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The Franchise and the Election of Representatives From Colonial Western Massachusetts: A Case Study

Richard S. Sliwoski

On the 30th of April, 1661 Colonel John Pynchon entered in his court journal the outcome of an election. "At a meeting of the Freemen of Springfield," wrote Pynchon, "Mr. Elizur Holyoke was chosen to the their Deputy for the Generall Court this yeare ensuing, unto whome they have Granted and Deputed full power to deale in all the affaires of this common wealth wherein freemen have to doe According to Law."¹ Eighty-seven years later, Oliver Partridge, Hatfield's town clerk, recorded the outcome of a similar election. "At a meeting of the Freeholders in the Town of Hatfield, May 13, 1748," noted Partridge, "Israel Williams was chosen to Represent the said Town at the General Court the Year Ensuing."²

On both occasions representatives to the Massachusetts General Court were elected, both with two important distinctions. *Freemen* elected Elizur Holyoke while *freeholders* elected Israel Williams. Why were two different words employed in describing the voting populace? Beyond this obvious question lie others. What changes if any, altered the composition of the electorate? And what effect did these changes have upon the selection of these two men? More importantly, why were these two particular individuals chosen and not others? Why not Samuel Chapin of Springfield or Joseph Billings of Hatfield? At election time both lived in their respective towns, yet neither served as a representative. Finally, how can we of the twentieth century attempt to understand how leaders were selected in colonial America?

A beginning can be made by examining the laws of the society. They specify the number of offices to be filled, roughly describe the responsibilities of those offices, and also establish "minimum requirements for office holding" and "consequently help determine who is likely to become an officeholder."³ In provincial Massachusetts, these laws affected the selection of leaders. From the beginning colonial statutes prohibited certain individuals from serving as a deputy (representative) and improved the chances of others for that same office. Laws also established minimum requirements for voter participation in both local and provincial elections.⁴

At the first meeting of the General Court in Massachusetts Bay, there were few legal guidelines for the stockholders to follow in admitting freemen.⁵ Pressured in May 1630 the General Court allowed one hundred and sixteen planters full voting privileges within the charter's governmental structure but barred them from legislative or executive participation.⁶ Furthermore, "to the end that the body of freemen may be preserved of honest and good men," it was ordered that "noe man shalbe admitted to the freedome of this body polliticke, but such as are members of the churches within the limits of the same."⁷ This religious restriction was the first substantial legal obstacle to political participation.

Adult males, however, could still legally participate in town meetings and vote in town elections. Not until 1635 did the General Court decide that only freemen would have a vote, or voice, in any town "in any action of authorities, or necessity, or that which belongs to them by virtue of their freedome, as receiving inhabitants, and layeing out of lotts" and so forth.⁸ For the next ten years only freemen could legally control local affairs. They had the power to dispose of town lands, choose deputies to the General Court (who also had to be freemen), elect assistants and selectmen, make and enforce town ordinances and by-laws, and try cases not exceeding twenty shillings for any one offense.⁹

As early as 1634 the General Court had designated itself as the sole agency for admitting and confirming inhabitants as freemen. This created difficulties for the inland towns since their residents had to travel long distances to take the freemen's oath. Consequently, in May 1642 the General Court delegated to the county courts, its power of admitting freemen. To accommodate the town, the General Court authorized William Pynchon in 1647 "to make freemen, in the town of Springfield, of those that are in covenant and live according to their profession."¹⁰ When Pynchon returned to England, Springfield asked the Court to replace him by authorizing another to perform the same duty, and in 1653 the Court appointed Pynchon's son, John, and Elizur Holyoke. Six years later the court empowered the two Springfield commissioners who decided judicial cases (not exceeding twenty shillings) to admit and swear in freemen.¹¹ Later with the creation of Hampshire County in 1662 and the establishment of a county court, the power to admit freemen reverted to the county court. In August 1664 all Massachusetts county courts lost this right; admissions would again only be made by the General Court.¹² Considering the distance of so many towns from Boston, the Court again reversed itself and in October 1664 authorized county courts to administer the freemen's oath to inhabitants approved by the General Court.¹³

Early legislation also ignored the nonfreemen. The one exception was the 1641 Body of Liberties which granted nonfreemen the right to attend town meetings and there to speak freely on all matters.¹⁴ Attempts were made to broaden the nonfreemen's privileges in March 1644, but action was postponed until 1647. Then, in consideration of the abilities of inhabitants who were not freemen, the Massachusetts General Court made it lawful to admit nonfreemen to the privileges of town voting and jury service "if such inhabitants had taken the oath of fidelity to the government, had reached the age of twenty-four years, and were not under conviction of evil carriage against the government or the churches." In addition, in the election of selectmen, freemen could choose these same nonfreemen provided that a majority of selectmen were freemen.¹⁵ Freemanship, however, was still a requirement for voting in provincial elections and holding provincial office.

The single major alteration in the franchise legislation during the seventeenth century was the substitution of a property qualification for the religious one. This change was in response to the criticisms of a royal commission sent to Massachusetts Bay in 1664. The commission had warned the General Court to either repeal the clause prohibiting non-churchmembers from freemanship or face the possible loss of their charter.¹⁶ In apparent compliance with the King's wishes and the commission's recommendations, the General Court offered Massachusetts settlers an alternative means of becoming freemen. All Englishmen could now present to the General Court a certificate from the minister of their place of residence attesting to their character, and a certificate from the selectmen asserting that the applicant was either a freeholder paying at least ten shillings in tax (excluding the poll tax), or in full communion with the church.¹⁷ In 1670 this property qualification was changed to a taxable estate of £80; those who become voters under the 1664 provision were not disenfranchised.¹⁸ Finally, in 1681 the Court ordered that those who could not vote, but who were chosen by qualified electors to fill any town office, would thereafter have the right to vote in their towns or be chosen for any town office.¹⁹

From 1664 the franchise statutes contained clauses on age, residency, nationality, church membership, and property holdings. These five legal restrictions remained the bulwarks of the franchise requirements until the introduction of a new charter in 1691. While the local suffrage requirements were gradually broadened before 1691, the provincial suffrage requirements still rested on the acquisition of freemanship status. Furthermore, only freemen could legally seek and hold provincial political offices. This was the situation legally. What was it in actuality?

It may be argued that the settlers consciously obeyed the law in provincial elections, but in local elections they elected whom they wanted.

The central government would find it difficult through its delegated officials to enforce the suffrage laws in Hampshire County, separated as it was from Boston by one hundred miles of geographical and communicative hinderances, But there is some evidence indicating that the laws were, for the most part, obeyed on the local level. Individuals not legally qualified to occupy political or military offices were denied the posts or not confirmed. For example, in March 1661, William Holton presented himself to the Hampshire County Court as the elected sergeant of Northampton's trained band. The court refused to confirm Holton as an officer since he was not a Massachusetts freeman, but allowed him to exercise his duties until the next General Court, "to whome they are to looke for his Confirmation in the office."²⁰ Later, in March 1662, when freeman Holton presented himself again as Northampton's sergeant and "He being qualified to Law was approved of by the Court for that office and confirmed therein."²¹ The county court also refused to confirm John Pynchon Jr. as an ensign and Thomas Miller as a corporal in the Springfield trained band, since neither were qualified by law to serve. Instead, the court advised the trained band to choose new officers in their place.²² And in 1659, inhabitants of Northampton chose Holton, along with two others, as commissioners to end small cases, a judicial body which decided offenses punishable by fines of less than twenty shillings. When these three presented themselves to magistrate John Pynchon, who was to administer the oath of office, a few settlers from Northampton blocked their confirmation since they were not freemen. Unfortunately the judicial commissioners, who decided small cases in various towns in Hampshire County, also made up the judicial board of the county court. "Therefore after the business was longe debated the result was that there could be noe Courte Legally kept here without further Order from superior Powers: and soe the Assembly brake up."²³

The freeman applications to the General Court also suggest that the franchise laws were obeyed. In 1665 the Court admitted Thomas Merrick as a freeman because he was a settled inhabitant of Springfield, rateable, orthodox in religion, and "pious and laudable in conversation."²⁴ Three years later, three other Springfield inhabitants became freemen since they were members in full communion with the church.²⁵ The 1677 petition of John Holyoke from Springfield asserted that he was a "member of the church there in full communion; a householder and above 24 years of age."²⁶ But the 1666 petition of Joseph Parsons of Northampton was postponed since no certificate was presented from a known person of Northampton attesting to his character.²⁷

Admittedly this evidence is only suggestive. If we expand our analysis to focus upon representatives, a trend emerges. According to the town suffrage

statutes, after 1635 only freemen could serve as town officials. In 1647 nonfreemen could serve as minor town officials if they subscribed to the oath of fidelity, reached the age of twenty-four, and were not criminals. These same nonfreemen could be selectmen as long as the majority of the selectmen were freemen. The results of an examination of resident deputies elected from five Hampshire County towns, in terms of subscription to the oath of fidelity and acquisition of freemanship, are presented in Table 1 (see Appendix A for the complete list of names and dates).

Table 1

Seventeenth Century Deputies to 1691—Their Acquisition
of Legal Criteria and Election to Town Offices in Five
Hampshire County Towns, 1636-1691 ²⁸

TOWN	NUMBER OF TOWN DEPUTIES		TOTAL
	Satisfying Legal Requirements	Not Satisfying Legal Requirements	
Springfield	5	3	8
Northampton	6	2	8
Hadley	7	1	8
Westfield	1	0	1
Hatfield	1	0	1
Total	20	6	26

Twenty (seventy-seven percent) of the twenty-six resident deputies elected before 1691 either subscribed to the oath of fidelity or became freeman before holding their first town office. The age when these men either took the oath of fidelity, became freemen, or held their first town office was also determined. No individual was a town official or a freeman before the age of twenty-four; this might be expected since the minimum age requirement for both was twenty-four. One individual, Jedediah Dewey of Westfield, took the oath of fidelity when he was twenty-two, but this was not illegal. No legislation was ever passed defining the age when a man could take the oath of fidelity. Therefore it can be assumed that this age requirement was twenty-one.

Timothy Nash, the only Hadley deputy who served as a town official before swearing to the oath of fidelity, was elected as a surveyor of the highways in 1670 (but he did not hold another office until after he had taken the oath). John King of Northampton was a constable before becoming a freeman. William Holton of Northampton was also elected numerous times as a selectman and as a commissioner to end small cases, but each time the validity of his election was questioned.²⁹ Three men from Springfield, Henry Chapin, Thomas Cooper and Elizur Holyoke, clearly were elected contrary to law since all served as selectmen before taking the oath of fidelity. The discrepancy in dates between election as selectmen and confirmation of freemanship, however, is not great enough in the cases of Henry Chapin and Elizur Holyoke to consider them as illegal office holders. The only individual who consistently held office contrary to the statutes was Thomas Cooper, elected as a selectmen continually from 1644 to 1649. Certainly, however, these cases represented exceptions to the law rather than the norm among town officeholding; the exceptions either became freemen or eligible for town office shortly after serving an initial term as selectmen, or else filled minor positions of authority within the town.

It can be argued that this sample is too small, that the few exceptions are enough evidence of widespread illegal officeholding. Until now only deputies elected before 1691 have been considered. A second, comparative sample can be established of individuals elected as representatives after 1691 who were town officials before that date. Twenty-three resident deputies met these conditions and the results of examining them are presented in Table 2 (see Appendix B for the complete list of names and dates).

Table 2
 Post-1691 Deputies—Their Acquisition of Legal Criteria
 and Election to Town Offices in Five Hampshire County
 Towns, 1636-1691

TOWN	NUMBER OF TOWN DEPUTIES		TOTAL
	Satisfying Legal Requirements	Not Satisfying Legal Requirements	
Springfield	4	1	5
Northampton	5	0	5
Hadley	4	0	4
Westfield	4	3	7
Hatfield	2	0	2
Total	19	4	23

Eighty-three percent of this group met the legal requirements for holding town office. No dates for either subscribing to the oath of fidelity or confirmation as freeman were found for three individuals, all of whom resided in the town of Westfield. This might be explained by the 1681 franchise statute. Any man not legally qualified to vote could be chosen by qualified electors to fill any town office and thereafter he could vote. Since they all occupied town offices after 1681, it can be assumed that these three men were elected by qualified electors. Consequently, they were included in the legally qualified category. A similar assumption was made for two other men, John White of Hatfield and Nathaniel Bliss of Springfield. Finally, while three Hadley individuals swore to the oath of fidelity at ages twenty-one and twenty-two, no post-1691 deputies held any town offices before age twenty-four.

As above, the lawbreakers must be considered individually. David Ashley, Thomas Noble and Samuel Root, all of Westfield, became freemen two years after election as selectmen, John Hitchcock of Springfield was the only significant ineligible person elected. Although not a freeman until 1682, Hitchcock was on Elizur Holyoke's 1672 list of all those freemen and oath-takers who could vote and hold office in Springfield. Either the list was drawn up incorrectly, which seems highly unlikely, or Hitchcock had subscribed to the oath of fidelity sometime before 1672 and no record of it remains.³⁰

By examining these two groups of deputies it can be seen that the Connecticut Valley planters were more law abiding in choosing town office holders than historians have been willing to admit.³¹ Eighty percent of all deputies served legally as town officials. But what of the remaining twenty percent? While this is a large percentage, each man must be considered individually. When this is done, their election as town officials is not as significant as it at first might appear. In fact, the absence of dates of taking the oath of fidelity by some of these men have played a large part in relegating them to the group of lawbreakers. One striking example here are the Hadley deputies elected as representatives after 1691, yet who were town officials before 1691; four became freemen after election as selectmen, but none before taking the oath of fidelity.

One final test of seventeenth century electoral practices is needed—an examination of the deputies themselves. Only freemen could, by law, be elected as representatives.³² From 1649 to 1691 inclusive, thirty-eight men were elected as representatives from the five Connecticut Valley towns. Of this total three men represented more than one town, while eleven men did not reside in the town they represented. Not one of the individuals represented in Table 3 (see Appendix C for the complete list of names and dates) was elected to that post until after he had either subscribed to the freemen's oath or been approved as a freeman.

Table 3
Deputy's Acquisition of Legal Criteria and Their
Election as Representatives from Five Hampshire
County Towns, 1649-1691

TOWN	NUMBER OF TOWN DEPUTIES		UNKNOWN	TOTAL
	Satisfying Free- manship Requirements	Not Satisfying Freemanship Requirements		
Springfield	12	0	1	13
Northampton	9	0	0	9
Hadley	11	0	1	12
Westfield	3	0	0	3
Hatfield	1	0	0	1
Total	36	0	2	38

This evidence overwhelmingly supports the contention that the Connecticut Valley inhabitants did not elect deputies contrary to the legal statutes. There is no doubt that the legal codes were followed and obeyed in filling the position of deputy in the seventeenth century, while some doubt may remain as to how well the laws were obeyed in filling town offices. But "allowing individuals who were on the verge of becoming church members or who were already church members," or allowing individuals who were on the verge of becoming freemen, "But not freemen into these important town posts hardly constitute a breakdown of the Puritan political system."³³

Even though the franchise statutes were slightly altered during the inter-charter period (1688-1692), the six deputies elected then were included in Table 3. During that period the property tax requirement was reduced from 10s. to 4s., poll tax still excluded, while a man who owned lands or houses valued at £6 could vote and was certified for admission. At the same time, the character references drawn up by the selectmen were replaced with a simple certificate stating that the prospective freeman was "not Vicious in Life."³⁴ These were the only alterations made in the suffrage qualifications before a new charter was granted to the Colony defining in particular the franchise requirements.

The original charter drafted in England required voters to possess a freehold of 40s., that is, real estate which would rent for 40s. a year, or to possess any property, real or personal, worth £50 sterling or more. Those adult males who met these qualifications were permitted to vote in provincial elections and to hold provincial office.³⁵ Yet the charter sent to Massachusetts required provincial voters to possess a 40s. freehold or any property valued at

£40 sterling or more. This mistake caused as many problems for the Massachusetts government as it has for historians.³⁶ In addition, inhabitants could vote for selectmen and other town officials if they possessed a £20 rateable estate, poll excluded.³⁷ It would seem, therefore, that the extent of local voting was much broader than that of provincial voting.³⁸ The General Court further stipulated in May of 1700 that no person residing in a town could vote or participate in town meetings unless he had applied for and been accepted as an inhabitant by the selectmen.³⁹ Twenty years later problems arose over the question of whether the £20 qualification applied to freeholders as well as to other inhabitants. The court decided that the fixed property qualification applied to all voters.⁴⁰

The 1692 franchise legislation created dissension within some towns since no valuation rule was prescribed whereby the £20 was estimated, nor was it known whether such an estate qualified voters in precinct or parish meetings in addition to town meetings. The Court decided that the valuation of such estate be as follows: real estate was to be valued by how much rent or income it could bring from six years of rental; personal estate and faculty (income from labor or profession) was to be estimated according to a rule of valuation to be prescribed periodically by the General Court for assessing taxes. Furthermore, the town moderator was to decide disputes over the qualifications of a voter, and if a moderator was not yet chosen when a dispute arose, the selectmen were to decide.⁴¹ Three years later, the Court imposed a fine of £5 on those not qualified who voted in a town meeting, and those who put in more than one at a time.⁴²

On the surface the £40 or £50 of property required of voters in provincial elections would seem twice as great as the £20 of property required in town elections. Unfortunately, the rateable estate required for the town voting privilege was not valued the same as the provincial suffrage, and at times there were two or three currencies in use causing great fluctuations in the sum involved.⁴³ The intent here is not to determine whether the provincial franchise requirements were higher or lower than the town franchise requirements, but to ascertain the property holdings of those deputies elected in the eighteenth century. In this way some conclusions can be made as to whether they possessed a £40 or £50 freehold when elected, and whether the laws were obeyed or disobeyed in the election of representatives. Both the £40 and £50 estate requirement must be used since the laws and other literary evidence are contradictory. For example, in 1697 and 1698 the General Court decreed that the electors of representatives were required to possess property of £50, but in the acts of 1693, 1694, and 1695, the Court reversed itself and included a property qualification of £40.⁴⁴ In the publication of the new charter in 1692, 1698, 1714, and 1726, the provincial qualification was set at £50 sterling, but in subsequent reprints it was £40 sterling.⁴⁵

Town warrants for the election of representatives were just as confusing. The Brimfield warrant in 1744 specified that the voters must possess "an estate of freehold in land of 40s. per annum, at least or other estate to the value of £ 50 sterling."⁴⁶ In Hadley, the inhabitants with an estate or freehold of 40s. or other estate of £50 were to assemble in 1731 to elect a representative, while in 1773 the constable of Springfield warned the inhabitants possessing an estate of land rateable at 40s. at the least or other estate of £40 to meet and choose a representative.⁴⁷ Fluctuations in money further complicated the problem since most valuations in the towns were given in lawful money, not sterling. In determining the provincial voting qualification, Robert E. Brown's conversion of lawful money into sterling (4 to 3, or 40s. sterling equals 53s. 4d. lawful money) will be used.⁴⁸

The major problem in determining whether the representatives satisfied the legal requirements in the eighteenth century is the marked absence of records. Of the extant valuation lists, most were drawn up to divide grants of land allocated to the town by the General Court, or to further divide the communal land among the town inhabitants or proprietors. Only two proprietary valuation lists survive for Westfield (1733 and 1737). A Hadley estate list of 1720 allocated the outer commons among the proprietors, while a proprietary list of 1731 became the standard list for the numerous divisions of the inner commons.⁵⁰ A Hatfield assessor list of 1748 distributed to the town's inhabitants an 8, 064 acre grant of land from the General Court, while 1748 and 1765 valuation lists from Northampton were similarly employed to distribute a comparable grant of land.⁵¹

Four of these valuation lists were proprietary, barring the historian from knowing the estate of an individual if he were not a proprietor. Such a person would not be listed. Two of Westfield's representatives, for example, were alive in the 1730's but their names did not appear in the relevant lists since they were not proprietors. Other valuation records exist but there is always the question of why they were drawn up and what valuations they represent. In 1699, for example, the proprietors of Northampton drew up a list of their estates in order to divide the commons; it is not known what criteria were used in determining an individual's worth, yet a large set rate must have been allocated to each proprietor since the largest listed was £908, a figure surpassing any comparable valuation found in other towns for this period. This list has to be disregarded for this reason.⁵²

The Northampton valuation list of 1765 and the Hadley lists of 1720 and 1731 do not truly represent the worth of individuals for these years, but can be adjusted to serve our purposes. In Northampton, polls were rated at £10, and the polls of all persons under twenty-one years were accounted to their parents or masters. Therefor £10 or its multiple (if more than one poll is listed beside a name) must be subtracted from each name on the 1765 list to

arrive at an accurate estate value.⁵³ When this is done the 1765 list duplicates the 1748 list, except for the addition of new names and the deletion of those who had died in the interim. What were at first two separate lists becomes one list after these modifications. In Hadley, polls were valued and added to the individual's estate, but nowhere is it explained how polls were accounted. The rate for polls must have been high in 1720 since there was a precipitous drop in total estate for every individual listed in 1731. The poll value in 1731 was at the least L3; consequently, £3 must be subtracted from each man's total.⁵⁴ The other valuation lists can be accepted without major reservations. Since the lists were used to allocate grants of land, anyone who wanted his rightful amount would have made certain that the valuation beside his name was exact. The larger estates would receive the greater share.⁵⁵

The 1771 valuation lists forwarded to the General Court by the towns (Hatfield's did not survive) can be used to determine property holdings as well. While these lists are very descriptive, their exactness may be questioned. The Hadley list was compiled in 1770 and portrayed the personal and real estate holdings of its inhabitants. The other lists, however, presented the annual worth of real estate, which was determined by a man's ownership in dwelling-houses or mills or other commercial holdings.

Table 4

Eighteenth Century Deputies—Their Ability to Satisfy
Higher Franchise Requirements According to the Most
Appropriate Valuation Lists in Five Hampshire County
Towns, 1720-1771

TOWN	NUMBER OF TOWN DEPUTIES		TOTAL
	Satisfying Property Requirements	Not Satisfying Property Requirements	
Springfield	4	1	5
Northampton	7	0	7
Hadley	15	5	20
Westfield	13	0	13
Hatfield	6	0	6
Total	45	6	51

The results of examining these various lists are presented in Table 4 . All the deputies listed in the valuations from 1720 through 1771 are included regardless of when they were first elected. In determining whether these men

met the provincial qualifications to vote and hold office, the sum of 53s. 4d. was used as the standard for the 1771 valuation lists where annual worth was given, and £53 4s. as the standard estate valuation. In Hadley four men, Richard Crouch, Thomas Hovey, Daniel Nash and John Nash, could not satisfy the provincial suffrage requirements in 1731, while one man, Josiah Pierce, could not in 1770. Springfield had only one man, William Pynchon in 1771, who could not meet the suffrage requirements. This is not very significant since the discrepancy is more often than not a product of limited evidence. Doctor Richard Crouch initially settled in Hadley in 1731 (the year of the most appropriate list in his case) but he was not elected until ten years later when he had established for himself a lucrative practice. Thomas Hovey's last term as deputy was in 1703, twenty-eight years before the appropriate 1731 list was compiled. Daniel Nash was elected thirty-eight years later, and John Nash missed the qualification by only £2 19s. William Pynchon of Springfield was last elected as a representative in 1740, thirty-one years before the appropriate 1771 list. Josiah Pierce of Hadley, the last exception, was only £1 3s. below the requirement. If allowances are not made for these six men, then from the fifty-one eighteenth century deputies considered, forty-five were legally able to vote and hold provincial office; in other words, ninety percent were qualified. In arriving at this percentage, the highest provincial suffrage requirement was used. If the lower provincial suffrage requirement is used, then only one Hadley individual was ineligible. By employing the lower property requirement, ninety-eight percent of these representatives were legally elected.

Is this the only evidence we have to argue that only those legally eligible were elected as representatives? One other way to answer this question is to determine who was elected in the years that the valuation lists were drawn up. Another way is to assume that a man's estate did not vary significantly over a five or possibly ten year period. Therefore, the estate of an individual might be extended forwards and backwards as an indication of what his worth was at that particular point in time.

In 1748 Hatfield voters elected Israel Williams as their representative; not only did he meet the suffrage requirements, but his name also headed the 1748 valuation list in total estate. Hadley elected John Nash in 1720 and 1731, Eleazer Porter in 1731, and Elisha Porter in 1770 as its representatives. All satisfied the requirements except John Nash who did not meet the high property qualification (£53 4s.) in 1731, but did pass the lower property qualification (£40). In 1770 and 1771 Springfield elected John Worthington and Benjamin Day; both had at least ten times the minimum amount needed to serve as a provincial officer. Westfield sent to the General Court Thomas Ingersoll in 1733 and 1737, and John Ingersoll in 1770. The property holdings of these two men exceeded the higher property qualifications. Northampton was represented in the General Court by John Stoddard in 1748, by Timothy Dwight in 1765, and by Joseph Hawley in 1770 and 1771;

each satisfied the qualifications. Only one deputy could not meet the higher property qualification. Therefore it seems irrelevant whether the £53 4s. or the £40 property qualification is used, as well as the two conflicting rateable freehold sums since all except one of these men easily satisfied either the higher property or higher rateable freehold qualification. While the £40 estate was used in town warrants and a deputy who only satisfied this property requirement was elected, most of the deputies in these years had more than enough property. But the most important point is that no deputy who could not meet the higher or the lower property qualification was ever elected.

This mode of inquiry can be expanded to include those deputies elected five years before and after the valuation lists were compiled. The results are similar. There were thirty-four individuals, of whom thirty-one are included in the appropriate lists. Many of these thirty-four individuals were elected to more than one term in the Massachusetts House of Representatives, but only two deputies from Hadley did not satisfy the higher property qualification. Over ninety-three percent of these men surpassed the higher property rates; all possessed the lower property qualification. Again it made little difference what figure was used in the warrants for the election since the deputies had more than enough property to satisfy either requirement. The evidence presented here overwhelmingly supports the contention that the laws were obeyed in the election of eighteenth century representatives.

Initially the question was posed whether the legal statutes of seventeenth and eighteenth century Massachusetts affected the selection of representatives. Irrevocably, the answer to this question must be "yes." In the seventeenth century the legal bar to holding provincial office was the status of freemanship, while in the late seventeenth and eighteenth centuries the legal bar was property holdings. The legal codes of these two centuries had two complementary effects. Those who were legally ineligible were not considered as provincial officials, while those legally eligible were. Consequently in colonial Hampshire County, the legally qualified gained a definite advantage for political office and for positions of power and authority over those who were unqualified. Up to now, too much has been written on the questions of who could vote and who did vote. Besides the obvious examples of illegal officeholding, not much has been done to determine whether the law in fact was obeyed in the allocation of political offices among the population. And if, as this article has demonstrated, the law was obeyed in the election of provincial officials, why did this happen when these same laws were being disobeyed in deciding who voted in the elections? From this study we can see that society was anything but democratic in Hampshire County in the seventeenth and eighteenth centuries, at least in the sense that all men have an equal legal opportunity to positions of influence, power, and authority in society.

Appendix A

Seventeenth Century Deputies—Their Acquisition of Legal Criteria and Date of Election
To Town Office in Hampshire County Towns, 1636-1691

Name of Deputy	Subscription to Oath of Fidelity	Date of Free- manship ^a	Date of First Election to Town Office ^b	Age ^c
SPRINGFIELD:				
Chapin, Henry		1672	1670	40
Cooper, Thomas	1649	1649	1644	27
Colton, George	1649	1665	1651	?
Holyoke, Elizur		1648	1647	29
Holyoke, John		1677	1677	35
Marshfield, Samuel	1649	1662	1655	?
Pynchon, John		1648	1650	25
Smith, Henry		1631	1644	?
NORTHAMPTON:				
Clark, William		1639	1660	30
Cook, Sr., Aaron		1635	1662	25
Hawley, Joseph		1680	1680	24
Holton, William		1662	1657	45
Hunt, Jonathan	1661	1680	1667	24
King, John		1664	1661	32
Pomeroy, Medad		1663	1669	25
Wilton, David		1633	1663	?

HADLEY:

Cooke, Jr., Aaron	1663	1665	24
Lewis, William	1642	1660	?
Nash, Timothy	1673	1670	47
Partridge, Samuel	1670	1670	25
Smith, Philip	1661	1666	28
Smith, Samuel	1634	1659	32
Tilton, Peter	1660	1660	43
White, John	1632	1659	?

HATFIELD:

Frary, Eleazer	1669	1672	26
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WESTFIELD:

Dewey, Jedediah	1669	1676	22
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^a If the date when the individual became a freeman is not known, I have used the date when he took the freeman's oath, which was actually given within a relatively short time after confirmation. I also modernized the dates for freemanship, subscription to the oath of fidelity and holding of first town office.

^b I considered all town offices except fence viewers since they were usually appointed by the selectmen before 1691.

^c In computing age I subtracted the birthdate, where known, from the earliest date, which may have been for taking the oath of fidelity, confirmation as freeman or holding town office. Knowing this, the reader can compare for himself the age of the individual for each date given.

Appendix B

Post-1691 Deputies—Their Acquisition of Legal Criteria and Date of Election to
Town office in Hampshire County Towns, 1636-1691^a

Name of Deputy	Subscription to Oath of Fidelity	Date of Free- manship	Date of First Election to Town Office	Age
SPRINGFIELD:				
Bliss, Nathaniel		1690	1685	32
Hitchcock, John		1682	1669	?
Hitchcock, Luke		1678	1678	24
Stebbins, Joseph	1676	1681	1680	24
Wright, Abel	1656	1660	1689	24
NORTHAMPTON:				
Clapp, Preserved	1671		1682	28
Clark, John		1683	1684	32
Parsons, Joseph	1671	1676	1683	24
Sheldon, Thomas		1690	1691	29
Strong, Ebenezer	1678	1683	1682	35

HADLEY:

Hovey, Thomas	1674	1681	1678	26
Marsh, Daniel	1674	1690	1680	21
Marsh, Jonathan	1671	1690	1677	22
Montague, Peter	1673	1690	1680	22

HATFIELD:

Marsh, Samuel	1678	1690	1680	33
White, John		1690	1689	26

WESTFIELD:

Ashley, David		1680	1678	36
Ashley, Samuel			1688	24
Gunn, John			1688	?
Noble, John			1688	26
Noble, Thomas		1681	1679	47
Phelps, Isaac		1671	1678	24
Root, Samuel		1680	1678	34

^a See notes accompanying Appendix A.

Appendix C

Date of Deputy's Acquisition of Legal Criteria and Date of Their Election as a Representative from Hampshire County Towns, 1649-1691

Name of Deputy ^a	Date of Freemanship ^b	Date of First Election as Representative ^c
Atherton, Humphrey*	1638	1653 (1638)
Chapin, Henry	1672	1689
Cooper, Thomas	1649	1668
Colton, George	1665	1669
Davis, William*	1645	1652
Holyoke, Edward*	1639	1650 (1639)
Holyoke, Elizur	1648	1656
Holyoke, John	1677	1691
Johnson, John*	1631	1649 (1634)
Marshfield, Samuel	1662	1680
Pynchon, John	1648	1659
Pynchon, Joseph*	?	1681
Smith, Henry	1631	1651

SPRINGFIELD:

NORTHAMPTON:

Bridgman, Joseph*	1678	1690
Clark, William	1639	1663
Cook, Sr., Aaron	1635	1668
Hawley, Joseph	1680	1683
Holton, William	1662	1664
Hunt, Jonathan	1680	1691
King, John	1664	1679
Pomeroy, Medad	1663	1677
Wilton, David	1634	1665

HADLEY:

Bridgman, Henry*	1643	1670
Cook, Jr., Aaron	1663	1689
Lewis, William	1632	1662
Nash, Timothy	1679	1690
Partridge, Samuel	1670	1683
Phillips, Henry*	1639	1672
Richards, John*	1638	1675
Smith, Philip	1661	1677
Smith, Samuel	1634	1661
Tilton, Peter	1661	1665
West, Thomas*	?	1686
White, John	1632	1664

(1671)

WESTFIELD:

Dewey, Jedediah	1680	1689
Hull, John F.*	1649	1671 (1668)
Sewall, Samuel*	1678	1683

HATFIELD:

Frary, Eleazer	1680	1691
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^a Non-residents are designated with an asterisk (*).

^b If the date when an individual became a freeman is not known, I used the date when he took the freeman's oath, which was usually given within a relatively short time after confirmation. The dates are also modernized.

^c Many of the non-residents represented other towns before these Hampshire County towns elected them. If this happened, then two dates are given. For all these deputies, the first date is the date when they were elected from the Hampshire County towns, while the date in parenthesis is the date when another town elected them.

NOTES

1. Joseph H. Smith, ed., *Colonial Justice in Western Massachusetts, (1639-1702), The Pyncheon Court Record* (Cambridge, Ma., 1961), p. 376. For similar elections see pp. 377-386.
2. Hatfield, Massachusetts, Town Records, 1741-1813, p. 18. Office of Town Clerk, Hatfield, Mass.
3. Kevin Prewitt, *The Recruitment of Political Leaders: A Study of Citizen-Politicians* (New York, 1970), p. 16.
4. The following articles represent only a small sample of the literature dealing with the Massachusetts franchise in the seventeenth century. They argue either for limited or unlimited suffrage. See B. Katherine Brown, "Freemanship in Puritan Massachusetts," *American Historical Review*, LIX (1954), 865-883; "Puritan Democracy: A Case Study," *Mississippi Valley Historical Review*, L (1963), 377-396; T. H. Breen, "Who Governs: The Town Franchise in Seventeenth-Century Massachusetts," *William and Mary Quarterly*, 3rd Ser., XXVII (1970), 460-474; Stephen Foster, "The Massachusetts Franchise in the Seventeenth Century," *Their Solitary Way* (New Haven, 1971), pp. 173-179; Richard Simmons, "Freemanship in Early Massachusetts: Some Suggestions and a Case Study," *William and Mary Quarterly*, 3rd Ser., XIX (1962), 422-428; Kenneth Lockridge, Richard Simmons, and Stephen Foster, "Letter to the Editor," *William and Mary Quarterly*, 3rd Ser., XXV (1968), 330-334; Robert E. Wall, Jr., "The Massachusetts Bay Colony Franchise in 1647," *William and Mary Quarterly*, 3rd Ser., XXVII (1970), 136-144.
5. The charter which incorporated the Massachusetts Bay Company in 1629 permitted the governor, or in his absence the deputy governor, and such assistants and freemen as are present, to choose, nominate, and appoint those they saw fit as freemen. Nathaniel B. Shurtleff, ed., *Records of the Governor and Company of the Massachusetts Bay in New England* (Boston, 1853-54), I, 11-12, hereafter cited as *Massachusetts Records*.
6. Robert E. Wall, Jr., *Massachusetts Bay: The Crucial Decade, 1640-1650* (New Haven, 1972), p. 6; Richard Dunn, *Puritans and Yankees* (Princeton, 1962), p. 14. From 1630 to 1634, the Massachusetts Bay Colony was governed by a General Court composed of only two elements, the executive (governor and deputy-governor) and the assistants—"in effect the Company's board of managers." J.R. Pole, *Political Representation in England and the Origins of the American Republic* (London, 1966), p. 34. See *Massachusetts Records*, I, 79, 87, 303-304.
7. *Massachusetts Records*, I, 87, 366; William H. Whitmore, ed. *The Colonial Laws of Massachusetts*. Reprinted from the edition of 1660 (Boston, 1889), p. 153.
8. *Massachusetts Records*, I, 161.
9. *Ibid.*, I, 161, 172, 183, 231; Wall, *Massachusetts Bay*, 18; Albert McKinley, *The Suffrage Franchise in the Thirteen English Colonies in America* (New York, 1905), p. 361; Whitmore, ed., *The Colonial Laws of 1660*, p. 47, 49.
10. *Massachusetts Records*, II, 224.
11. *Ibid.*, IV, pt. i, 135, 406. Later, special provisions were again made for the settlers on the Connecticut River. In October 1659 the General Court ordered that freemen of Massachusetts who had removed themselves to Connecticut and then returned to Massachusetts were still freemen in Massachusetts. *Ibid.*, 406; Sylvester Judd, *History of Hadley* (Springfield, 1905) p. 16.
12. *Massachusetts Records*, IV, pt. ii, 188.
13. *Ibid.*, III 306-307; IV, ii, 134; Whitmore, ed., *The Colonial Laws of 1660*, pp. 229-230.
14. *Ibid.*, 35, 170. The Body of Liberties also decreed that twenty-one was the legal age at which men could give votes, verdicts or sentences in criminal courts. Simply, the Body of Liberties reiterated the standard freeman qualifications of age, church membership, formal proposition to the General Court, acceptance of that proposal by the Court or other delegated authority, and taking of the freeman's oath. McKinley, *The Suffrage Franchise*, p. 310.

15. *Massachusetts Records*, I, 161; II, 197; III, 109-110; McKinley, *The Suffrage Franchise*, pp. 317-318. Historians have interpreted the passage of this bill in various ways. McKinley saw its introduction as evidence of growing concern among the deputies for the disenfranchised class. *Ibid.*, p. 314. Wall viewed it as an attempt by the leadership to check illegal voting in the more remote areas, while Darrett B. Rutman saw the law trailing the fact. Wall, *Massachusetts Bay*, p. 163; Rutman, *Winthrop's Boston* (Chapel Hill, 1965), pp. 160-162. All three agreed that widespread illegal voting was taking place, but all three offer evidence that is limited, scattered and open to other interpretations. For a new and contrary argument see Stephen Foster, "The Massachusetts Franchise in the Seventeenth Century," *William and Mary Quarterly*, 3rd Ser., XXIV (1967), 613-623 and T. H. Breen, "Who Governs," 460-474.

16. Cortlandt Bishop, *History of Elections in the American Colonies* (New York, 1893), p. 58. Earlier in 1662, the King had sent a letter to the General Court requesting that all persons of competent estate, not vicious in conversation and orthodox in religion, although of differing faiths, be allowed to vote.

17. *Massachusetts Records*, IV, pt. ii, 167-168. Foster claimed that no cognizance of property as an alternative to church membership was taken until 1664. *Their Solitary Way*, p. 47. Yet, in 1658 the General Court did establish a property qualification of £20, in addition to honest conversation, twenty-four years and subscription to the oath of fidelity, as prerequisites for obtaining voting privileges in the choice of selectmen. Also, those men who had an estate rateable to £20 in a single country rate could be elected as jurors and constables in their towns. *Massachusetts Records*, IV, pt. i, 336; Whitmore, ed., *The Colonial Laws of 1660*, p. 196.

Before 1692 Massachusetts employed a mixed method of taxing its settlers. In 1646, the poll tax was 20d. yearly, increased to 2s 6d. in 1647, reduced again to 20d. in 1653, and finally settled in 1660 at 1s. 8d. The tax on estates was fixed in 1646 at 1d. a pound, which remained the standard estate tax during this period. *Massachusetts Records*, II, 173, 213; IV, pt. i, 154-155; Whitmore, ed., *The Colonial Laws of 1660*, p. 134; Anne MacClear, *Early New England Towns. A Comparative Study of Their Development* (New York, 1908), pp. 75, 77. Consequently, a man paying 10s. of tax at this rate had to possess at least £20 of rateable property. For further discussion of this act see Foster, "The Massachusetts Franchise," 618; Breen, "Who Governs," 471-472; and Brown, "Freemanship in Puritan Massachusetts," 880.

18. *Massachusetts Records*, IV, pt. ii, 464; William H. Whitmore, ed., *The Colonial Laws of Massachusetts*, Reprinted from the Edition of 1672 (Boston, 1887), p. 148.

19. *Massachusetts Records*, IV, pt. i, 336; V, 307; McKinley, *The Suffrage Franchise*, p. 362; George Haynes, "Representation and Suffrage in Massachusetts, 1670-1691," *John Hopkins University Studies in Historical and Political Science*, VIII-IX (Baltimore, 1894), 59.

20. Smith, ed., *Colonial Justice in Western Massachusetts*, p. 251; Hampshire County, Massachusetts, the Probate Court Records, Vol. I, 1660-1690, p. 5, (microfilm, Forbes Library, Northampton, Mass.), hereafter cited as Probate Court Records.

21. Smith, ed., *Colonial Justice in Western Massachusetts*, p. 260.

22. Probate Court Records, p. 92.

23. *Ibid.*, p. 240.

24. *Massachusetts Records*, IV, pt. ii, 285.

25. *Ibid.*, p. 408.

26. "Notes Concerning the Early 'Freemen' in New England," *New England Historical and Genealogical Register*, III (1849), 43.

27. *Massachusetts Records*, IV, pt. ii, 302.

28. I found no act specifying the minimum age when a male could subscribe to the oath of fidelity. I concluded that twenty-one was the minimum age from an examination of the dates and from the Body of Liberties of 1641 which made twenty-one the minimum for giving votes, verdicts and sentences in any civil courts.

Since town records and other manuscript sources gave slight attention to the election of representatives, in that recording elections was extremely irregular, provincial records were used to find out what individuals were elected as representatives. For the period before 1686 the *Massachusetts Records*, along with Robert Wall, Jr.'s "The Membership of the Massachusetts General Court, 1634-1688," (unpublished Ph.D. dissertation, Yale University, 1965) supplied this information. For the inter-charter period, "A list of Representatives in the General Court of Massachusetts from 1689 to 1692," Massachusetts Historical Society, *Collections*, 3rd Ser., IV (Boston, 1834) was useful. And for the period from 1692 to 1774 the *Acts and Resolves of the Province of the Massachusetts Bay*, VII-XVIII (Boston, 1869-1922) contain lists of representatives which can be cross-checked with the lists in the *Journals of the House of Representatives of Massachusetts*, I-XLI (Boston, 1919-).

The dates of freemanship can be found in the *Massachusetts Records*; in the Probate Court Records where the date of subscription to the oath of freemanship is usually given; and in Smith, ed., *Colonial Justice in Western Massachusetts* where lists of freemen are recorded along with subscribers to the oath of freemanship.

29. Smith, ed. *Colonial Justice in Western Massachusetts*, p. 239; *Massachusetts Records*, IV, pt. ii, 372.

30. These lists are found in Henry M. Burt, ed., *The First Century of the History of Springfield, the Official Records from 1636-1736*, II (Springfield, 1899) pp. 115-117. When the General Court altered the property qualification from £20 to £80, it ordered the town recorders to "join with the Select Men to examine by former Rates to the Country what persons of this Plantation now residing amongst us have at any time had by law that privilege. And that then Recorder shall enter the names in the Towne Book." *Ibid.*, p. 114.

31. Historians are still arguing this question. See Rutman, *Winthrop's Boston*, p. 160; Wall, *Massachusetts Bay*, pp. 24-28, "The Massachusetts Bay Colony Franchise," 137-144; McKinley, *The Suffrage Franchise*, p. 313; and Brown, "Freemanship in Puritan Massachusetts," 870-872.

32. Furthermore, a freeman who was "unsound in judgment, concerning the main points of christian religion as they have been held forth and acknowledged by the generality of the Protestant Orthodox writers, or that is Scandalous in his conversation, or that is unfaithful to his covenant" could not be elected. A fine of £5 was levied on every freeman convicted of consciously voting for such a man. *Massachusetts Records*, III, 357; IV, pt. i, 206; Whitmore, ed., *The Colonial Laws of 1660*, 145, note #4 319; *The Colonial Laws of 1672*, pp. 40-41, 47.

33. Breen, "Who Governs," p. 464.

34. Albert Batcheller, ed., *Laws of New Hampshire. Vol. One, Province Period, 1679-1702* (Manchester, 1904) p. 355; Pole, *Political Representation*, pp. 37-38; McKinley, *The Suffrage Franchise*, pp. 336-337.

35. *Acts and Resolves*, I, 11; Robert E. Brown, *Middle-Class Democracy and the Revolution in Massachusetts, 1691-1780* (Ithaca, N.Y., 1955), p. 21; Pole, *Political Representation*, p. 47.

36. See Brown, *Middle-Class Democracy*, pp. 21-24; Bishop, *History of Elections*, p. 73 note #2; John Clary, "Statistical Method and the Brown Thesis on Colonial Democracy," *William and Mary Quarterly*, 3rd Ser., XX (1963), 254-262; "Robert E. Brown's Rebuttal," *Ibid.*, 271-274.

37. *Acts and Resolves*, I, 65.

38. See Brown, *Middle-Class Democracy*, pp. 83-85, 99.

39. *Acts and Resolves*, I, 452; Bishop, *History of Elections*, pp. 220-221.

40. *Acts and Resolves*, I, 107-108; X, 45.

41. *Ibid.* II, 761-762.

42. *Ibid.* 980-981; Brown, *Middle-Class Democracy*, pp. 81-82.
43. See Brown, *Middle-Class Democracy*, pp. 82-86; and Pole, *Political Representation*, p. 48.
44. *Acts and Resolves*, I, 363.
45. *Ibid.*
46. Quoted in *Historical Collections of the Town of Brimfield, Hampden County, Massachusetts* (Springfield, 1879), p. 34.
47. Hadley, Massachusetts, Land Book or Inner Commons Records, 178. Office of Town Clerk, Hadley, Mass.; Springfield, Massachusetts, Springfield Town Records, 5th Book, 1736-1799, p. 399, Office of City Clerk, Springfield, Mass.
48. See Brown, *Middle-Class Democracy*, pp. 24, 83-87.
49. Westfield, Massachusetts, Westfield Town Records, 1694-1766, pp. 182-183, 208-209, Office of Town Clerk, Westfield, Mass.
50. A search to find the 1720 list in the Hadley Town Records or the Proprietary Records proved futile. The 1720 list is reproduced in Judd, *History of Hadley*, p. 277. The 1731 list is also reproduced in *Ibid.*, pp. 278-279 and the original is in Hadley Land Book or Inner Commons Records, pp. 253-260.
51. Hatfield, Massachusetts, Hatfield Town Records, 1660-1703, pp. 182-185, Office of Town Clerk, Hatfield, Mass. The Northampton valuation list of 1748 is in Northampton, Massachusetts, Town Records, City of Northampton, 1654-1774, pp. 317-320 (microfilm, Forbes Library, Northampton, Ma.), and the 1765 list is in Records of Town of Northampton, Vol. 2, 1741-1772, pp. 123-126 (microfilm, Forbes Library, Northampton, Ma.). This list is also erroneously reproduced in James Trumbull, *History of Northampton, Massachusetts*, II (Northampton, 1902), pp. 184-190.
52. Judd Manuscripts, I, 221-222 (microfilm, Forbes Library, Northampton, Ma.).
53. Records of Northampton, Vol. 2, 1741-1772, p. 123; Trumbull, *History of Northampton*, II, 183-184. Brown neglected to subtract the appropriate totals from each man on the 1765 list and consequently arrived at an erroneous percentage of provincial voters in Northampton in 1765. See Brown, *Middle-Class Democracy*, p. 90.
54. It is not known how many polls were added to each man's estate since the number of polls was not listed. I arrived at the sum of £3 as the value of a poll by examining the proprietor's list for 1731. The lowest estate listed was £3 which comprised the total estate of twenty-six individuals. Knowing that polls were rated and added into proprietary lists, I assumed that the least amount added to each man's estate was £3. See Judd, *History of Hadley*, p. 283.