Shays* (Charlottesville: University of Virginia Press, 1993).

26. *Hampshire Gazette*, October 11, 1786. Taken from a column signed “A Freethinker.”

27. Robert Zemsky, *Merchants, Farmers and River Gods* (Boston: Gambit Inc., 1971).

28. Zemsky, *Merchants, Farmers and River Gods*.

29. John Nash was one of Williamsburg’s first selectmen and also one of its most esteemed citizens. He died with fifteen outstanding debts in his name, some for considerable amounts. This is taken from his probate inventory located at the Hampshire County Registry of Probate filed under his name.

30. Kevin Sweeney, “Gentlemen Farmers and Inland Merchants: The Williams Family and Commercial Agriculture in Pre-War Western Massachusetts,” *Dublin Seminar for New England Folklife Annual Proceedings*. July 1986, 60-73.

31. 1784 Tax Valuations available at the Williamsburg Town Offices.

32. Dr. Elijah Paine’s account or ledger book from 1785 to 1798 is housed at the Meekins Library in Williamsburg, MA.

33. The Records of the Court of Small Pleas for Hampshire County for this period are available at University of Massachusetts, Amherst in Special Collections.

34. The defendants and plaintiffs involved in debt cases in Hampshire County’s Court of Small Pleas during this period are indexed. The figures listed there are confirmed in the List of Prisoners for Debt, kept by Northampton’s jail keeper.

35. This was a term used by the opposition to describe figures who were in a position to offer farmers credit in a cash-strapped economy.

36. Kevin M. Sweeney, “River Gods in the Making: The Williamses of Western Massachusetts”, included in *The Bay and the River, The Dublin Seminar for New England Folklife*, (Boston: Boston University, 1981)

37. We see evidence here for reasons why Hampshire County in particular

experienced what John L. Brooke termed the “collapse in institutional legitimacy” due to the River Gods’ hold on political power before the Revolution. John L. Brooke, “To the Quiet of the People: Revolutionary Settlements and the Civil Unrest in Western Massachusetts 1774-1789,” *William and Mary Quarterly*, Vol. 46, No. 1, 426.

38. Taken from an article published in *The Centennial Gazette* in 1886 found in the Shepherd File located at Historic Northampton.

39. Judd Manuscript, Forbes Library, Price and Accounts, 135-145.

40. Shepherd File, Historic Northampton.

41. Levi Shepherd Papers, MS Box 31, Folder 4. Forbes Library, Northampton, MA.

42. This is taken from a genealogy website called “Family Tree Maker Online” that cited the Manchester Historical Society as its source.

43. “Fees and Costs in Debt Cases,” found in the Suffolk Court Files Reel 11 on microfilm at the University of Massachusetts, Amherst.

44. Richards, *Shays’s Rebellion*, 50. Robert A. Feer, “Imprisonment for Debt in Massachusetts before 1800,” *The Mississippi Valley Historical Review*, vol. 48 no. 2.

45. The Records of the Court of Small Pleas for Hampshire County.

46. A List of Prisoners for Debt in the Goal in Northampton.

47. Charles S. Grant, *Democracy in the Connecticut Frontier Town of Kent* (New York: Columbia University Press, 1961), 81. Grant’s investigation into Litchfield County court records turned up only one jailed debtor for this entire period.

48. Trumbull, *History of Northampton*, 337.

49. This is taken from Ralmon Black’s self-published pamphlet titled *Colonial Asheries*, prepared for the Williamsburg Historical Society in 2008.

50. Tax Valuations for the Town of Williamsburg, 1773-1791. What we see here resonates with Christopher Clark’s assertion that western farmers played an active role in the conversion to a market economy along the frontier and statewide. Christopher Clark, *The Roots of Rural Capitalism* (Ithaca: Cornell University Press, 1990)

51. Letter addressed to Shepherd and Hunt, Merchants, Northampton from Jonathan Browne, London, 1771. Filed with the Shepherd Papers at the Forbes Library.

52. Taken from an advertisement in the *Hampshire Gazette* dated October 16, 1786.

53. We see an example of this in a 1782 court case involving a Vermont farmer and Samuel Sprague, Josiah Hayden’s Boston creditor. The farmer failed to deliver a promised consignment of “wheat flour in good casks” at the appointed time and place. Consequently, Sprague sued the Vermont man for “damages to business” worth 300 pounds. *Sprague vs. Douglas*, case number 168, 1782.

54. Kevin M. Sweeney, “Gentleman Farmers and Inland Merchants” published in *The Farm, The Dublin Seminar for New England Folklife*, Boston University

Press, 1986.

55. Kingsley vs. Hunt, May 1786, case number 93, 149 in The Records of the Court of Small Pleas for Hampshire County.

56. Strong signed a Loyalist declaration early in the struggle for independence. Brooke, "To the Quiet of the People," *William and Mary Quarterly*, v.46 no.4, 436

57. *Hampshire Gazette*, September 20, 1786.

58. Judd Manuscript, Connecticut Series, 190. Forbes Library

59. The Williamsburg Oath of Allegiance can be found in the Massachusetts Archives Collection, Reel 190, available on microfilm at the University of Massachusetts, Amherst.

60. Governor James Bowdoin's description of the unrest in Northampton. Printed in the *Hampshire Gazette* on September 13, 1786.

61. Daniel Stebbins Notebook and Diary, Volume 1, p. 38 located at the Forbes Library.

62. Stebbins Notebook, p. 45. Forbes Library.

63. *Hampshire Gazette*, July 11, 1896. "Reminiscences by Henry Shepherd"

64. Letter from the Commissary General's Office, Boston, March 1787. Available at the Jones Library in Amherst filed under Shays' Rebellion.

65. James Hunt to William Philips, Book 1, page 352, 1788. Located at the Hampshire County Registry of Deeds.

66. Philips the elder, who sat on Gov. Bowdoin's Council, had accumulated 28,000 pounds worth of depreciated government securities before the state moved to redeem them at face value with an additional six percent in annual interest due in specie. He was also the largest contributor to Lincoln's Army at 300 pounds, followed by Gov. Bowdoin at 250 pounds. Henry Hill, who held Hayden's note, contributed 30 pounds.

67. Taken from a self-published genealogical manuscript titled "The Mysterious James Hunt" by Nadine and Mitchell Hunt, 2008.

68. Obadiah Thayer, et al to Henry Hill, Book 1, page 358, 1785. Located at the Hampshire County Registry of Deeds.

69. *Hampshire Gazette*, July 17, 1860.

70. Letter written by Henry Knox addressed to George Washington, October 1786.

71. Ernst, "The Money Question" in *In Debt to Shays*, 58.

72. This accords with Van Beck Hall's narrative of a reformist majority provoked into taking action by an "aristocratic junto" in control of government. Van Beck Hall, *Politics Without Parties* (Pittsburg: University of Pittsburg Press, 1972), 218. Stephen E. Patterson took this view a step further stating: "If Shays's Rebellion had not occurred, the Federalists would have had to invent it." In other words, the Rebellion was intentionally provoked in order to create a political climate favorable to the adoption of a Federal Constitution. Stephen E. Patterson, "The Federalist Reaction to Shays's Rebellion" in *In Debt to Shays*, 117.

73. Ultimately the opposition showed its hand at the ballot box in 1787 by unseating Gov. Bowdoin and three-quarters of the legislature and enacting significant tax relief and legal reforms. Holton, "From the Labor of Others" *William and Mary Quarterly*, April 2004, 296. In Williamsburg, Hancock got 22 votes to Bowdoin's 3 votes.
74. Charles Francis Adams, *History of Braintree, Massachusetts* (Cambridge: Riverside Press, 1891) 63.
75. Frank E. Manuel, *James Bowdoin and the Patriot Philosophers* (Philadelphia: American Philosophical Society, 2004), 54.